

Introduction

As South Australia's Commissioner for Children and Young People, my mandate under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* is to advocate at a systemic level for the rights, interests and wellbeing of all children and young people in South Australia.

It is also my role to ensure that the State fulfils its obligations under the United Nations Convention on the Rights of the Child (the UNCRC). The UNCRC sets out the rights of all children, including the right to an education that develops their personality and talents to the full (Articles 28 and 29) and the right to have a say in decisions that affect their lives (Article 12).

Over the past five years, I have engaged directly with thousands of children and young people across metropolitan and regional South Australia. Through my regular contact with children and young people, I have a privileged insight into children and young people's views and experiences of school and their relationships with teachers.

Children and young people today have been born into a century characterised by rapid civic, social, technological and environmental change. They are the most digitally-literate, socially-networked and globally-connected generation to ever live. All of this impacts on children and young people's trust in and expectations of systems and services, as well as the values that they believe should underpin the behaviour of adults, including their teachers.

As the COVID-19 pandemic has made clear, schools and teachers provide more than just academic instruction; schools foster opportunities, relationships and skills that are critical to children's development, health, safety, wellbeing, confidence and aspirations.

For some children, school is a sanctuary and a place of inspiration that can be a safety net for them when things are challenging. Others experience school as restrictive and exclusionary, and a place where they do not feel safe. While school may create social and economic mobility and empowerment for some children, it can reinforce disadvantage and low expectations for others, which can impact their confidence and hope for the future.

School is a place where children spend the majority of their day. Every day, teachers take actions and make decisions that have a significant impact on children and young people's lives. Their attitudes, values, training and conduct influence how children and young people experience the world and how they understand their place within it.

Background and summary of recommendations

I welcome the proposed development of a Code of Conduct (the Code) for teachers in South Australia as an opportunity to guide and embed a more child-focused and rights-based approach to education in South Australia. Such an approach moves towards a view of children and young people as citizens and contributors as much as 'students' or 'learners'.

An overarching professional Code is also an opportunity to recognise the role of teachers in ensuring schools meet their obligations to provide safe environments for all children

and young people, as set out in the *Children and Young People (Safety) Act 2017*, the National Principles for Child Safe Organisations, the UNCRC and other relevant policies and legislation.

I acknowledge that the Code is being developed at a time when teachers – and the sites and systems in which they work – are under significant stress, amid ongoing waves of COVID-19 and workforce shortages, coupled with increasing cost-of-living pressures. While changes and support are needed at a school-wide, system-wide and community-wide level, the proposed Code can provide important aspirational guidance at a teacher and classroom level.

This submission is informed by what children and young people have told me needs to occur to create more kind and welcoming school environments, more participatory and meaningful lessons, and more trusting and respectful relationships between students and teachers. Specifically, it is recommended that:

- 1. The Code promotes respectful relationships and trust between teachers and children and young people, with particular regard to:**
 - a. Child voice, participation, wellbeing and belonging.**
 - b. Children's right to privacy.**
 - c. Restorative and non-exclusionary responses to behaviour.**
- 2. The Code promotes equity and supports teachers to provide for safe, inclusive, and rights-respecting environments for all children and young people, with particular regard to:**
 - a. Recognising and seeking to reduce barriers to education for particular groups of children.**
 - b. Gender equality.**
 - c. Cultural safety.**
 - d. Promoting physical and mental health.**
 - e. Bullying prevention and responses.**

Whether the Code is structured around the five key relationships discussed at the initial consultation event or broader concepts, I hope that the insights from children and young people throughout this submission are useful.

It is also critical that teachers across South Australia, including pre-service teachers, are aware of the Code and supported to understand and use it. If you would like to discuss anything further, please do not hesitate to contact my office.

Yours sincerely,



Helen Connolly

Commissioner for Children and Young People
Adelaide, South Australia

1. **The Code promotes respectful relationships and trust between teachers and children and young people, with particular regard to:**
 - a. **Child voice, participation, wellbeing and belonging.**
 - b. **Children's right to privacy.**
 - c. **Restorative and non-exclusionary responses to behaviour.**

a. Child voice, participation, wellbeing and belonging.

There is scope for the Code to promote student voice, participation and wellbeing in ways that will promote trust and respect in their relationships with children and young people.

