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9 Ways of preventing and reducing suicide by young people by the Department of Education

9.1 Introduction

The research literature identifies that educational institutions have an important role to play in reducing the incidence of suicide by young people as education professionals are in a unique position to identify and prevent the suicide of young people.²⁴⁵ Important indicators of mood such as academic performance, behaviour, interpersonal relationships and the ability to cope, are all subject to continual observation in the educational setting.²⁴⁶ A study has also associated failure or drop-out of school by young people with parent-child conflict and stressors related to family functioning, which in turn are highly predictive of suicide risk for this population.²⁴⁷

The research literature further identifies that educational institutions are particularly important for children and young people from certain groups, including young people who have experienced child maltreatment, resulting in cumulative harm, and Aboriginal young people. Children and young people with a history of child maltreatment may have difficulties in learning and interacting in socially appropriate ways.²⁴⁸ Early trauma reduces the capacity to regulate strong emotions, often resulting in conflict with students and teachers.²⁴⁹

All of the 20 young people in Group 1 were recorded as having allegedly experienced child maltreatment. These 20 young people also had contact with schools, 18 at government schools and two at non-government schools. This contact presents opportunities for government schools, in particular, to provide the protective factors that will assist in reducing the risk of suicide by these young people as they are in the process of being identified, referred for treatment by and after discharge from mental health services, as discussed in Chapters 7 and 8.

With respect to Aboriginal students, a Northern Territory submission to a Parliamentary Committee identified that 'it should not be assumed that lower school retention and achievement levels and lower expectations in some communities about academic success necessarily reduces the significance of school drop-out and related conflict with families, and the lack of support through this transition as a potential source of suicide risk.'²⁵⁰ Non-attendance at school among Aboriginal students has been recognised as a major

²⁴⁵ S Crawford & N Caltabiano, 'The School Professionals' Role in Identification of Youth at Risk of Suicide', *Australian Journal of Teacher Education*, vol. 34, no 23, 2009, p. 29.

²⁴⁶ S Crawford & N Caltabiano, 'The School Professionals' Role in Identification of Youth at Risk of Suicide', *Australian Journal of Teacher Education*, vol. 34, no 23, 2009, p.9.

²⁴⁷ B Randell, J Herting & L Eggert, 'Family Factors Predicting Categories of Suicide Risk', *Journal of Child & Family Studies*, vol. 15, no. 3, 2006, pp. 247-62.

²⁴⁸ T Beauchamp, *Addressing high rates of school suspension*, UnitingCare, Parramatta, 2012.

²⁴⁹ T Beauchamp, *Addressing high rates of school suspension*, UnitingCare, Parramatta, 2012.

²⁵⁰ G Robinson, S Silburn & B Leckning, *Submission to the Legislative Assembly of the Northern Territory Select Committee on Youth Suicide in the NT*, 2011, viewed 26 September 2013, <<http://www.nt.gov.au/lant/parliamentary/business/committees/ctc/youth-suicides/Submissions.shtml>>.

problem in Western Australia with poor attendance at school identified as one of the major factors driving Aboriginal disadvantage.²⁵¹

Informed by the findings of the research literature, the Office examined schooling for the young people in Group 1 who died by suicide from three perspectives:

- enrolment at school;
- attendance at school; and
- behaviour at school.

The Office also examined each of these perspectives on education for Aboriginal young people specifically.

The Department of Education is responsible for administering the *School Education Act 1999* (except Part 4 and other provisions as far as they apply to non-government schools). Eighteen of the 20 young people in Group 1 had contact with government schools. This contact presents the Department of Education with ongoing opportunities to assist in preventing and reducing youth suicide.

9.2 Enrolment in education and training

9.2.1 Legislative requirements

The *School Education Act 1999* provides the legislative framework for the operations of government schools, non-government schools and home education. The objects of the *School Education Act 1999* are provided in Section 3(1) and include:

- (a) to recognize the right of every child in the State to receive a school education; and
- (b) to allow that education to be given in a government school, a non-government school or at home; and
- (c) to provide for government schools that meet the educational needs of all children; and
 - (ca) to provide for education, training and employment alternatives at the senior secondary level; and
- (d) to acknowledge the importance of the involvement and participation of a child's parents in the child's education.

