



Submission from the Association of Independent Schools of NSW

Implementing the UN Convention on the Rights of the Child

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Submission from the Association of Independent Schools of New South Wales (AISNSW) Ltd

This submission has been prepared by the Association of Independent Schools of NSW (AISNSW) with input from independent schools.

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The AIS will be pleased to elaborate on any aspects of this submission as required.

Yours sincerely,

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Introduction

The Association of Independent Schools of New South Wales (AISNSW)

AISNSW welcomes the opportunity to provide a submission on the progress that Australia has made in terms of implementing the United Nations Convention on the Rights of the Child (“the Convention”).

AISNSW is the peak body representing the independent schools sector in the state of New South Wales.

AISNSW represents more than 482 schools and campuses, enrolling almost 200,000 students and accounting for some 16% of NSW school enrolments.

In the last five years, enrolments in the NSW independent schools sector have grown by 8 per cent. This rate of enrolment growth has been a consistent trend in the sector for more than twenty years, with most of this growth attributable to a significant increase in the number of low fee independent schools.

Many independent schools are small with almost half enrolling fewer than 200 students, and approximately one-third enrolling fewer than 100 students.

Independent schools are a diverse group of non-government schools serving a wide range of communities throughout NSW. It is not well understood that two-thirds (68%) of independent schools in NSW have a socio-economic status score below 104.

Many independent schools provide a religious or values-based education. Others promote a particular educational philosophy or interpretation of mainstream education. Independent schools include:

- Schools affiliated with Christian denominations, such as Anglican, Catholic, Greek Orthodox, Lutheran, Presbyterian, Seventh-day Adventist and Uniting Church schools
- Christian schools

- Islamic schools
- Jewish schools
- Montessori schools
- Rudolf Steiner schools
- Schools constituted under specific Acts of Parliament, such as Grammar schools
- Community schools
- Schools that specialise in meeting the needs of students with disabilities and students at risk.

Independent schools are not-for-profit institutions founded by religious or other groups in the community and are registered with the regulatory authority, the NSW Education Standards Authority. Most independent schools are set up and governed independently on an individual school basis. However, some independent schools with common aims and educational philosophies are governed and administered as systems, for example those within the Anglican Schools Corporation and Seventh-day Adventist systems.

The role of independent schools supports a parent's right to choose the kind of education to be given to their children, as included in the Universal Declaration of Human Rights as well as the International Convention on Economic, Social and Cultural Rights.

The following articles of the Convention have been identified as the main areas where independent schools have contributed to the progress Australia has made to implement the Convention.

General measures of implementation

[Articles. 4, 42, 44\(6\)](#)

Concluding observation 24 - mandatory modules on human rights and the Convention in its school curriculum and in training programmes for all professionals working with or for children)

Independent schools implement the NSW Education Standards Authority's (NESA) K-10 History Syllabus, as required by the *Education Act 1990* (NSW). This syllabus includes the study of human rights, as referenced to the Australian Curriculum. Generally, students commence this study in years 5 or 6 in the context of 'Australia as a Nation'. In years 9 or 10 they undertake more in-depth core study in this area, in the context of 'Rights and Freedoms'. Further, the study of human rights is a core part of the Legal Studies syllabus for years 11 and 12 students, which addresses promoting and enforcing human rights. In addition to the syllabus requirements independent schools provide many and varied opportunities to educate students from K-12 about human rights, in particular child rights.

Independent schools and AISNSW provide professional development opportunities for teachers and other professionals working with children to enhance their skills and knowledge when educating students about human rights, in particular child rights. AISNSW recognises that this year is the 70th anniversary of the Universal Declaration of Human Rights and in light of this has invited school leaders and teachers to participate in the AIS Aboriginal and Torres Strait Island Education Conference focusing on moving Aboriginal Education from discussion to action.

