

Constructive vs Destructive

Are we aiming to build trust and confidence in our school communities?

Education and Training Reform Amendment (Protection of School Communities) Bill 2021

Education Minister James Merlino has introduced legislation into State Parliament that would give school Principals the power to ban parents from school grounds if their behaviour is regarded as “harmful, threatening or abusive”. Under the *Education and Training Reform Amendment (Protection of School Communities) Bill 2021*, introduced on 4 May, Principals will have the power to:

- Issue School Community Safety Orders to parents, carers and other people who engage in harmful, threatening or abusive behaviour
- Ban parents that engage in threatening or abusive communication through social media and other channels.
- Impose requirements on the way parents, carers or other adult members of the school community interact with the school or school community – including stopping them from entering school grounds or other locations where school events are occurring
- Impose interim orders for 14 days and potentially longer term bans for up to 1 year.

Parents who breach the bans could be liable for fines of up to \$10,000.

Our Questions

- How will a safety order resolve a threat of violence for a school employee in the immediacy of a situation?
- How will the proposed powers of this Bill prevent physical or emotional harm?
- How is it determined what is “harmful, threatening or abusive” and what is not?
- How can a school community member be confident that this delegated power will be used appropriately?
- What is the equivalent and immediate mechanism for adults to call upon, where a Leader does not manage a situation that significantly impacts on the health and wellbeing of the adult and children?
- How will the relationships be set right once the order has expired?
- What happens if the interim order is revoked? How is reputational damage of the adult addressed?
- How does this impact the children and their wellbeing?
- Who will assist vulnerable families to have the difficult conversations with schools?
- What evidence was used to determine the need for the Bill?
- What evidence does the Government have that this approach will be successful?
- PV welcomes the Victorian Government’s investment in mental health reforms, but how does this mechanism in any way support an adult with a mental health condition, known to the school or otherwise, who finds themselves in this situation?
- Why legislation specifically for schools? There are laws in force currently, that address abusive/violent behaviour, e.g. trespass orders and intervention orders. Other organisations, agencies and departments have to work with these options. If current options are not working, then that’s what needs to be strengthened for the protection of everyone.

Background

Parents Victoria (PV) has represented Victorian Government School parents since 1925 and strongly believes that systematic steps need to be taken to ensure that schools are safe and supportive learning environments for everyone.

PV respects the right of all students, staff and school community members to learn and work in an environment free from aggression.

PV has worked tirelessly for many years to assist families, schools, the Department (DET) and the Government with a solution focus so that parents and schools connect and communicate effectively.

In more recent years our expertise has been sought to resolve local school and systemic issues, to provide constructive support and enable collaboration between schools and families, especially when relationships have fractured and communication breaks down.

PV strongly believes:

- Government and DET must work with all key stakeholders on issues as important as employee and community safety in the school landscape.
- Education reforms and initiatives should be done **with** parents, not **to** parents.

The Bill

Banning parents and carers removes a person but **does not resolve the underlying problem**.

PV agrees there must be a sustained and multifaceted approach to violence in schools and we all have a role to play.

PV agrees we need to address violence and aggression in our community, but it does not only occur in schools or at school related events – **it happens everywhere**. PV believes violence has no place in our schools, by anyone, anywhere or anytime.

Current public education campaigns like Work Safe TV advertisements are welcomed and powerful to show people this is what harm does to people in their work place and what it looks like. The same approach could be useful in addressing conflict situations in schools.

All Victorians need to take personal responsibility for their decisions and actions when they behave badly or inappropriately, as a society we all need to do better together, including to build better school cultures.

PV believes that a better solution to the problem is that we educate our current and future school leaders and teachers on how best to deal with conflict, by upskilling the workforce as the Taskforce recommended.

Government consultation

- As a stakeholder, PV was engaged only very briefly and we believe this was insufficient.
- There should have been a parent representative on the 2018 taskforce.
- The Taskforce recommendation was that The Minister **considers** the benefits and risk of legislative change (4.2), so why was this expedited so quickly?

Impacts of the Bill

PV believes some school leaders and educators have welcomed this announcement without considering the responsibility and the obligations the new legislation will impose on them.

Those open to further amendments to the Bill might wish to consider further, the unintended consequences of the previous Coalition government's March 2014 *Ministerial Order 625*, which gave Principals in Victorian government schools more power to suspend or expel troubled or troubling students. The Victorian Ombudsman subsequently noted the link between *Ministerial Order 625* and the spike in certain categories of youth crime in Victoria. Were we *so* impressed with that outcome that we now wish to create something similar with adults?

Imposing financial penalties will create further financial burden and stress upon families; this could lead to family violence.

'**Building Pride and Confidence in our School Communities**' is a target focus of the Education State. These punitive steps to provide powers via this Bill, are counter-productive, divisive and destructive to community cohesion.

Concluding remarks

PV fully understands and appreciates concerns for the safety of all school staff. Threats of violence are unacceptable in schools. This is not negotiable. However, we are concerned that the Bill, in its current form, offers an overly simple solution to a complex problem. Like most simple solutions to complex problems, the Bill is likely to have **unintended and damaging consequences**.

The Bill makes the common public policy error of providing enforcement in response to symptoms, without also providing adequate mechanisms to address underlying causes. We understand the need to 'get tough' in response to non-negotiable harmful behaviour. 'Getting tough' is relatively easy. It is harder to identify and deliver 'what works' by way of public health support. What we need are safe and effective circuit breakers to prevent violence with more clearly defined mechanisms for **addressing underlying causes of anger and frustration and for setting relations right**, in the interest of all members of a school community.

Chair of the Board, *Sharron Healy*
7 June, 2021

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