It is compulsory for children and young people to be enrolled in an educational program until they reach the age of 17 years. Section 9(1) of the *School Education Act 1999* provides:

A child is to be enrolled in an educational programme for each year of the compulsory education period for that child.

²⁵¹ S Zubrick, S Silburn & J Maio, *Western Australian Aboriginal Health Survey: Improving the educational experiences of Aboriginal children and young people*, Telethon Institute for Child Health Research, Perth, 2006.

For the period relevant to the investigation, section 6(1) of the *School Education Act 1999* provides:

- (1) The compulsory education period for a child is as follows —
 - (a) until 31 December 2012 —
 - (i) from the beginning of the year in which the child reaches the age of 6 years and 6 months; and
 - (ii) until the end of the year in which the child reaches the age of 17.²⁵²

Young people in their final years of compulsory education have a range of educational options. These are outlined in section 11B(1) of the *School Education Act 1999*, as follows:

- (1) In the final years of compulsory education a child may, despite section 9(1), participate in one or more of the following options —
 - (a) undertaking —
 - (i) a course of study provided by a university established under a written law or under a law of another State, or of a Territory, of the Commonwealth; or
 - (ii) a higher education course registered under section 23 of the *Higher Education Act 2004* ;
 - or
 - (b) undertaking an approved VET course within the meaning given to that term by the *Vocational Education and Training Act 1996* section 5(1); or
 - (c) being an apprentice; or
 - (d) being employed under a contract of employment otherwise than in a capacity mentioned in paragraph (c), but subject to approval being in force under section 11G; or
 - (e) undertaking a course prescribed under subsection (2).

Young people in Western Australia are typically enrolled at school up to and including year 10. In years 11 and 12, they must be enrolled in an educational program, either by being enrolled at a school or one of the specified options to school, including university courses, vocational education and training courses, apprenticeships, traineeships, community based courses or employment.

²⁵² As at 1 January 2013, these requirements were modified to change the applicable age range for compulsory education from 1 January 2013 until 31 December 2013.

9.2.2 Nineteen of the 20 young people in Group 1 were enrolled at school at the time of their death

All of the 20 young people in Group 1 were at an age at which they were required to either be enrolled in an educational program or employed. Of the 20 young people in Group 1, nineteen (95 per cent) were enrolled in an educational program at the time of their death:

- seventeen were enrolled with a government high school; and
- two were enrolled with a non-government high school.

9.3 Attendance at school

9.3.1 Legislative requirements

Students enrolled at a school are required to attend the classes held at the school. As an alternative, students enrolled at school may also participate in vocational education and training by attending classes at a registered training organisation. Section 24(1) of the *School Education Act 1999* provides:

An arrangement in writing may be entered into for a student —

- (a) to attend at some place other than the school at which he or she is enrolled; and
- (b) there to participate in activities that are part of an educational programme of the school.

In instances where an arrangement has been made for the student to attend classes at a registered training organisation, the principal of the school is responsible for managing the student's attendance. Two young people who were enrolled at government schools had such an arrangement in place.

Section 23(i) of the *School Education Act 1999* provides the **attendance requirements** for students at schools and relevant registered training organisations where an arrangement has been made under section 24(1) of the *School Education Act 1999* (hereafter referred to as the **relevant registered training organisation**):

A student must on the days on which the school is open for instruction -

- (a) either -
 - (i) attend the school at which he or she is enrolled; or
 - (ii) otherwise participate in an educational programme of the school whether at the school or elsewhere,
as required by the principal; or
- (b) comply with an arrangement under section 24.

Section 38 of the *School Education Act 1999* places an obligation on parents to ensure that their children meet the attendance requirements set out in section 23. Where section 23 is breached, section 38 of the *School Education Act 1999* provides a penalty. Cases of

persistent non-attendance may be referred to an Attendance Panel for further inquiry, advice and assistance. Section 40(1) of the *School Education Act 1999* provides:

Where a child of compulsory school age enrolled at a school has been persistently in breach of section 23, the child's case may be referred to an Attendance Panel by —

- (a) the principal of the school; or
- (b) an attendance officer; or
- (c) the chief executive officer or the chief executive officer referred to in section 151, as is relevant to the case.