General principles

[Respect for the views of the child \(article. 12\)](#)

Independent schools encourage student voice through a range of activities including student wellbeing, peer support, student representative council, school board representation, leadership opportunities (formal and informal) and involvement in extra and co-curricular activities.

In addition, schools use processes that seek to resolve conflict, promote pro-social behaviour and develop social and emotional learning skills, such as restorative practices, method of shared concern and motivational interviewing. These processes help to equip students with the skills for active involvement to be heard in matters or proceedings affecting them.

Further, students with disability and additional learning needs are consulted as part of the collaborative planning process to identify reasonable adjustments to ensure they can access and participate on the same basis as other students. This aligns with the legal responsibilities of educators outlined in the Disability Standards for Education (2005). This planning process involves consideration of the student's learning needs and strengths, aspirations, cultural, social and religious diversity.

Violence against children

[Abuse and neglect, including physical and psychological recovery and social reintegration \(articles. 19 and 39\)](#)

Concluding observation 45(b) - training of all professionals working with or for children to promptly identify, address and report all cases of violence against children

Independent schools are responsible for the care and protection of children and young persons and provide safe environments which are free of violence. Professionals working with children in independent schools are responsible for identifying, addressing and reporting violence against children, in accordance with their mandatory reporting obligations under the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

AISNSW provides child protection professional learning opportunities for: school board and council members; school leaders, teachers and employees; and child protection investigators. Our member schools access 'whole of school' child protection training focussed on creating a Child Safe culture and establishing and maintaining primary, secondary and tertiary child protection frameworks that address prevention, response and systemic issues. The key tenets of this training are derived from the Convention on the Rights of the Child, legislative requirements, Education Standards, leading national and international research and the work and

recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. Examples of child protection training include:

1. *'An Introduction to Creating Safer Independent Schools'*
 - Child Safe Organisations and creating a culture of safety,
 - Children's perceptions safety and participation,
 - Handling a disclosure from a child,
 - Grooming, child exploitation material (CEM),
 - Records and record keeping practices.

2. *'Creating Safer Independent Schools – Session 1'*
 - Child Safe Organisations and creating a culture of safety,
 - Child Protection Legislative Context,
 - Understanding Sexual Abuse,
 - Professional Boundaries (within the context of Reportable Conduct).

3. *'Creating Safer Independent Schools – Session 2'*
 - A workshop session tailored to the individual context of the School it focusses on each of the elements of a Child Safe School and the School's particular areas of strength and growth.

4. *'NSW Reportable Conduct Allegations Against Employees'*
 - The Reportable Conduct Scheme in NSW and the roles and obligations of organisations and employees (inclusive of volunteers and contractors engaged to work directly with children).

5. *'An Introduction: To the ACT Reportable Conduct Scheme'*
 - The Reportable Conduct Scheme in NSW and the roles and obligations of organisations and employees (inclusive of volunteers and contractors engaged to work directly with children).

6. *'Class or Kind Accredited Investigator's Course' (3 day)*

- The principles and processes of Reportable Conduct investigation in keeping with the NSW Ombudsman’s requirements (Class or Kind Agreement).

7. *‘Enhancing your Child Protection Investigation Skills’ (1 day)*

- The principles and processes of Reportable Conduct investigation in keeping with the NSW Ombudsman’s requirements (Class or Kind Agreement).

8. *‘Risk Assessment (Duty of Care and Child Protection)’*

- Child Protection considerations in everyday School risk assessments e.g events and activities such as fetes, community open days, swimming carnivals, camps etc
- Child Protection specific risk assessments e.g allegations of peer to peer sexual/indecent assaults, reportable conduct allegations, a student with problematic or harmful sexualised behaviours.

9. *‘WWCC and volunteers and contractors: What do you need to know?’*

- Reviewing the requirements of the *Child Protection (Working With Children) Act 2012* and Regulations in relation to School volunteers and contractors.

10. *‘WWVP and volunteers and contractors: What do you need to know?’*

- Reviewing the requirements of the *Working with Vulnerable People (Background Checking) Act 2011* in relation to School volunteers and contractors.

