

Queensland Family and Child Commission Submission

To: Education, Tourism, Innovation and Small Business Committee Date: 30 June 2016

Topic: Submission on the Education and Other Legislation Amendment Bill 2016

Queensland Family and Child Commission

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The Queensland Family and Child Commission (QFCC) is pleased to provide the Education, Tourism, Innovation and Small Business Committee with research, information and advice relevant to the Education and Other Legislation Amendment Bill 2016.

There are many protective factors which can improve a child's chance of development to their full potential. Within broader economic, policy, political, social and environmental influences, protective factors include high quality universal programs in early childhood and access and availability to formal education programs. Research also indicates the children who benefit the most from attendance at quality early education programs were children from a background of greater social disadvantage¹.

Preparatory Year (prep) recognition as the compulsory first year of school education in Queensland

The QFCC supports the primary policy objective of the Education and Other Legislation Amendment Bill to make the preparatory year compulsory.

The QFCC supports the inclusion of the prep year as the first compulsory year of school education in Queensland. Global research has strongly established the importance of the early childhood years in laying a foundation for the future².

Literature demonstrates the children who bear the highest burden of risk factors (individual, family and social environments which predict developmental vulnerability) have the highest chance of poor educational engagement³. Prep, as a compulsory year of schooling, is a step towards ensuring all children, including those most vulnerable, are provided with connections to education early in their life.

While prep has been well received in Queensland since 2007 with attendance levels at 98% of the expected cohort in 2015⁴, we need to continue to support transition to school and school readiness in the early education experience. Children who fall within the early year's age range (0-8 years) are characteristically different from children at older ages⁵. The transition to formal schooling needs to be holistic and relational and occur over a period of time⁶.

Policy considerations

On dissent, the Education and Other Legislation Amendment Bill will make Queensland the second state or territory in Australia to make prep schooling compulsory. While prep attendance, in its non-compulsory form, is already well prescribed, there are some policy considerations which must be considered moving forward.

¹ Krieg, S; Curtis, D; Hall, L; Westenberg, L, 2015, *Access, quality and equity in early childhood education and care: A South Australian Study*, Australian Journal of Education, vol 59.2, pp.119-132.

² State Government of Victoria, 2008, *Analysis of Curriculum/Learning Frameworks for the Early Years (Birth to Age 8)*, Victorian Curriculum and Assessment Authority.

³ Australian National University 2013, Biddle, N & Seth-Purdie, R, *Development risk exposure and participation in early childhood education: how can we reach the most vulnerable children?*, p.i.

⁴ ABC News, Plans for Prep to become compulsory for Queensland children from 2017, 24 Jan 2016, Accessed 15 June 2016, <http://www.abc.net.au/news/2016-01-24/prep-to-become-compulsory-in-queensland-from-2017/7110286>.

⁵ State Government of Victoria, 2008, *Analysis of Curriculum/Learning Frameworks for the Early Years (Birth to Age 8)*, Victorian Curriculum and Assessment Authority.

⁶ Australian Council for Educational Research (ACER), 2016, *Literature Review relating to the current context and discourse surrounding Indigenous Early Childhood Education, School Readiness and Transition programs to Primary School*, p.3.

School readiness

Evidence is growing that quality early childhood programs can improve ‘school readiness’ among socially disadvantaged children by stimulating their cognitive, socio-emotional and behavioural development⁷. The prep year is an integral part of the school readiness process.

Prep as a compulsory requirement assures all children have equal access to early quality education in a pre-formal schooling setting and are suitably prepared to transition into formal schooling (year one). This is reflected in the Australian Curriculum which provides a structured approach to foundational learnings to prepare a child for transition to year one⁸.

As already discussed, prep is vital to provide each child with solid foundations of learning at the right developmentally appropriate age and as such, the QFCC strongly supports the Bill in not reducing the age of formal schooling eligibility.

Cultural impacts on school readiness

In Clause 8, (1A)(d) Principals are required to consider the impact of the child’s environment, as well as their attributes (aptitude and ability; social and emotional competence; physical development; knowledge and understanding⁹) when a child transitions to year one. The QFCC strongly urges guiding policy to reflect consideration of a child’s ecological perspective prior to transition to year one.

The contemporary notions of ecology, or the impact of a child’s environment, as a readiness factor is particularly important for Aboriginal and Torres Strait Islander children. Dockett, Mason and Perry (2006) cited in ACER state,

“there is a cultural mismatch between home and school expectations and that ‘Aboriginal learners.... Need to adjust to an extra range of layer of experiences, demands and expectations relating to their cultural, language and social skills’ when commencing school”.

Schools need to be able to accommodate and understand Aboriginal and Torres Strait Islander cultural practices and views¹⁰ and provide appropriate support to children transitioning from both formal and informal early childhood education settings. This is particularly important for students in very remote areas as the developmental vulnerability gap for these students, compared to their metro based peers, is continuing to widen¹¹.

7 (Geoffroy et al., 2010; Love et al., 2012; Odom, Pungello, & Gardner-Neblett, 2012; Prior, Bavin, & Ong, 2011), cited in Krieg, S; Curtis, D; Hall, L; Westenberg, L, 2015, Access, quality and equity in early childhood education and care: A South Australian Study, Australian Journal of Education, vol 59.2, pp.119-132.