Section 40 (2) of the *School Education Act 1999* provides:

On such a referral a Panel is to —

- (a) inquire into the reasons for the child's failure to comply with section 111 or 23 including the social, cultural, lingual, economic or geographic factors, or learning difficulties, that might be affecting the child's failure to comply; and
- (b) give such advice and assistance to the child and to his or her parents as it thinks fit.

Section 40(5) of the *School Education Act 1999* relevantly provides:

The Panel is to prepare a written report on the child's case setting out any advice or assistance given by the Panel, comments about how the matter had been dealt with and recommendations about how the matter should be dealt with...

Attendance Panels comprise three or more people with the skills, experience and qualifications appropriate to the case. At least one person must be a parent or community representative. A chairperson is nominated by a Regional Executive Director of the Department of Education.²⁵³

In the second reading speech for the *School Education Bill 1997* (which later became the *School Education Act 1999*) The Honourable Colin Barnett, MLA (then Minister for Resources, Development, Energy and Education), stated:

There are many reasons some children fall into a pattern of repeated absence from school. In a number of cases, wilful absence can be traced to an alienation from schooling due to poor achievement, family circumstances or behavioural causes. In some cases, parents or children simply defy the requirement to participate. This area is one in which the need for partnership between school and family is greatest...

²⁵³ Government of Western Australia, Department of Education, *Guidelines for the use of attendance panels*, Department of Education, Perth, 2011, viewed 26 October 2013, <http://det.wa.edu.au/detcms/cms-service/download/asset/?asset_id=14513731>.

Any unauthorised absence is of concern because of the valuable educational time that is lost and because the absence of some children is associated with inappropriate behaviour in the community...

Significant attention has been given to ways of dealing with absenteeism to minimise or avoid prosecuting parents or their children. The establishment and operation of school attendance panels is a major intervention strategy which has been well received. As an independent body its task will be to examine the reasons for a child's absence and to provide appropriate advice to the child, the parents and the school, with the aim of securing the child's regular attendance and participation in the educational program...²⁵⁴

In summary, an Attendance Panel is a small group of people brought together, at the instigation of the principal, attendance officer or Chief Executive Officer of the Department of Education, to inquire into the reasons for a child's non-attendance, provide advice and assistance to the child's parents, and recommend further actions.

The *Parental Support and Responsibility Act 2008* also provides legislative options for engaging with parents to improve a child's school attendance, through the use of responsible parenting agreements and responsible parenting orders. These options are only available to young people 15 years and under, as section 3 of the *Parental Support and Responsibility Act 2008* defines 'child' as a person who is under 15 years of age.

Section 11 of the *Parental Support and Responsibility Act 2008* allows authorised officers of the Department of Education to enter into responsible parenting agreements with parents in respect of a child of the parent. The parents enter into this arrangement voluntarily. Section 11(2) provides that responsible parenting agreements can be made to ensure that the parent is taking all reasonable steps to ensure that the child attends school. There is no penalty for parents not complying with a responsible parenting agreement. However, refusal to comply may lead to the Department of Education applying for a responsible parenting order.

Section 13(1) of the *Parental Support and Responsibility Act 2008* empowers the Chief Executive Officer of the Department of Education, among others, to apply to the Children's Court of Western Australia for a responsible parenting order. Section 18(d) notes that the Court must not make a responsible parenting order unless satisfied that:

A School Attendance Panel has recommended, under section 40 of the *School Education Act 1999*, that an application for a responsible parenting order be made in respect of the child...

As set out in section 14 of the *Parental Support and Responsibility Act 2008*, responsible parenting orders can require a parent to take steps to ensure that their child attends school:

- (1) The Court may, on application, make a responsible parenting order directed towards a parent in respect of a child of the parent.
- (2) A responsible parenting order is an order that requires the parent

²⁵⁴ The Hon. Colin Barnett MLA, Minister for Education, Legislative Assembly, Parliamentary Debates (Hansard), 26 November 1997, pp. 8664 – 8673.

to do one or more of the following —

- (a) attend parenting guidance counselling, a parenting support group, or any other relevant personal development course or group;
- (b) take all reasonable steps to ensure that the child attends school;
- (c) take all reasonable steps to ensure that the child avoids contact with a specified person or specified persons;
- (d) take all reasonable steps to ensure that the child avoids a specified place or specified places;
- (e) comply with any other requirements set out in the order relating to the effective parenting of the child.

