

Is it just my child? The use of School Disciplinary Absences in Queensland State Schools

Over the years, QAI has developed significant concern regarding the extent to which some students, particularly students with disability, are receiving School Disciplinary Absences (SDAs). SDAs include suspension, exclusion and the cancellation of enrolment following instances of behaviour that a school deems to be unacceptable. The progression from informal exclusion to longer, more formal absences is well documented. An informal exclusion may occur when a teacher phones a student's parent and requests that they take their child home. As this fails to address the underlying cause of the behaviour of concern, it tends to happen again. Before long, the student receives a suspension, perhaps initially short-term and then long-term, before more severe suspensions and exclusions over time (Graham et al, 2020).ⁱ

Despite exclusions and suspensions supposedly being 'a last resort' measure, the 2017 Deloitte Review found that the average use of SDAs among students with disability in Queensland had been consistently growing since 2011, and that the use of SDAs was much higher in secondary schools and consistently higher for students with an EAP (Education Adjustment Program) recognised disability.ⁱⁱ

We also know that children residing in out-of-home care are four times more likely to experience SDAs than children not residing in out-of-home care.ⁱⁱⁱ And that Aboriginal and Torres Strait Islander students receive approximately one quarter of all recorded SDAs^{iv} despite only representing 10% of all Queensland full-time state school enrolments.^v Considered collectively, these statistics suggest that students with backgrounds of disadvantage, be it in relation to their cultural heritage, disability status or involvement with the child protection system, are disproportionately receiving school disciplinary absences in Queensland state schools.

The consequences of SDAs can be profound. Students removed from school are denied access to fundamental educational materials, learning opportunities and chances for relationship building. Students do not always receive work to complete at home or appropriate support to continue their education. Students often report feeling anxious, humiliated, and isolated from their peers, all of which then impacts their ability to successfully reintegrate back into school following their absence. Sometimes students are prevented from re-enrolling at a school following an exclusion. Attempts to enrol in other schools can be futile due to gatekeeping practices of some school principals, leaving the student faced with either Special Education or home schooling and thus reinforcing the segregated model that inclusive education policies are seeking to overcome. This is particularly problematic for students in rural or remote parts of Queensland, where there may be limited or no other schools in which to enrol.

The long-term impacts of SDAs can also be severe. Research has demonstrated that students who have been subject to SDAs can go on to experience poorer mental health, prolonged unemployment, increased stigma and feelings of rejection and an increased likelihood of becoming involved in crime (Graham, 2020).^{vi} Further, peers are taught to segregate themselves from people who exhibit challenging behaviour, rather than show understanding, empathy and compassion for a person whose behaviour is likely trying to communicate an unmet need. Consequences for parents can also be significant, with many reporting elevated levels of psychological distress as well as financial hardship and risks to the sustainability of their employment. This occurs due to being unable to attend work and/or being forced to take all their leave whilst tending to their children unexpectedly. These risks are especially high for low-income or single-parent families with limited supports.

There is considerable variability in the use of SDAs. Whilst some schools report zero or very few SDAs, some schools have very high numbers of SDAs. QAI considers that the prevalence of SDAs among students with disability typically reflects the culture of an individual school and the extent to which it values and promotes the principles of inclusive education. Whilst some schools provide exemplary support to students with disability, others appear to reject the values of inclusion and operate practices that are discriminatory towards students with disability. For example, unreasonably denying requests for reasonable adjustments that would ensure students with disability can access education on the same basis as others. The absence of reasonable adjustments for many students with disability, particularly students with Autism and/or ADHD, can lead to escalations in behaviour that would otherwise be avoided if reasonable adjustments appropriate to their needs were in place. An absence of trained staff skilled in behaviour management techniques can then lead to further escalations in the child's behaviour, resulting in disciplinary measures such as a suspension or exclusion and/or the use of Restrictive Practices, further entrenching the child's segregation within the school community.

SDAs continue to be used despite overwhelming evidence as to their ineffectiveness in reducing behaviours of concern. Professor Graham highlights the fundamentally flawed assumption upon which SDAs are based – that is, that challenging behaviour is a conscious choice enacted by individuals who are able to self-regulate their emotions (Graham 2020). Therefore, by punishing students who exhibit challenging behaviours, SDAs will act as a deterrent and influence the student's decision-making when 'choosing' their behaviour in future. However, this fundamentally misunderstands the nature of 'challenging behaviour', which is often a reflex communication strategy for an individual with communication difficulties in situations of heightened distress. It can also be a manifestation of a person's disability.

Legislative changes introduced by the Newman government in 2014 have had lasting impacts on the use of SDAs in Queensland. Amendments in the *Education (Strengthening Discipline in State Schools) Amendment Act 2013* (Qld) dramatically increased the discretionary powers of school principals with regards to SDAs and extended the length of short-term (and non-reviewable) suspensions from 5 to 10 days. Despite intentions that increasing the discretionary power of principals responding to behaviours of concern would result in a reduction in the number of SDAs, the available evidence suggests that the opposite has occurred (Graham, 2020).

