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Dear Commissioners

### **Submission to the final report on the National School Reform Agreement**

As National Children's Commissioner, my role is to promote and protect the human rights of all children in Australia.

Children have human rights across the full spectrum of civil, cultural, economic, political and social rights. However, children also face specific risks and have unique rights, as set out in the *UN Convention on the Rights of the Child*. This includes their right to have their best interests be a primary consideration in any decisions that affect them (article 3), and their right to express their views and have their views taken into account in any decisions that affect them (article 12). Articles 28 and 29 focus on their right to an education and through education developing the child's personality, talents and mental and physical abilities to their fullest potential.

Earlier this year, I released two reports: *Keeping Kids Safe and Well – Your Voices* and *'Mental health shapes my life': COVID-19 and kids' wellbeing*. Both reports were based on the views of children, young people and their families. The findings and recommendations of these reports are relevant to your final report.

### ***Keeping Kids Safe and Well – Your Voices***

This report was the result of consultations with children, young people and families about what makes them safe and well, to inform the Action Plans for the new National Framework for Protecting Australia's Children. Education was raised in almost all consultations. It was discussed as both a positive and a negative issue. This reflects the diverse experiences of children and young people in the education system. My report can be accessed at [Keeping kids safe and well—your voices](#).

Schools were raised in consultations as being a source of support for some children and young people, while presenting significant challenges and barriers to safety and wellbeing for those with multiple and complex needs.

For some children and their families, schools are a community 'hub' of support for the wellbeing of children and young people. Teachers are valued not just for academic learning but as someone they can turn to for help. However, for other children, their experiences of school are marred by bullying and discrimination.

Teachers were seen as needing more support and training. In some communities, schools were not considered welcoming to Aboriginal and Torres Strait Islander children and their families. They were perceived as lacking flexibility and not engaging in culturally-appropriate pedagogy.

Young people and parents/carers raised the need for adequate mental health support at school for those with multiple and complex needs and the need for teachers to receive mental health training.

Parents/carers expressed a need for specialised mental health staff in schools that are readily available and adequately resourced to support students. Several parents/carers raised concerns about the accessibility of current mental health support in schools and reported a shortage of school counsellors or school psychologists.

Some young people and families also reported issues with the quality of mental health support provided in schools. They reported a need for increased, specialised support for children with complex mental health illnesses.

Young people with disabilities and parents of children with disabilities expressed concern about the adequacy of support at school. Parents also told us that there was often little educational support provided to support their children's special learning needs, leading to poor outcomes for children with disabilities.<sup>1</sup> Some parents told us that inconsistent funding [for education] is a barrier to receiving support. They also raised concerns about the adequacy of the educational supports that children receive.<sup>2</sup>

Young people and parents reported that a lack of diagnosis or recognition of a child's disabilities created barriers to receiving support at school. Some young people emphasised the importance of early diagnosis as it enables children to receive the support they need from the outset.<sup>3</sup>

In one consultation for *Keeping Kids Safe and Well*, parents of children with disabilities raised issues about the excessive use of restrictive practices in schools. The Australian Human Rights Commission has previously expressed concern about the continued use of restrictive practices on children with

disability in educational settings and the lack of a nationally consistent approach to monitoring, regulating, reducing and eliminating the use of such practices in Australia. It recommended that the Australian Government work with state and territory governments to:

- Develop a national framework to monitor and regulate the use of restrictive practices against people with disability, with a view to reducing and eliminating their use in all settings, including education facilities.
- Provide schools, teachers and other staff with clear policy and practice guidance, training resources and access to expert advice regarding positive behaviour management tools and practical strategies to avoid restrictive practices in schools. This should consider issues of intersectionality, in particular regarding Aboriginal and Torres Strait Islander students with disability.
- Collect and make publicly available data on incidents of restrictive practices – disaggregated by the child's age, location, Indigenous status, type of school, type of disability, demographic characteristics, and type of restrictive practice.<sup>4</sup>

Currently, there is no nationally consistent data on the use of restrictive practices in schools.<sup>5</sup>

In *Keeping Kids Safe and Well*, I made a number of recommendations related to the education system. Some of these include:

- Schools are integrated or co-located with health and family support services, with teachers receiving training and support to enable strong collaboration with multidisciplinary service providers for student wellbeing and trained mental health professionals available to students.
- Schooling models are codesigned and resourced to provide flexible learning to children and young people, including enabling Aboriginal and Torres Strait Islander children and young people to access education in language, and through evidence-based culturally-safe programs operated by teachers engaged with the community and trusted by them.