Section 21(1) of the *Parental Support and Responsibilities Act 2008* imposes penalties for failing to comply with responsible parenting orders:

If a parent to whom a responsible parenting order or an interim responsible parenting order is directed fails to make reasonable efforts to comply with the order the parent commits an offence.

Penalty: \$200.

Department of Education's policies regarding attendance at school

To operationalise the attendance requirements of the *School Education Act 1999* and the *Parental Support and Responsibility Act 2008* the Department of Education has developed its policy for *Student Attendance (the Student Attendance policy)*, which states:

The Department of Education monitors the attendance of all students enrolled in school, identifies students with attendance issues and implements appropriate measures to restore regular attendance.²⁵⁵

Regular attendance is defined by the Department of Education's *Better Attendance: Brighter Futures Strategy* as attending school 90 per cent of the time.²⁵⁶ Where a student's attendance falls below 90 per cent over a school term, the Student Attendance policy specifies that certain actions are to be taken, as follows:

The principal or nominee will...

- where attendance falls below 90 per cent over a term:
 - further investigate the reasons for the student's absence;

²⁵⁵ Government of Western Australia, Department of Education, *Student Attendance*, Department of Education, 2011, Perth, viewed 26 September 2013, <<http://det.wa.edu.au/studentsupport/behaviourandwellbeing/detcms/navigation/student-attendance/?page=2&tab=Main#toc2>>.

²⁵⁶ Government of Western Australia, Department of Education, *Better Attendance, Brighter Futures*, Department of Education, Perth, 2010, viewed 26 September 2013, <<http://det.wa.edu.au/studentsupport/behaviourandwellbeing/detcms/navigation/student-attendance/?page=1&#toc1>>.

- organise a parent/teacher meeting and/or case conference at the earliest opportunity to identify the issues related to the non-attendance and plan for improvement; and
- document all attendance improvement plans.²⁵⁷

In cases of persistent non-attendance the Student Attendance policy also specifies that certain, more formal, actions are to be taken, as follows:

If a student has been identified as being an irregular or chronic non-attende and repeated efforts to work with parents to restore attendance have not been successful, the principal or nominee will:

- consult with an appropriate network or regional officer (or officers);
- inform the parent using Appendix D: *Letter to parent from principal advising of consultation with network or regional officer*; and
- revise any attendance improvement plan developed.²⁵⁸

The Student Attendance policy does not further define 'irregular or chronic' non-attendance. However, the Office of the Auditor General found that attendance less than 60 per cent (that is, the student misses more than two days per week) causes 'severe educational risk.'²⁵⁹

The Student Attendance policy states that, if the student's attendance 'is not successfully restored through consultation with an appropriate network or regional officer, the principal will request the parent attends a formal meeting using *Appendix E: Letter from principal to parent regarding formal meeting*' and:

At the formal meeting, the principal or nominee will:

- ensure any factors preventing attendance or participation are explored;
- request the parent engages with alternative strategies to improve attendance; and
- document a formal attendance improvement plan.

At the formal meeting stage the Student Attendance policy notes that the principal may determine that a responsible parenting agreement may be an appropriate course of action.

If, after the principal has met with the parent, the student's attendance is still not restored, the principal is to refer the matter to the Regional Executive Director:

²⁵⁷ Government of Western Australia, Department of Education, *Student Attendance*, Department of Education, Perth, 2011, viewed 26 September 2013, <<http://det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/attendance.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781800>>.

²⁵⁸ Government of Western Australia, Department of Education, *Student Attendance*, Department of Education, Perth, 2011, viewed 26 September 2013, <<http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/attendance.en?bbp.i=d0.a.1.2.1&bbp.8.policyID=13773513&g11n.enc=UTF-8&bbp.9.pane=3&selected=2>>.

²⁵⁹ Office of the Auditor General, *Every Day Counts: Managing Student attendance in Western Australian Public Schools*, Office of the Auditor General, Perth, 2009, p.16.