⁸ Queensland Government, 2015, *A Flying Start for Queensland Children Prep as the first year of schooling*, Department of Education and Training, Accessed 14 June 2016, <http://flyingstart.qld.gov.au/SiteCollectionDocuments/factsheet-prep.pdf>

⁹ Queensland Government, 2016, *Education and Other Legislation Amendment Bill 2016*, Explanatory Notes, p.4

¹⁰ Australian Council for Educational Research (ACER), 2016, *Literature Review relating to the current context and discourse surrounding Indigenous Early Childhood Education, School Readiness and Transition programs to Primary School*, p.11

¹¹ Commonwealth of Australia, 2015, *Australian Early Development Census National Report 2015: A snapshot of Early childhood Development in Australia*, p.7

Improved regulation of teaching provisions in Queensland

The QFCC supports legislative amendment to improve the regulation of teaching provisions in Queensland.

Assuming dissent of the Bill in its current form, the QFCC urges:

- policies and procedures to address matters of timeliness when preparing evidence for QCAT.
- information, training and advice regarding the amendments to the Queensland College of Teachers and notifications of child harm are provided (in a timely manner) to all schools across Queensland.

Improved governance and regulation frameworks will support the role of the Queensland College of Teachers (the College) in keeping students safe and well. The QFCC supports the amendments proposed for the *Education (Queensland College of Teachers) Act 2005* included within the Bill.

The QFCC particularly acknowledges and support the following amendments:

- The strengthening of the suspension powers of the College. This acknowledges the College's ability to act in the best interests of children – including the protection of a child's safety and wellbeing.
- The College's ability to intervene earlier to protect the best interests of a child.
- Balance in membership of the College's Board. Including the requirement to include skills and experience relevant to the College's corporate, strategic and regulatory functions¹².
- Removing provisions relating to commencement of disciplinary action while maintaining the current threshold for when the College must act in relation to harm.
- The addition of powers that allow the College to obtain further information from the Queensland Police Service to inform teacher registration and renewal processes¹³.
- Requirements to notify the Public Safety Business Agency (PSBA) when a teacher's registration is suspended.
- Providing the Professional Capacity and Teacher Conduct Committee (PCTCC) with legislated support to consider teacher impairment in minor disciplinary matters. This includes the provision of a supportive rather than punitive response to minor matters¹⁴ when assessing the impact of an impairment.
- Strengthening of provisions for the PCTCC to impose conditions on teacher registration if further action is required.
- Powers provided to the College which allow them to enter into information sharing arrangements with the Non-State Schooling Accreditation Board.

The difficulties associated with the timeframe imposed under current legislation which impact the College's preparation of quality evidence to the Queensland Civil and Administrative Tribunal (QCAT) is noted. As the current amendments remove this time restriction in a legislative sense, the QFCC does suggest policies and procedures detail a 'best practice' approach which includes swift and timely responses to QCAT.

Policy considerations

¹² Queensland Government, *Education and Other Legislation Amendment Bill 2016*, Explanatory Notes, p.4.

¹³ Queensland Government, *Education and Other Legislation Amendment Bill 2016*, Explanatory Notes, p.11.

¹⁴ Queensland Government, *Education and Other Legislation Amendment Bill 2016*, Explanatory Notes, p.5.

Information sharing

As with all change processes, the timely release of relevant information, training and advice is required. Where changes relate directly to legislative reform guiding harm or prevention of harm to a child, the widespread circulation of information is vital. Policies and procedures related to information sharing with others, including non-state schools and external agencies, must be developed and shared as soon as possible. This includes providing information detailing employing authority's responsibility to immediately provide the College with notification of harm information. The College must be supported to deliberate on immediate actions to protect the safety of children or to make decisions relating to teacher registration action.

The QFCC strongly suggests the College provide information and guidelines to employing authorities for immediate (on dissent) circulation.

Cultural considerations

In the formation of the Professional Capacity and Teacher Conduct Committee's the QFCC urges policy and procedures to require an Aboriginal and or Torres Strait Islander member when applicable. This is particularly appropriate if a practice and conduct agreement is to be established.

Other related considerations

Given recommendations in this submission suggest the review of policies and procedures relating to harm reporting processes, the QFCC urges the subsequent review to also provide guidance on peer to peer sexual abuse occurrences. While the abuse of a child by a person in a position of authority is rightly a central focus for those responsible for a child's safety, peer to peer abuse is a less visible public issue¹⁵.

When children and young people demonstrate problematic sexual behaviours or abusive behaviours with their peers it can be indicative they themselves may have been target of unwanted behaviour from other young people or be a victim of abuse by an adult¹⁶.

Schools are an avenue where the foundations for respectful relationships can be promoted and as such may play a role in having to respond to disclosures of sexual harm¹⁷ of a peer to peer nature. Educators in this environment need to be able to understand the way in which young people make disclosures and the importance of the reactions to these disclosures.¹⁸ Educators also need to be provided with support, information and regular training on how to respond appropriately and with a whole-of-school approach¹⁹ to disclosures of this nature.

¹⁵ Australian Institute of Family Studies, 2013 *Peer sexual assault*, Child Family Community Australia, Accessed 15 June 2016, <https://aifs.gov.au/cfca/2013/02/06/peer-sexual-assault>.

¹⁶ Australian Institute of Family Studies, 2013 *Peer sexual assault*, Child Family Community Australia, Accessed 15 June 2016, <https://aifs.gov.au/cfca/2013/02/06/peer-sexual-assault>.

¹⁷ Quadara, A., 2008, *Responding to young people disclosing sexual assault: A resource for schools*, Australian Centre for the Study of Sexual Assault, vol. 6.

¹⁸ Australian Institute of Family Studies, 2013 *Peer sexual assault*, Child Family Community Australia, Accessed 15 June 2016, <https://aifs.gov.au/cfca/2013/02/06/peer-sexual-assault>

¹⁹ Quadara, A., 2008, *Responding to young people disclosing sexual assault: A resource for schools*, Australian Centre for the Study of Sexual Assault, vol. 6.