11. *‘Assisting Board Members to Understand Child Abuse’*

- The role of the Board in:
 - Child Safe Schools and creating a culture of safety,
 - Child Protection Legislative Context,
 - Understanding Sexual Abuse,
 - Professional Boundaries (within the context of Reportable Conduct).

12. 'Obligations in Identifying and Responding to Children and Young People at Risk'

- Whole school staff requirements in relation to the obligations as mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* (NSW),
- Types of abuse and neglect
- Child focused practice
- Indicators of abuse and neglect
- Reporting process for staff in independent schools

AISNSW conduct policy work with independent schools across a broad range of areas impacting schools, including student safety, welfare and wellbeing. AISNSW produces best practice policies for schools to adopt or use to guide the development of their own policies.

AISNSW also offers advice to independent schools through the Child Protection team. The team is comprised of experienced Child Protection practitioners who advise on prevention and response through policies, reporting and risk management. The team assists schools to identify and respond to child safety, welfare and wellbeing issues. Foundational to any advice provided to schools are the rights of the child.

Disability, basic health and welfare

[Measures taken to ensure dignity, self-reliance and active participation in the community for children with disabilities \(article. 23\)](#)

Concluding observations 57(e) - ensure that children with disabilities are able to exercise their right to education, and provide for their inclusion in the mainstream education system to the greatest extent possible

Independent schools adhere to the Disability Standards for Education 2005 ("the Standards"), as developed under the *Disability Discrimination Act 1992* ("the Act"). The standards operate to eliminate discrimination

against persons on the ground of disability and ensure persons with disabilities have the same rights to education and training as the rest of the community, and promote recognition and acceptance of these fundamental rights.

The Standards have been reviewed in 2010 and again in 2015. The initial review identified recommended improvements in: the general awareness of schools; the clarity of definitions; and how schools include students through access and participation. These issues were also identified in the 2015 review, including a greater focus on early childhood services.

The Reviews of the Standards, along with the 2010 NSW Legislative Council's Inquiry into the 'Provision of education to students with a disability or special needs and the 2017 Inquiry into the provision of education to students with a disability or special needs in government and non-government schools in New South Wales, have influenced the way independent schools support the inclusion of students with disability and the support AISNSW provides.

Independent schools are committed to support their students with disability and special needs. Some of the larger schools have a range of support services in place however many of the smaller or regional and rural schools, being the majority of the sector, have limited access to additional resources and support for students with a disability. To date, this role has been filled by AISNSW providing consultancy support to schools.

AISNSW consultants support independent schools in enrolling students with a disability and addressing the individual needs of students who may require additional planning, support and adjustments with a focus on; disability, academic/curriculum, behaviour/social emotional development, mental health difficulties, gender identity and gender expression, school refusal, or a combination of the above. They also provide support in the form of whole school consultancies. This can involve a review of the school's learning support operations with recommendations for change or it can involve working shoulder to shoulder with class and faculty teachers to enhance their teaching practice.

Schools have identified that there are gaps in the delivery of services to students with disabilities. The National Disability Insurance Scheme has the potential to address this through supporting students with disability with therapy and care. The education of some students with disability requires a range of specialist education skills that goes significantly beyond those skills and knowledge of typical classroom teacher in mainstream schools. This is particularly the case for those teachers responsible for educating students with high support needs. There is also a dearth of expertise, either available or affordable, to support the increasing number of such students in schools across all sectors.

AISNSW provides professional learning opportunities that support the Standards, including: disability legislation and responsibilities; levels of adjustment and category of disability; adjustments to learning and assessment; evidence based practices to support students with disabilities; assessment practices compliance with disability standards; and individual plans and collaborative planning for students with disabilities.