The principal will refer the matter to the Regional Executive Director where:

- a formal meeting has been unable to secure parental engagement and improvement in school attendance (or engagement in another educational program); and
- it is determined that either prosecution of the parent or application to the Children's Court for a Responsible Parenting Order is appropriate.²⁶⁰

The *Guidelines for the Use of Attendance Panels* identifies that:

An attendance panel is required if an application for a Responsible Parenting Order is being considered and the grounds for recommending an Order relate to persistent non-attendance in isolation from other concerns. This step is mandated by the *Parental Support and Responsibility Act 2008*...and not the *School Education Act 1999*.²⁶¹

For students who are meant to be attending classes at a registered training organisation, arranged pursuant to section 24 of the *School Education Act 1999*, the Student Attendance policy also specifies that the principal is required to manage absences in conjunction with the alternative provider for students.

The principal or nominee will:

- manage absences in conjunction with the alternative provider for students participating in alternative attendance arrangements under Section 24 of the Act...²⁶²

The requirements for managing student attendance, as set out in the Student Attendance policy, are depicted in Figure 42 below.

During the period of the investigation the Department of Education advised that 'it recognises the need to ensure that legislative requirements for attendance are adhered to. The Department's *Strategic Plan for WA Public Schools 2012-2015*, focuses on the importance of ensuring all students attend school regularly as an area requiring attention. *Focus 2014* directs schools to:

- pursue and document attendance of every student not demonstrating regular attendance, bringing to the attention of relevant agencies students at risk, particularly Aboriginal students; and
- use Attendance Advisory Panels and Responsible Parenting Agreements where there is persistent student absence following extensive intervention.

²⁶⁰ Government of Western Australia, Department of Education, *Student Attendance*, Department of Education, Perth, 2011, viewed 26 September 2013, <<http://det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/attendance.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781800>>.

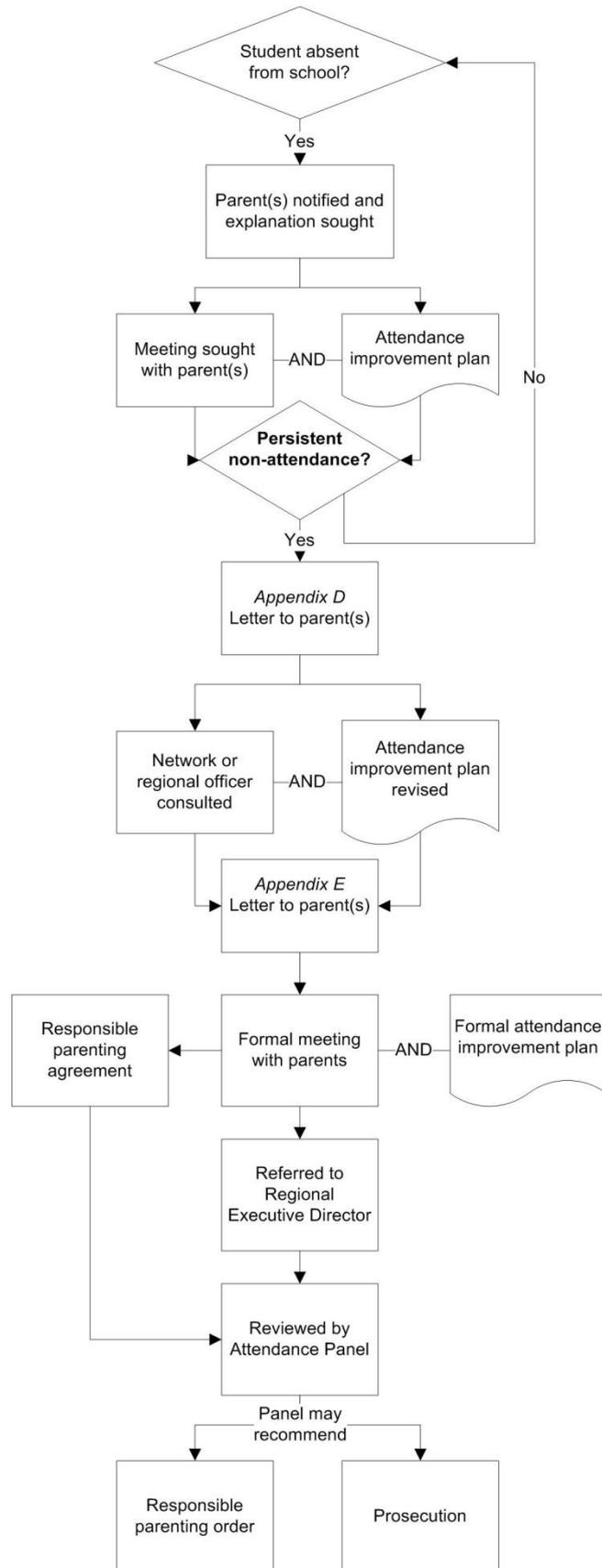
²⁶¹ Government of Western Australia, Department of Education, *Guidelines for the Use of Attendance Panels*, Department of Education, Perth, 2011, viewed 26 October 2013, <http://det.wa.edu.au/detcms/cms-service/download/asset/?asset_id=14513731>.

