



Submission on the Department for Education's new Digital Strategy

June 2021



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Re: The Department for Education's new Digital Strategy

Thank you for the opportunity to inform the Department for Education's new Digital Strategy.

Improved infrastructure has played a significant role in supporting principals and teachers across South Australia as they navigated the significant challenge of keeping students connected to their education during the COVID-19 pandemic.

I now welcome the Department's commitment to 'set a clear vision' for the best use of this digital technology to 'maximise student learning', to promote proper and effective data use and to improve productivity across the system to guide world class learning.

It is important that focus be given to the fact that the **key stakeholders** of this world class system are the children and young people attending school, both now and in the future. I have therefore taken this opportunity to outline key considerations based on what I have heard from thousands of children and young people across South Australia in conjunction with guiding research and principles.

It is also important to note that although digital learning is often framed as key to children's 'future' and preparedness for future goals and aspirations, the digital world is simply one more place children and young people frequent each day, both as citizens and rights holders. **Children and young people's digital lives are simply their lives.** The pervasiveness of the digital world means that it is vital that this new Digital Strategy embraces a broad rights-based framework.

It is important that the Department for Education's new Digital Strategy:

1. adopts a robust rights-based framework (this is crucial and underpins all other considerations)
2. is developed in such a way it is able to constantly evolve to meet the ever-changing nature of the opportunities and challenges presented in the digital space
3. includes children and young people in its design and delivery
4. provides practical guidance to support students, teachers and families with student-led education of trusted adults
5. addresses issues of digital equity in terms of both digital access and opportunity; and
6. protects and promotes children's right to privacy.

I hope these insights prove useful. If you have any questions, please do not hesitate to contact me.

Yours sincerely,



Helen Connolly

Commissioner for Children and Young People, South Australia

It is important that the Department for Education's new Digital Strategy ***adopt a robust rights-based framework***.

The Strategy should adopt a rights-based approach that is consistent with the UN Convention on the Rights of the Child. A human rights approach complements existing legal and policy frameworks. The Australian Human Rights Commission states that “human rights principles and standards provide guidance about *what* should be done to achieve freedom and dignity for all. A human rights-based approach emphasises *how* human rights are achieved.” Many of these frameworks are tried, tested and proven and are used by business, government and organisations in many countries.

A sound human-rights framework has been developed by the 5Rights Foundation and it is recommended that the Department adopts this framework. The framework identifies and articulates children and young people's existing rights for the digital environment. 5Rights acknowledges that “if children and young people's rights are not upheld in one environment, they are denuded in all environments”.

The rights identified include:

1. **Right to remove** or easily edit content they have created or data that refers to them.
2. **Right to know** where their information is going, who is using it or profiting from it, what their information is being used for and whether it is being copied, traded or sold.
3. **Right to safety and support** that is age-appropriate and easy for children and young people to access and understand.
4. **Right to informed and conscious use** that empowers children and young people to benefit from creative places online but also to have support to easily disengage.
5. **Right to digital literacy** (a very broad definition of digital literacy) where children and young people learn how to be both digital thinkers and makers as well as consumers and to critically understand the structures and norms of the digital world.

More generally, any rights-based framework needs to honour the 3P's of Children's Rights – “Provision, Protection and Participation”. This means the Digital Strategy must provide not only a right to protection and safety, but also robust educational and developmental opportunities. These opportunities should be accessible to children and young people from all backgrounds and abilities. Further, they should be involved in the Strategy's research, design and delivery as well as any educational programs to upskill the trusted adults in their lives about online opportunities and challenges they face in the day to day.

It is important that the Department for Education's new Digital Strategy ***is developed in such a way it is able to constantly evolve to meet the ever-changing nature of the opportunities and challenges presented in the digital space.***

When it comes to an area in constant flux such as digital technology, which is changing at a rapid pace as methods become more sophisticated and ubiquitous, the regulation and design and implementation of policy and strategy around its use must be subject to ongoing review to avoid issues such as “law-lag”, “policy-lag” and out-of-date strategy (where policies and strategies cease to be relevant or effective, or even become oppressive, as technology alters the landscape). For example, privacy laws and regulations have not matched the pace of the evolution of the technologies violating these rights.

It is important that the Department for Education's new Digital Strategy ***includes children and young people in its design and delivery.***

Touching on the point raised earlier about “provision” within the 3P's, children and young people are often overlooked in policymaking processes. Yet, as the Australian Human Rights Commission has highlighted, recognising children ‘as participants in the digital world’ is central to engaged civics and citizenship.ⁱⁱ

Often conversations about the online and digital world are oversimplified and framed in extremes that overlook nuance and complexity. This can result in adults over-emphasising the risk and danger of the online world, at the expense of exploring and reinforcing the very real and positive experiences and outcomes it can provide children and young people. That is why a participation-rich strategy provides opportunities to build on the positives and educate children and young people around the negatives.