The Victorian Teaching Profession's Code of Conduct may be useful to consider insofar as Principle 1.2 states that teachers 'treat learners with courtesy and dignity, and promote participation and empowerment'. The Victorian Code also makes explicit reference to the national goals for education set out in the Alice Springs 'Mpartnwe' Education Declaration: teachers 'enhance learner autonomy by seeking to ensure they have the opportunity to express their views; are confident and creative individuals; are successful lifelong learners; and active informed members of the community'.ⁱ

Across regions, school sectors, genders and age groups, children and young people want schools to be places where:

1. **They are known.**
2. **They are valued.**
3. **They have a voice.**
4. **They can see the value in what they are doing.**

Consistent with research that explores the direct relationship between wellbeing and learning, children and young people say that they are more likely to be motivated, engaged and positive about their future when they feel understood heard, safe, and supported.ⁱⁱ

However, children and young people frequently describe the lack of voice, choice and influence they have at school. They want more of a say regarding:

- **How they learn**, including teaching methods, hands-on learning opportunities.
- **What they learn**, including the importance of 'life skills', relationships and sexual health education, civics and citizenship education.
- **Where they learn**, including the look and feel of classrooms, study or play spaces, and school policies regarding uniform or bathroom access.
- **The support they need to learn**, including classroom learning supports, counselling and mental health supports.

Above all else, they emphasise the power of 'good teachers' who believe in them and support their wellbeing and belonging. They want teachers to:

- Foster collaboration rather than competition, including by promoting opportunities for students to support each other and learn from each other.
- Talk openly with them and get to know them and the issues they face both as a generation and as individuals.

- Provide mechanisms for students to give direct feedback on learning and more one-on-one or small-group discussions and support and less ‘lecture-style learning’.
- Provide a range of opportunities for all students to participate in decision-making, including those who are unable to commit to being a member of the SRC, but may want to share their views via a survey or poll.
- Demonstrate democracy in the classroom through voting and building consensus.
- Clarify the parameters of the choices students can make. For example, if a decision has already been made or students can only change something small, be honest about this.
- Understand the role of teacher as **content** expert while engaging students as **context** experts (e.g., teachers might lead the ‘what’, but students can inform and lead the ‘how’).
- Show that they understand how life ‘outside’ of school can influence behaviour, mood, and attention, and be willing to proactively provide support (including referrals to further support) rather than waiting for kids to ask for help.
- Promote children and young people’s feelings of belonging in classroom and school environments, including through displaying symbols of acceptance or children and young people’s artwork, making useful and relevant information available to them, or fundraising for causes that matter to them.
- Support children and young people to successfully navigate key transitions (including the transition out of school) and prepare them to become active contributors to Australian society.
- Connect and engage with families and broader community networks.

Children and young people also want to see themselves reflected in the curriculum content and understand ‘why’ they’re learning or doing a particular activity or lesson, and how it connects to ‘the real world’ and their future, including potential study or career pathways. My 2021 guide on *Supporting Student Voice, Agency and Wellbeing in Schools* sets out further practical ideas that may be useful to this end.ⁱⁱⁱ

“Our education system needs to focus on teaching students about the world, not how to get a good grade. There’s no grades in life, but there are morals, failures and successes, and education should overarching teach us how to deal with them.”

– 14 year old

“Change it so kids have less homework and more leisure time to enjoy being a kid while they still can.”

– 10 year old

“Make school tasks use more imagination so kids can do what they do best.”

– 11 year old

“more opportunities to have breaks and be active, more help from teachers and SSOs to help kids feel safe and to learn”

– 12 year old

b. Children's right to privacy.

Article 16 of the UNCRC sets out children's right to privacy, which is recognised as critical to social, emotional and physical development. Yet research that notes there are often lowered expectations of privacy at school given the responsibility of schools to provide children with a safe environment.^{iv}

This is consistent with children and young people's concerns about 'not knowing who you can trust' and a lack of privacy at school. They have described a range of breaches to their privacy at school that do not make them feel safe and supported, from bag searches to the removal of toilet doors and the use of cameras or smoke detectors.

Some young people have reported not telling school staff everything they would like to because 'everybody knows' they will feed what they say back to their parents. This fear of disclosure is a barrier to reaching out and accessing the support they need. This is particularly difficult in regional areas, where 'everyone knows everyone' and there are fewer support services available.