²⁶² Government of Western Australia, Department of Education, *Department of Education Student Attendance*, Department of Education, Perth, 2011, viewed 26 September 2013, <<http://det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/attendance.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781800>>.

Focus 2014 also states that:

- regions and Statewide Services support schools to pursue legislative sanctions where individual attendance plans and case management approaches have not resulted in regular attendance; and
- central office will explore amendments to streamline legislation related to sanctions for persistent student absence.

Figure 42: Department of Education requirements for managing student attendance



Source: Ombudsman Western Australia

9.3.2 During the last year of their lives, 14 of the 19 young people enrolled at school attended less than 60 per cent of the time

Section 9.2.2 above identifies that 19 of the 20 young people in Group 1 were enrolled at school. Therefore, these 19 young people were required to be regularly attending school or the relevant registered training organisation, where such arrangements had been made under section 24 of the *School Education Act 1999*.

Of these 19 young people, 14 (74 per cent) were not regularly attending school or the relevant registered training organisation, as follows:

- seven (37 per cent) effectively did not attend school or the relevant registered training organisation in the last year of their life;
- seven (37 per cent) attended school less than 60 per cent of the time in the last year of their life;
- two (10 per cent) attended between 70 and 89 per cent of the time in the last year of their life;
- two (10 per cent) attended more than 90 per cent of the time in the last year of their life; and
- attendance records could not be obtained for one young person.

9.3.3 Of the 14 young people who attended school less than 60 per cent of the time, limited action was taken to remedy this persistent non-attendance

Of the 14 young people who did not meet the attendance requirements set out in the *School Education Act 1999*, the Office found that limited action was taken. In particular, the procedures set out in the Student Attendance policy to address persistent non-attendance were not implemented. The actions taken were as follows:

- for six young people (43 per cent), principals sent letters to the young person's parents or guardian alerting them to the young person's non-attendance. Three letters were sent two or more years prior to the young person's death and three letters were sent within the year prior to the young person's death;
- for five young people (36 per cent) principals asked parents to attend a parent/teacher meeting to identify the issues related to the non-attendance. Two parents attended the parent/teacher meeting and a plan for improvement was discussed and three did not attend the meeting;
- an attendance improvement plan was in place or revised for three young people (21 per cent);
- regional officers were consulted for two young people (14 per cent);
- an Appendix D letter was sent to the parents of two young people (14 per cent); and
- there was no evidence that any of the young people or their parents were referred to the Regional Executive Officer.

In addition:

- there was no evidence that an Appendix E letter was sent to the parents, a responsible parenting agreement was discussed with parents, a formal meeting was arranged with parents and a formal improvement plan was put in place; and
- there was no evidence that there was a referral to the Regional Executive Director, that any of the young people attended an Attendance Panel or that parents were prosecuted, or applications for a Responsible Parenting Order were made.

However a range of other actions, not required by the legislation or policy (*School Education Act 1999*, and the Student Attendance policy) were undertaken by schools. These were as follows:

- participation officers monitored and visited two young people regularly in the year prior to their death. These officers are not provided for in the legislation or policy reviewed, however, the Department of Education's website identifies that 'for young people who are early school leavers and at risk of not participating in education or other approved training or employment programs, special support is available through the Participation Team who broker support for successful transitions and attainment into meaningful pathways';²⁶³
- the Department of Education worked in conjunction with other State government departments to respond to four young people's non-attendance; and
- two young people for whom an arrangement to attend a registered training organisation had been made under Section 24 of the *School Education Act 1999* ceased attending the registered training organisation in the last year prior to their death.