- Schools promote and provide flexible learning options to address the needs of children, people and families, supporting them to stay engaged with schools, including 'learning support assistants' who provide a culturally-safe and trusted points of contact for children and their families.
- Funding is made available to all schools in low socio-economic areas, and where need is identified, to provide breakfast/lunch programs and homework clubs, to support the safety and wellbeing of children and young people.
- Increase access to learning supports at school for children and young people with disabilities to help them achieve their full potential.

### ***'Mental health shapes my life': COVID-19 and kids' wellbeing***

In August 2022, I released the report, *'Mental health shapes my life': COVID-19 and kids' wellbeing*: a national survey on the impacts of the pandemic on the mental health and wellbeing of children and young people. It can be accessed here: <https://humanrights.gov.au/our-work/childrens-rights/publications>

In this report, I recommended that Australian governments pilot models of schooling that provide integrated and holistic mental health and wellbeing support, including by:

- co-locating health and family support services with schools where possible, or facilitating access to community-based services
- ensuring teachers receive training and support to address children's wellbeing needs and collaborate with mental health experts where necessary
- ensuring trained mental health professionals are available and accessible to all in the school community, including students and their families

In conclusion, the findings of both these reports demonstrate that broader systems reform at a national level is needed to effectively support the wellbeing of children going forward. In particular the role of the local school as a multidisciplinary 'hub' of support for children and their families should underpin cross-systems redesign.

Unfortunately, a lack of resources has meant that this submission only outlines some of the findings from these two reports of consultations with children and

young people. I would be happy to meet with you to address the issues raised in the Interim Report if helpful.

Please do not hesitate to contact me if you would like to discuss any of these issues.

Kind regards,

Anne Hollonds  
**National Children's Commissioner**

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<sup>1</sup> Australian Human Rights Commission, *Keeping Kids Safe and Well – Your Voices* (2022), [https://humanrights.gov.au/sites/default/files/document/publication/ahrc\\_keeping\\_kids\\_safe\\_and\\_well\\_2022.pdf](https://humanrights.gov.au/sites/default/files/document/publication/ahrc_keeping_kids_safe_and_well_2022.pdf), 103.

<sup>2</sup> Australian Human Rights Commission, *Keeping Kids Safe and Well – Your Voices* (2022), [https://humanrights.gov.au/sites/default/files/document/publication/ahrc\\_keeping\\_kids\\_safe\\_and\\_well\\_2022.pdf](https://humanrights.gov.au/sites/default/files/document/publication/ahrc_keeping_kids_safe_and_well_2022.pdf), 104.

<sup>3</sup> Australian Human Rights Commission, *Keeping Kids Safe and Well – Your Voices* (2022), [https://humanrights.gov.au/sites/default/files/document/publication/ahrc\\_keeping\\_kids\\_safe\\_and\\_well\\_2022.pdf](https://humanrights.gov.au/sites/default/files/document/publication/ahrc_keeping_kids_safe_and_well_2022.pdf), 105.

<sup>4</sup> Australian Human Rights Commission, *Inclusive Education for People with a Disability*, Submission to the Royal Commission into Violence, Abuse and Neglect and Exploitation of People with a Disability. (December 2019) <https://humanrights.gov.au/our-work/legal/submission/inclusive-education-people-disability>.

<sup>5</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Restrictive Practices (Issues Paper, 26 May 2020) 4  
<<https://disability.royalcommission.gov.au/system/files/2020-07/Issues-paper-Restrictive-practices.pdf>>.