As highlighted in my 2021 *No Exceptions* Report and my guide to *Building LGBTQIA+ Inclusive School Environments*, LGBTQIA+ children and young people describe facing particular barriers to their rights to privacy and safety at school.^v Some young people have reported being 'publicly outed' by teachers or other staff, which jeopardises their safety and increases the risk of bullying and rejection from peers or family. My 2022 *Join the Dots* Report identifies children with incarcerated parents are another group of children who require support that respects their privacy and reduces stigma or isolation.^{vi}

My office has raised concerns elsewhere that children's data is significantly less protected in education settings than in other settings, such as healthcare settings.^{vii}

In order to promote trust between teachers and all students, regardless of their background or circumstances, the Code should support teachers to respect children and young people's right to privacy, including by clarifying their disclosure obligations and the extent to which what children and young people share is confidential. Principle 1.2 of the Victorian Teaching Profession's Code of Conduct provides an example of this for consideration.

c. Restorative and non-exclusionary responses to behaviour.

Suspensions and exclusions are punitive processes that disproportionately impact vulnerable children and can have long-term impacts on children's experiences of school and educational attainment, as well as their relationships, emotional wellbeing and aspirations for the future.

My 2020 *Blame Game* Report brings children and young people's experiences of school exclusion to the fore and maintains that anything with the potential for such a substantive negative impact on student wellbeing and attainment must be subject to the most rigorous standards and oversight.^{viii}

"They take you out of school and wonder why you're not learning."

"It made me question my future. I thought I was going nowhere."

There is an opportunity for the Code to seek to reduce the incidence and impact of exclusionary practices and ensure they are only used as a 'last resort', including through:

- Promoting restorative and non-exclusionary responses to behaviour; and
- Identifying students at risk of exclusion and connecting them with appropriate supports.

The Victorian Teaching Profession's Code of Conduct may again be a useful reference insofar as many of the Principles (particularly Principles 1.1, 1.2 and 1.3) promote inclusion. Further, under Principle 1.2, there is explicit reference to the use of 'behaviour management strategies and consequences appropriate for a learner's individual context and actions, aimed at supporting positive change'.

2. The Code promotes equity and supports teachers to provide for safe, inclusive and rights-respecting environments for all children and young people, with particular regard to:

a. Recognising and seeking to reduce barriers to education for particular groups of children.

There are particular barriers that disproportionately impact educational outcomes of specific groups of children and young people, including those living in poverty, those with caring responsibilities, those who identify as LGBTQIA+, those living with chronic illness or disability, and those living in out-of-home care.

Children and young people value fairness and equality and they do not want teachers to 'have favourites'. Rather, they want everyone to be able to engage in education, regardless of who they are and where they live.

"Try to treat students fair and the same. When someone needs to go to the toilet let them"
– 9 year old

Changes are needed to ensure that the support available to this group of children is consistent and ongoing at a systemic level rather than being dependent on the goodwill of individual teachers.

Nevertheless, there is scope for the Code to support teachers to recognise issues facing particular groups of children 'without judgment or prejudice'. Principle 1.1 of the Victorian Teaching Profession's Code of Conduct may be a helpful starting point as it guides teachers to 'provide opportunities for all learners to learn' by 'knowing their learners and how they learn' and 'having high expectations of every learner'. The following specific considerations may also be useful:

- Being aware of the impact of **child poverty** on educational outcomes. Given that 1 in 4 children and young people in South Australia are living in the state's most disadvantaged circumstances, it is important for teachers to consider the cost implications of homework; transport; access to digital devices, data and internet;

and participation in activities, excursions and sport.^{ix}

- Recognising the impacts of **chronic illness** on concentration, attendance and engagement at school, and the importance of flexibility, understanding and support to manage the competing demands of schoolwork and symptoms.^x
- Promoting the inclusion, participation and empowerment of **children and young people with disability**, identifying disability-related needs and making adjustments and taking their aspirations for the future seriously.
- Understanding that many children and young people have **caring responsibilities** that can place significant physical and mental strain on their wellbeing, attendance and engagement at school, and many young carers do not disclose their caring role.
- Supporting **LGBTQIA+ children and young people** to feel known, valued, included and heard in school environments through proactive bullying prevention, a willingness to engage in conversations, and recognition and validation of diverse identities through curriculum materials, facilitating access to support services and information, displaying symbols and flags or celebrating diverse clubs and special days.
- Recognising that **children and young people living in out-of-home care** may be dealing with the impacts of complex trauma and placement instability and require particular support to nurture positive relationships with peers and adults, to navigate key school transitions.

b. Gender equality.