The UNICEF's Children's Report 2019 stated that ‘if Australian children are to be adequately prepared for the digital future, it is critical that **more attention** is targeted towards their **participation and provision rights**.’ The Your Say survey can only be undertaken by stakeholders who are 18 and over – so opening this up to include children and young people would be an important first step.

It is important that the Department for Education's new Digital Strategy ***provides practical guidance to support students, teachers and families with student-led education of trusted adults.***

Participation and provision rights still need to be balanced with the real risks that exist online, as safety and protection are obviously still important considerations. What young people have told me, and what research is showing, is that they are often told to seek support from a trusted adult if they experience something troublesome online, but when

they ask for this support most adults lack the necessary knowledge and skills to expertly navigate the constantly changing digital landscape.

When children and young people are actively engaged in designing new frameworks and policies there is a sense of shared responsibility and understanding. It also can engender greater trust between children and young people and the systems and adults around them, particularly their adults and teachers. Only then can we ensure our policies and practice accurately reflect current practical realities and pressures.

The Department should also consider how younger children (9-11 years old) can become involved. This group of children is often less confident than other age groups and the most common places for them to access the internet are at home and at school. This means there needs to be dedicated focus and actions on younger age groups, including preschool age children.

It is important that the Department for Education's new Digital Strategy ***addresses issues of digital equity in terms of both digital access and opportunity.***

This Digital Strategy is an opportunity to acknowledge and address the reality that digital access and digital ability are domains where a wide divide exists between children and young people from different social, cultural and economic backgrounds.

A 2020 Report on Digital Inclusion for public school students found that South Australian students are generally more disadvantaged than other Australian students, with an estimated 6% without internet access at home.

Access to devices and data is wrongly assumed with overemphasis given to online safety concerns rather than everyday issues regarding reliability and consistency of access, let alone opportunities to learn empowering digital skills. School programs that provide cheap laptops for families 'doing it tough' are good in principle but are often not well thought out. Especially in circumstances where there is no reliable internet at home and the student's family cannot afford an internet 'dongle', or the computer's software ceases to work when the child has left school due to expiration of the licence. In many households, this can make the computer obsolete as the family is not able to purchase the necessary software.

The COVID-19 pandemic highlighted pre-existing inequality. Between March and May 2020 during the first lockdown in South Australia, CCYP engaged with over 300 young people to capture their experiences and reflections during the COVID-19 pandemic.

Young people reflected on the impact the pandemic had at both a personal and community level. They describe their experiences of a lack of digital connection, data, the challenges of sharing devices, as well as relationship stress, declining aspirations, and lost social, economic and community participation. For some this has led to feelings of helplessness, hopelessness, and living in what they describe as a 'surviving space' – some even said it was difficult to see 'the point in living' at all. Positive impacts were mainly related to a young person's ability to cope and stay connected with their learning and with others. Many recognised that protective factors, such as easy digital access and a safe and supportive home environment were important factors.

At the same time, access does not ensure equality of opportunity, again reinforcing the importance of a rights-based approach where education is an important component.

Even those children and young people with regular and reliable access to devices and data can encounter hurdles navigating complex rules, including understanding terms and conditions, the permanency of what is posted online, the privacy implications of posting content publicly and managing socially visible relationships.

The United States Department for Education Digital Strategy recognises the digital ‘use’ divide or digital ‘opportunity’ divide as the divide between ‘students who are using technology in active and creative ways to support their learning, and students who predominantly use technology for passive content consumption’ (2017, p. 21).

The US Strategy highlights the challenges of using technology in ways that enhance learning and teaching, on a daily basis; the need to scale up effective approaches, actively involve and engage families; and the need to use tech ‘to support informal learning experiences aligned with formal learning goals’, and also describes ‘supporting students in using technology for out-of-school learning experiences’ as ‘often a missed opportunity’.

It is important that the Department for Education’s new Digital Strategy ***protects and promotes children’s right to privacy.***

Currently, South Australia does not have legislation protecting privacy. Instead government departments are guided by the Information Privacy Principles that apply to the public education system. South Australia has no state privacy legislation, Australia’s Commonwealth *Privacy Act 1988* covers only Commonwealth agencies and private schools. It does not cover public schools or state and territory government agencies. The right to privacy needs to be upheld where the laws are insufficient.

Therefore, it is important that this Strategy consider a child’s right to privacy as part of its focus on ‘effective data use’. Parents, guardians and students should also be aware of what data the school is collecting. This would educate these parties on how data is stored and used. Further, often it’s trusted adults who are accessing children’s online information through tracing and spying software. If this is the case, children should be informed that this is occurring.