The political context in which these practices operate must also be considered. For example, the role played by the teacher's union in advocating for the rights of staff and the pressure felt by principals to be seen as 'tough' in responding to challenging behaviour. These must be understood if meaningful policy change is to occur. However, while teachers can rely upon the union to advocate for their rights, who is advocating for students who continue to be unfairly and disproportionately suspended, without sufficient oversight or accountability?

To complicate matters further, there are many inconsistencies and inadequacies with the current review and appeals processes regarding decisions to suspend, exclude or cancel a student's enrolment. For example, short-term suspensions (suspensions of up to 10 school days) are unable to be reviewed or appealed at all, with the only option a complaint utilising the Department's Customer Complaints Process. There is no avenue of external appeal from the decision in response to the complaint. This lack of administrative oversight applies even if a school suspends the same student multiple times. Available data does not capture this practice, meaning that the use of repeated short-term suspensions is neither recorded nor reviewable.

Further, an internal review of a long-term suspension or exclusion decision can take up to 40 school days to complete, during which time the student may not be accessing any meaningful education. Permanent exclusions can be reviewed initially and then annually; yet a refusal-to-enrol decision can be reviewed externally by Queensland's Civil and Administrative Tribunal (QCAT) following an unsatisfactory internal review and the issuance of a 'RTE-11: Notice - Outcome of a review of a decision re refusal to enrol'.

Lengthy, confusing and complex review processes exacerbate the harm caused by the disproportionate use of SDAs on students with backgrounds of disadvantage. They raise concern regarding the accountability of decision-making within the Department. And they cause anguish for students and their parents, leading to communication breakdowns that can irreparably damage relationships between students, parents and schools.

Under the *Human Rights Act 2019* (Qld), the Department has a legal obligation to uphold every child's right to access a primary and secondary education appropriate to their needs. This is in addition to the obligation to protect other human rights engaged through the use of SDAs, such as the right to equality and recognition before the law and the right to protection from torture and cruel, inhuman or degrading treatment. Inappropriate recourse to SDAs in situations where alternative, less restrictive and more effective behaviour management strategies are available, arguably represents a failure to comply with these obligations. It may also constitute a breach of the *Anti-Discrimination Act 1991* (Qld) which makes it unlawful to discriminate against a person on the basis of a characteristic of their impairment, which includes their behaviour.

Whilst the Department's inclusive education policies increasingly reference human rights principles and an intention to ensure students with disabilities access education on an equal basis with others, there continues to be a gap between policy and practice. We need holistic, evidence-based, alternative solutions to SDAs that effectively address behaviours of concern whilst keeping students at school. To do this, we need to change our language around discipline by no longer 'punishing' students but 'supporting' them instead.

Recent investment in Positive Behavioural Intervention Supports (PBIS) by the Department is welcome and may well result in a decrease in overall numbers of SDAs in Queensland state schools, however it alone will not address the overrepresentation of students with backgrounds of disadvantage in those statistics. We therefore need to better understand why particular students are being disproportionately excluded from schools. The collection of nuanced data around SDAs is integral to this, because without sophisticated data analysis, effective policies that successfully reduce the prevalence of SDAs will remain elusive.

About Queensland Advocacy Incorporated

Queensland Advocacy Incorporated (QAI) is a member-driven and non-profit advocacy organisation for people with disability in Queensland. QAI undertakes systems advocacy aimed at changing policies, laws and attitudes in ways that will benefit groups of people with disability rather than individuals alone. QAI also provides a range of individual advocacy services, including an Education Advocacy service for families of students with disability in Queensland state schools or home education.

QAI is committed to ongoing systemic advocacy around the disproportionate use of SDAs on students with disability. Contact our systems advocacy team if you would like to learn more.

References

- i. Graham et al. (2020). Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian government schools: Final Report. The Centre for Inclusive Education, QUT: Brisbane, QLD
- ii. Deloitte Access Economics (February 2017) Review of education for students with disability in Queensland state schools

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- iii. Department of Children, Youth Justice and Multicultural Affairs (March 2016) Practice Resource: School Disciplinary Absence; <https://www.cyjma.qld.gov.au/resources/childsafety/practice-manual/practice-resource-sda.pdf>
 - iv. Department of Education and Training (August 2020), School Disciplinary Absence by student demographics, 2015-19, <https://qed.qld.gov.au/publications/reports/statistics/schooling/students>
 - v. Department of Education and Training (November 2020) State school enrolments, 2016-20; <https://qed.qld.gov.au/our-publications/reports/statistics/Documents/enrolments-summary.pdf>
 - vi. Graham, L. (2020) Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms; a Queensland case study; *International Journal of Inclusive Education*, 24:14, 1473-1493