Continued professional development is required to train teachers to ensure they are well equipped to manage the demands of teaching students with disabilities. The most effective training is evidence based practice for classroom and subject teachers and the provision of evidence based post graduate course for specialist teachers. The NSW Education Standards Authority undertakes research projects in this field and engages with universities across NSW. However, it is acknowledged that there is a shortage of expertise in special education and the skills of new graduates in this area could be further developed.

AISNSW also provides state wide professional learning for school staff in the area of disability and special needs. This may be done in conjunction with other consultants who are specialists in areas such as primary, secondary or ICT. Collaborating with colleagues to provide an integrated service is particularly important in the secondary area where subject specialist knowledge is critical.

AISNSW has developed online courses in the area of Disability Legislation, Collaborative Planning and Evidence Based Practice. Additional online courses focused on pedagogy and core skills such as maths, grammar, and early literacy have also been developed. Webinars are also offered as a means of accessing support, which are particularly useful to schools in regional areas but are also widely used by metropolitan schools.

Health and health services (article. 24)

Concluding observations 67 - provide adolescents with education on sex and reproductive health

Independent schools implement the NSW Education Standards Authority's K-10 Personal Development Health and Physical Education ("PDHPE") Syllabus, as required by the *Education Act 1990* (NSW). This syllabus includes the study of sexuality and sexual health.

Independent schools and AISNSW provide professional development opportunities for teachers their skills and knowledge when educating students about PDHPE, including: resource exploration; wellbeing toolkits; planning and programming; and other initiatives.

Education, leisure and cultural activities

Right to education, including vocational training and guidance (article. 28(1)(d)(e))

Concluding observations 75 - ensure that individual Aboriginal education strategies are based on previous policy success and undertaken with a long-term approach of collaboration with Aboriginal communities, the education sector, community organizations and professional groups

All NSW independent schools work towards closing the gap between the attendance rate of Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander students. All NSW independent school gather data and report attendance rates of both cohorts. This has led to a number of schools seeking consultancy support from AISNSW, in regards to developing attendance strategies specific to their Aboriginal and Torres Strait Islander students and community.

Through the employment of an Aboriginal Education Consultant, AISNSW has highlighted the importance of Aboriginal and Torres Strait Islander education to NSW independent schools through the provision of ongoing advice, guidance and research-based knowledge to school leaders and teachers.

As a leading strategy to support the Commonwealth Government's Closing the Gap targets, AISNSW supports all NSW independent schools in the understanding, development and implementation of culturally responsive

Personalised Learning Plans (PLP). With the fundamental purpose of PLPs being to enable Aboriginal and Torres Strait Islander students to be provided with a high expectation learning environment that is culturally inclusive, respectful to the student's learning background and built on three-way partnerships (school – student – family), PLPs are the leading strategy to allow Aboriginal and Torres Strait Islander to reach their full potential as a learner, global citizen and strong and confident in their cultural identity. AISNSW provides NSW independent school teachers with free access to online professional learning modules, school-based consultancy support and face-to-face professional learning courses. On average 300 teachers from across NSW engage with the online professional learning module alone. These teachers go on to access varying levels of consultancy support to either review current processes or initiate the development of PLP processes for the first time.

AISNSW provides NSW independent schools with consultancy support to ensure that Aboriginal and Torres Strait Islander students are provided with appropriate educational pathways that are dependent on their post-school aspirations. This is completed on an individual school basis, ensuring that teachers are provided with guidance that is specific to their Aboriginal and Torres Strait Islander student cohort and educational access in their urban or regional locations.

AISNSW is currently implementing a research project in four NSW independent schools. Of the four schools, two are working specifically on strategies to support their Aboriginal and Torres Strait Islander students in educational guidance and aspiration setting developed in partnership with their families, communities and mentors. Educational support strategies have enabled students to feel supported in their transition into secondary schooling and provided the structures to make informed decisions on planning their educational pathways.