The Office's findings are consistent with the findings of the Office of the Auditor General's 2009 report *Every Day Counts: Managing Student Attendance in Western Australian Public School*. The Auditor-General found:

The Department of Education and Training's [now DOE] current approach to attendance works for the majority of students who are occasionally absent, but the Department of Education and Training has not been successful in addressing persistent non-attendance.²⁶⁴

The Auditor-General also found that a school intervening to restore attendance is not working at most schools, and the school formally referring to the district office is not working because:

²⁶³ Government of Western Australia, Department of Education, *North Metropolitan Education Region, Participation Team*, Department of Education, Perth, viewed 26 September 2013, <www.det.wa.edu.au/regions/northmetropolitan/detcms/navigation/ourservices/participation-team/>.

²⁶⁴ Office of the Auditor General, *Every Day Counts: Managing Student attendance in Western Australian Public Schools*, Office of the Auditor General, Perth, 2009, p. 25.

District office case loads are often so high they cannot contribute what is needed.²⁶⁵

Schools also reported that Attendance Panels were seldom used and not working.²⁶⁶

9.3.4 The names of two young people who died by suicide were on the list of students whose whereabouts were unknown in the year before their death

The Student Attendance policy provides for the possibility that, in extreme cases of irregular or chronic non-attendance, a student may be deemed to be a 'student whose whereabouts is unknown' (prior to 2013, these students were referred to as a 'child whose whereabouts is unknown').²⁶⁷ The Student Attendance policy relevantly provides:

The principal or nominee will refer a student to the Student Tracking Coordinator when he or she is deemed to be a 'child whose whereabouts is unknown'.²⁶⁸

A student is considered to be absent from school when their location is known but they are not attending. However, when a student leaves a school, the school has not received a transfer from another school, and the student cannot be located using school based contacts, then the student is considered 'missing'. Schools may look for students using their own, Department of Education and other agency resources. If a school cannot find a student within three weeks, then the school may apply to the Department of Education to place the student on the list of students whose whereabouts are unknown (**Students whose Whereabouts are Unknown list**). The Student Attendance policy states:

Children Whose Whereabouts are Unknown (CWU) List

A list, usually referred as the CWU List, contains the names of children who are missing from schools and education programs in Western Australia. This list is distributed to administrators in private schools and some agencies by agreement.²⁶⁹

The Department of Education circulates the names of all students on the Students whose Whereabouts are Unknown list to all government and non-government schools in Western

²⁶⁵ Office of the Auditor General, *Every Day Counts: Managing Student attendance in Western Australian Public Schools*, Office of the Auditor General, Perth, 2009, p. 25.

²⁶⁶ Office of the Auditor General, *Every Day Counts: Managing Student attendance in Western Australian Public Schools*, Office of the Auditor General, Perth, 2009.

²⁶⁷ Government of Western Australia, Department of Education, *Students Whose Whereabouts are Unknown (SWU) Guidelines and Procedures*, Department of Education, Perth, 2014, viewed 18 March 2014, <<http://det.wa.edu.au/studentsupport/behaviourandwellbeing/detcms/school-support-programs/behaviour-and-wellbeing/behaviour/sa/related-programs/students-whose-whereabouts-are-unknown-swu-guidelines-and-procedures.en?oid=com.arsdigita.cms.contenttypes.FileStorageItem-id-13453121>>.

²⁶⁸ Government of Western Australia, Department of Education, *Student Attendance*, Department of Education, Perth, 2011, viewed 26 September 2013, <<http://det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/attendance.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781800>>.

²⁶⁹ Government of Western Australia, Department of Education, *Student Attendance*, Department of Education, Perth, 2011, viewed 26 September 2013, <<http://det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/attendance.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781800>>.

Australia, and departments such as Department for Child Protection and Family Support each month during the school year.²⁷⁰

Of the 19 young people in Group 1 who were enrolled at a school:

- the names of two young people were on the Students whose Whereabouts are Unknown list at some point in the year before their death. Both of these young people were referred to the Student Tracking Coordinator. At the time they were on the Students whose Whereabouts were Unknown list, both of these young people had contact with other State government departments and authorities; and
- a further six young people were on the Students whose Whereabouts are Unknown list between Years 1 and Year 10. These young people were taken off the list when they were located. However, in the last year of their life all six young people were attending less than 60 per cent of the time or were effectively not attending school at all.