The significant impacts of sexism and gender stereotyping on children and young people's aspirations, relationships and wellbeing has been an enduring theme across all aspects of my work. My 2022 *Stereotypes and Sexism* Report highlights that sexism is too often considered a normal part of school culture and is generally not reported due to a belief that nothing can or will be done about it.^{xi}

Although gender stereotypes are prevalent in children's lives well before they start school, it is clear that messages about gender are amplified and perpetuated in school environments, including through the attitudes and conduct of teachers.

Importantly, the UNESCO guidelines recommend that an effective teacher Code of Conduct should 'address gender issues'.^{xii}

As such, it is recommended that the Code supports teachers to recognise the impact of sexism and gender stereotypes on all children and young people, regardless of gender identity. This includes providing guidance for teachers to:

- Consider gender equity in the development and delivery of teaching materials and behaviour management practices.
- Challenge and ‘call out’ gender stereotypes, gender bias and gender-based bullying in school environments.
- Use gender-inclusive language and avoid grouping students based on gendered assumptions.

“In co-ed schools when the boys did something bad, the girls were asked to sit between them or walk to the front office.”

– Female, 11

c. Cultural safety.

For many children and young people from culturally and linguistically diverse backgrounds and for Aboriginal and Torres Strait Islander children and young people, racism is an everyday reality, including at school.

Children and young people describe racism from other students but also from some teachers who may make racist comments themselves, ignore or minimise comments made by others or ‘protect racist students’.

Some children and young people describe the positive impact of teachers who are committed to promoting cultural diversity and cultural safety. Yet many others described the impacts of teachers treating kids differently based on skin colour, cultural traditions, religion or ethnic background.

While some schools celebrate diversity through events or school assemblies, from children and young people’s perspective, there does not appear to be much action in terms of addressing the ‘real issues’, including action to prevent and combat racist stereotypes or comments.

It is critical that the Code support teachers to respect children’s right to culture (Article 30 of the UNCRC) and promote the cultural safety of Aboriginal and Torres Strait Islander children and young people, and children from culturally and linguistically diverse backgrounds, including refugee and migrant backgrounds.

“Educate the teachers about racism & making sure that they are aware of what they say & impact it can have on the person they are saying it. Teachers are not always right and they more racist than the students”

– 16 year old, female

d. Promoting physical and mental health.

Teachers’ values, attitudes and behaviour can have a powerful impact on children and young people’s physical and mental health.

The Code is therefore well-placed to support teachers to understand the significant influence and responsibilities that they have in terms of promoting physically and mentally healthy relationships, environments and behaviours, including in regard to:

- **Body image and body confidence**, including the potential impacts of how they talk about appearance, gender stereotypes and food.
- Recognising the impacts of **menstruation** on school attendance and wellbeing, the importance of menstrual education and reducing menstrual stigma for children and young people's health, comfort and confidence.^{xiii}
- Understanding and addressing the range of issues and experiences that influence **mental health**, including bullying and discrimination, academic pressure and competition, not feeling believed, the importance of friendships and stigma around help-seeking.
- Recognising the impacts of **chronic illness** on concentration, attendance and engagement at school, and the importance of flexibility, understanding and support to manage the competing demands of schoolwork and symptoms.
- **Play and physical activity**, including opportunities and spaces for active play, outdoor learning, physical infrastructure.

The Victorian Teaching Profession's Code of Conduct may be a useful reference to this end insofar as it recognises that a key part of teachers 'working within the limits of their professional expertise' is knowing who and where to go for further support:

Teachers are aware of the role of other professionals and agencies, and know when learners should be referred to them for assistance (Principle 1.3).

It is also important that teachers understand healthy child and adolescent development. The Department for Education Wellbeing and Engagement Collection measures student perceptions of how fairly teachers treat them, how well they get along with teachers, how interested their teachers are in their wellbeing and whether their teachers listen to them.

The results highlight the importance of teachers understanding the developmental needs of children and young people, including differences between children of primary school age and older young people. While 80% of Year 4 students report 'high wellbeing' on 'emotional engagement with teachers' subdomain, it is notable that this goes down to only 57% of Year 9 students, to then increase again in the senior years (64% of Year 11 students and 75% of Year 12 students).^{xiv}

e. Preventing and responding to bullying.