Independent schools implement research based strategies through participation in a variety of AISNSW professional learning courses and school-based consultancies. Schools and teachers are provided with opportunities to develop their understandings of Aboriginal and Torres Strait Islander Australia and how these understandings can be authentically represented in the NSW curriculum and classroom pedagogies.

Professional learning courses include:

- Working with and engaging Aboriginal and Torres Strait Islander community
- Supporting Aboriginal and Torres Strait Islander students in the classroom
- Embedding Aboriginal and Torres Strait Islander content into subject specific curriculum
- Developing Personalised Learning Plans
- Understanding Reconciliation Action Plans for all schools

Each year AISNSW hosts teachers from across the country in their annual Aboriginal and Torres Strait Islander Education Conference. This event engages:

- researchers to present current findings;
- Aboriginal and Torres Strait Islander community in cultural teachings;
- Aboriginal and Torres Strait Islander authors, researchers, artists and scientists to share their knowledge and experiences;
- schools to share their success stories; and
- teachers to network with Aboriginal organisations.

This conference has become a key annual event for many independent schools across NSW.

The National Standards for Teacher Accreditation has two focus areas which require that all NSW independent teachers have a professional learning commitment to developing their understanding of how to support Aboriginal and Torres Strait Islander learners and embed Aboriginal and Torres Strait Islander histories, cultures and languages within the curriculum. These two focus areas, along with the Cross-Curriculum Priority in NSW curriculum documents, all schools recognise Aboriginal and Torres Strait Islander culture as an authentic aspect of schooling for all students.

Aims of education with reference to quality of education (article. 29(1))

The Melbourne Declaration on the Educational Goals for Young Australians (2008) (“the Declaration”) was a cross sector development of directions for Australian schooling for a ten-year period, as agreed to by all Australian education ministers. It determines that schools play a vital role in promoting the intellectual, physical, social, emotional, moral, spiritual and aesthetic development and wellbeing of young Australians.

Through whole-school approaches to student wellbeing independent schools educate students to become successful learners, confident and creative individuals and active and informed citizens, in accordance with goal 2 of the Declaration. The Declaration also maintains that if schools are guided by the goals of the Declaration in all they do, all young Australians will be provided with the opportunity to reach their full potential.

Many independent schools use the Declaration when developing their mission and values statements, and how this relates to their school context. Independent schools also provide many and varied extra and co-curricular opportunities that allow for the development of a child's personality, talents and mental and physical abilities to their fullest potential.

Independent schools implement the NSW Education Standards Authority's PDHPE Syllabus K-10, as required by the *Education Act 1990* (NSW). This syllabus includes content and learning outcomes related to the development of a sense of identity, self-efficacy and an understanding of the many dimensions of health including mental and physical health. Students are encouraged to development and maintain lifelong health and wellbeing to enable to them to reach their potential and advocate for the health and wellbeing of others.

Independent schools implement the cross curriculum priorities in NESA's syllabus documents which enable students to "...develop understanding about and address the contemporary issues they face".

The syllabus documents also include general capabilities that "...encompass the knowledge, skills, attitudes and behaviours..." that young people need to live and work successfully both within school and beyond. Some of the general capabilities that relevant to developing respect for culture, values, tolerance, equality and acceptance of diversity include:

- ethical understanding
- intercultural understanding
- personal and social capability
- civics and citizenship

- difference and diversity

Independent schools implement both cross-curriculum priorities and general capabilities and use guidelines for teachers to authentically embed these in teaching and learning programs.

The development of cross curriculum priorities and general capabilities are further enhanced by Independent schools through the development of school values and initiatives and/or days of recognition, including: schools celebrating religious; cultural dates of significance; and events such as Harmony Day.

Independent schools also implement several NSW syllabuses which have content and learning outcomes to develop respect for the natural environment, these include: History; Geography and Science K-10.