This need is even greater when it comes to older young people. By way of a general principle those aged 15 – 17 years are perceived to have the capacity to consent to being monitored. Therefore, there will be times that students’ individual consent should be sought. Young people being monitored should know what is happening with their data, who has it, how it is protected, how it will be used, where it is stored etc.

Evidence suggests that schools have become sites of increasing surveillance. This is despite a child’s right to privacy under the UNCRC.

The use of AI surveillance software, and student surveillance software, that monitors students online to flag concerns about students ‘at risk of bullying or self-harm’ neglects

the human component. These are often being used instead of getting ‘back to basics’ and talking to children when there are warning signs.

Children and young people most often speak out when they need support – yet when they do the response is often inadequate. Strong emphasis should be on providing healthy support to the children and young people telling us they need help rather than trying to identify others who may or may not require help via covert methods. Such ‘secretive’ methods, when revealed, risk eroding rather than building trust with the very people who are needed to provide support.

It is our responsibility as adults to think about the impact this kind of surveillance has on children’s relationships and their sense of identity. Children and young people need their own spaces, physically, imaginatively and emotionally, to develop their identities, experiment with social roles and communicate with peers. These environments should be free from adult surveillance and provide opportunities to interact with the world to develop their sense of autonomy and age-appropriate developmental needs.

I am also concerned that the increasing use of surveillance technologies sends a strong message to children and young people that people are not to be trusted. By adopting the use of surveillance tools we are then not providing them with either the opportunity to learn to trust others or to be trustworthy. Trust is seen as fundamental to self-control and healthy development.

One of the most frequently referred to concepts that young people speak to me about is trust. They view trust as an underlying element of their relationships with each other and their families, with business and with institutions including school. For them an important part of developing positive relationships with others is to work out who they trust and why. This is most often based on their individual assessments and understanding of risk and boundaries and healthy relationships. **When young people trust the adults and systems around them, they are more likely to seek help and support from them.**

Young people also tell me that over protection and too much focus on the dangers of the world is seen as a lack of respect in their ability to make responsible decisions and choices. It communicates a lack of confidence in them whilst also sending a message that their physical, personal or social privacy is not important. They are asking adults to place more trust in them as they mature. They want adults to trust that young people will have the ability to control themselves, and to manage problems from their external environment.

Without this increasing trust we are not meeting their developmental needs, which can make it harder for them to become more resilient, and may work against creating the kinds of trusting relationships that encourage children to want to do the “right thing” in line with the adult with whom they share a trusting relationship.

Finally, there are platforms currently in use by a majority of schools that may superficially appear benign yet collect and publish children’s and their families’ information. Examples include popular online fundraising platforms where the life of the child and their family, including names and relationships can be accessed. This is concerning, especially where families are experiencing family and domestic violence. There is also significant compulsory use of digital messaging platforms used to convey information between

classroom teachers and parents which transmit sensitive data and require questionable permissions.

The following questions could act as a sensible checklist that could be used when determining the suitability of specific software or the use of online platforms:

- Have the goals been clearly stated, justified and prioritised?
- Are the means and ends not only legal, but also ethical?
- Are anyone's rights violated?
- Has thought been given to long term and undesirable consequences, including possible harm, can harm be easily discovered and compensated for?
- Has the "sometimes it is better to do nothing" principle been considered?
- Would those in control of the system be comfortable in being subjected to it and can this be included in the design?
- Is information collected used for one purpose only or are the stated goals the real goals?
- Can information collected be kept private?
- Is there evidence that it really does work?
- Are alternative solutions available that would meet the same ends with lesser costs and greater benefits?

Thank you for the opportunity to provide feedback to the Department for Education's new Digital Strategy and for considering the points raised around:

1. adopting a robust rights-based framework;
2. developing it responsively to meet the ever-changing nature of the opportunities and challenges presented in the digital space;
3. including children and young people in its design and delivery;
4. providing practical guidance to support students, teachers and families with student-led education of trusted adults;
5. addressing issues of digital equity in terms of both digital access and opportunity; and
6. protecting and promoting children's right to privacy.

ⁱ Australian Human Rights Commission, Human Rights Based Approach, Available at [Human rights based approaches | Australian Human Rights Commission](https://www.humanrights.gov.au/sites/default/files/human_rights_based_approaches_Australian_Human_Rights_Commission.pdf)

ⁱⁱ Australian Human Rights Commission, Supporting Young Children's Rights – Statement of Intent 2015–2018, Available at https://humanrights.gov.au/sites/default/files/supporting_young_children_rights.pdf.