Teachers play a critical role in preventing and responding to bullying in ways that minimise the psychological, physical and emotional impacts on children and young people.

Children and young people want teachers and other adult role models to more proactively support and role-model positive and respectful relationships, which they see as more effective than punitive responses.

Many children and young people have reported that what teachers don't do can be as harmful as what they do, particularly when teachers fail to intervene and protect students from bullying.

The Code should promote inclusive environments and relationships based on trust, kindness and respect through highlighting the importance of teachers:

- Modelling respectful behaviour, not only in their relationships with students but also in their relationships with other teachers, school leaders, parents and carers, and the wider community.
- Protecting children and young people from intimidation, embarrassment, humiliation and harm, and referring to counselling or other support services where appropriate;
- Understanding the relationship between 'bully', 'bullied' and bystander can be interchangeable, meaning that effective responses to bullying should support all children and young people.
- Understanding differences in forms of bullying (physical, verbal, emotional) and what it is focused on (appearance, race, sexuality or gender identity, family) including differences by age and gender.
- 'Calling out' bullying for what it is and responding to bullying in age-appropriate and gender-sensitive ways and without resorting to exclusionary or punitive responses;
- Equipping children and young people with skills and opportunities to make friends, support their peers, navigate difficulties in relationships and engage in peer-led bullying interventions.

- ⁱ Victorian Institute of Teaching, 2021. The Victorian Teaching Profession's Code of Conduct. Available at https://www.vit.vic.edu.au/sites/default/files/media/pdf/2021-07/Document_VIT_Code_of_Conduct.pdf. Australian Government, The Alice Springs (Mparntwe) Education Declaration. Available at <https://www.dese.gov.au/download/4816/alice-springs-mparntwe-education-declaration/7180/alice-springs-mparntwe-education-declaration/pdf/en>.
- ⁱⁱ Hoare, E. Mentally Healthy Communities in Early Learning and School Settings, 2019. Available at <https://beyou.edu.au/about-be-you/supporting-evidence>.
- ⁱⁱⁱ Connolly, Helen. Commissioner for Children and Young People South Australia, 2021. Supporting Student Voice, Agency and Wellbeing in Schools. Available at <https://www.ccyp.com.au/wp-content/uploads/2022/01/Supporting-Students-Voice-Agency-and-Wellbeing-in-Schools.pdf>.
- ^{iv} Blecher-Prigat, Ayelet. 2019. 'Children's Right to Privacy', The Oxford Handbook of Children and the Law, p. 2373.
- ^v Connolly, Helen. CCYP SA, 2021. No Exceptions: Creating safer schools for LGBTQIA+ students. Available at <https://www.ccyp.com.au/wp-content/uploads/2022/03/No-Exceptions-Creating-Safer-Schools-for-LGBTQIA-Students.pdf>. LGBTQIA+ School Environments. Available at https://www.ccyp.com.au/wp-content/uploads/2022/03/202203-LGBTQIA-Inclusive-School-Environments_FINAL.pdf.
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- ^{vii} Submission to the Review of the Privacy Act, January 2022. Available at <https://www.ccyp.com.au/wp-content/uploads/2022/03/2022-01-10-Submission-on-the-Review-of-the-Privacy-Act-1988-Cth.pdf>. Feedback on South Australia's next Suicide Prevention Plan 2022-2025, April 2021. Available at <https://www.ccyp.com.au/wp-content/uploads/2021/06/22-4-2021-Feedback-on-South-Australias-next-Suicide-Prevention-Plan-2022-25-A7288697.pdf>.
- ^{viii} Connolly, Helen. CCYP SA, 2020. The Blame Game: Perspectives of children and young people on the causes and impacts of education exclusion. Available at <https://www.ccyp.com.au/wp-content/uploads/2022/03/The-Blame-Game-The-perspectives-of-South-Australian-children-and-young-people-on-the-causes-and-impacts-of-education-exclusion-and-why-we-need-to-stop-blaming-children-for-system-failure.pdf>.
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- ^x Connolly, Helen. CCYP SA, 2022. Issue Brief 1: South Australian children and young people's experiences of living with chronic illness. Available at <https://www.ccyp.com.au/wp-content/uploads/2022/09/Issue-Brief-Chronic-Illness.pdf>.
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