Cultural rights of children belonging to indigenous and minority groups (article. 30)

Through the delivery of AISNSW Cultural Responsive Pedagogy course, schools are supported in the development of culturally inclusive and safe schooling environments for Aboriginal and Torres Strait Islander students and community. This specific professional learning course and follow up consultancy support to schools results in the schooling environment being respectful to Aboriginal and Torres Strait Islander cultures, communities, families and students. Allowing students to be strong in their heritage and language within their school.

Rest, play, leisure, recreation and cultural and artistic activities (article. 31)

Independent schools implement the PDHPE, Human Society and its Environment and Creative Arts syllabus which recognise that children have the right to join in a wide range of cultural, artistic and other recreational activities.

The provision of extra and co-curricular opportunities in many independent schools encourages children and young people to engage in play and in age appropriate recreational activities. Independent schools' school values, recognition day and events encourage students to participate in cultural and artistic life.

Independent schools participate in AISNSW courses and consultancies that draw awareness to significant Aboriginal and Torres Strait Islander cultural events and how these events can be celebrated in schools. This has enabled Aboriginal and Torres Strait Islander students to share their culture, histories and languages with their peers in a positive and respectful manner, where their culture is valued and understandings shared by the wider community.

In 2018, AISNSW with the support of independent schools will be hosting their inaugural Aboriginal and Torres Strait Islander Student Leadership Symposium. This event will engage senior Aboriginal and Torres Strait Islander students from NSW independent schools to develop a broader understanding of the importance of education to future aspirations, being mentors to younger Aboriginal and Torres Strait Islander students and engaging with peers at a cultural and academic level. It is anticipated that this event will inspire students to maintain strength in their cultural identity, while engaging with long-term educational and career goals.

School bullying

Concluding observations 79 - introducing and strengthening in all schools educational and socio-pedagogical methods for teachers and school staff, involving parents as well as children, establish appropriate monitoring of school plans, and capacity to investigate and address bullying instances.

Independent schools have anti-bullying policies and procedures and a range of proactive programs and activities to prevent and address bullying. Independent schools implement the PDHPE syllabus student wellbeing scope and sequence and are supported by AISNSW through the provision of both curriculum and student wellbeing advice and professional learning.

Independent schools operate in a complex legal and policy environment. AISNSW supports independent schools to meet policy and practice requirements relating to anti-bullying. A range of policies and procedures are available from the AISNSW website to assist independent schools to develop their own, along with advice from consultants.

Independent schools access AISNSW support to address behavioural issues such as bullying through the prevention and management of specific behaviour incidents in a number of ways, including: whole-school training in Management of Actual and Potential Aggression; professional learning to develop and implement positive classroom behaviour support strategies; and consultancy support in response to specific behaviour incidents that includes the development of behaviour support plans.

AISNSW provides a wide range of services and assistance for schools to enhance independent schools' capacity to investigate and address bullying instances. AISNSW supports independent schools to foster student wellbeing through consultative support and funding for school projects to improve the school climate and provide a safe and supportive environment for all students.

Special protection measures

[Measures to protect children from substance abuse \(article. 33\)](#)

In NSW, the Key Learning Area PDHPE contains content and learning outcomes related to illicit drugs. The PDHPE syllabus allows young people to explore issues that might impact their health and wellbeing at school and beyond. Age appropriate content assists students to develop knowledge, skills and attitudes around illicit drug use and the legal ramifications relating to this.

Independent schools also address these issues indirectly through the development of a positive school environment. Young people with a strong sense of connectedness to school are at lower risk of drug use. The PDHPE curriculum and other student wellbeing initiatives play an important role in enhancing school connectedness and student resilience.

Concluding Remarks

Independent schools contribute to the progress that Australia has made to implement the United Nations Conventions on the Rights of the Child and will continue to do so. Independent schools support their teachers to create and maintain safe and supportive learning environments in accordance with their professional accreditation requirements. This involves developing inclusive strategies that engage and support all students and ensuring students' wellbeing and safety within the school by implementing curriculum and legislative requirements, including the Convention on the Rights of the Child.