Recommendation 15: The Department of Education ensures that schools comply with the requirements for addressing student non-attendance, as set out in the *School Education Act 1999* and the *Student Attendance policy*.

Recommendation 16: The Department of Education considers expanding its *Student Attendance policy* to:

- recognise that persistent non-attendance by a student may be due to cumulative harm resulting from child maltreatment;
- recognise that these students may be at heightened risk of suicide;
- set out what additional steps will be taken in response to this risk, including working in coordination with other State government departments and authorities; and
- provide that, where this association is identified, it will be appropriately taken into account.

9.4 Behaviour at school

9.4.1 Legislative requirements

With respect to behaviour at school, section 90(1) of the *School Education Act 1999* states that the principal of a government school may suspend from attendance a student who has breached school discipline:

The principal of a government school may wholly or partially suspend from attendance at the school a student who, in the principal's opinion, has committed a breach of school discipline but the principal cannot suspend a student for longer than the period prescribed by the regulations.

²⁷⁰ Office of the Auditor General, *Every Day Counts: Managing Student attendance in Western Australian Public Schools*, Office of the Auditor General, Perth, 2009, p. 33.

A breach of school discipline is defined as ‘any act or omission that impairs the good order and proper management of the school’ (section 89 *School Education Act 1999*). The maximum period of suspension is five days for a breach of school discipline and ten days for a serious breach of school discipline (Regulation 43(1)(a) *School Education Regulations 2000*).

In the second reading speech of the *School Education Bill 1997* (which later became the *School Education Act 1999*), The Honourable Colin Barnett MLA (then Minister for Resources, Development, Energy and Education) stated:

...The Bill makes provision for regulations to be made concerning the discipline of students in government schools. Under the current regulations corporal punishment is prohibited in government schools and this will continue to be the case under the new regulations. Many schools have developed effective strategies for managing student behaviour. It is still necessary, however, to provide support in the Act and regulations to deal with difficult cases. The Bill continues the general provisions of the current Act which authorise suspension and exclusion of those students whose behaviour is inappropriate. Where a breach of school discipline occurs, the school principal will be authorised to suspend a child from attendance at the school up to a maximum time prescribed in the regulations.²⁷¹

With respect to exclusion from school, section 91 of the *School Education Act 1999* provides the power for a student to be excluded from attendance under certain circumstances:

For the purposes of this Division a student may be excluded from attendance at a government school if —

- (a) he or she has committed a breach of school discipline in circumstances that —
 - (i) have adversely affected or threaten the safety of any person who is on the school premises or participating in an educational programme of the school; or
 - (ii) have caused or are likely to result in damage to property; or
- (b) his or her behaviour has disrupted the educational instruction of other students.

Similarly to Attendance Panels, section 93 of the *School Education Act 1999* allows the Minister to appoint a School Discipline Advisory Panel. Section 92 of the *School Education Act 1999* sets out the process for excluding a student from school, including the use of School Discipline Advisory Panels:

Excluding student from school attendance, procedure for

²⁷¹ The Hon. Colin Barnett MLA, Minister for Education, Legislative Assembly, Parliamentary Debates (Hansard). 26 November 1997, pp. 8664 – 8673.

(1) If the principal of a government school is of the opinion that there are grounds under section 91 for the exclusion of a student from attendance at the school, the principal may —

- (a) recommend to the chief executive officer that the chief executive officer exercise his or her powers under section 94; and
- (b) put before the chief executive officer such information as the principal thinks appropriate.

(2) Upon making a recommendation to the chief executive officer, the principal is to notify the student and a parent of the student that the recommendation has been made and provide the parent with the reasons why the recommendation has been made.

(3) The chief executive officer is to refer the recommendation and other information —

- (a) to a School Discipline Advisory Panel under section 93...

...which is to examine the matter and report to the chief executive officer, setting out comments about how the matter had been dealt with and recommendations about how the matter should be dealt with.

...

9.4.2 The Department of Education's policies regarding student behaviour

The Department of Education's policy entitled *Behaviour Management in Schools* (**the Behaviour Management policy**) outlines the principles and procedures for managing student behaviour, as follows:

Schools provide a social context which allows students to be supported whilst also being taught how to accept responsibility for their own behaviour. Students need opportunities to develop appropriate behaviours, self control, and resiliency through interactions with teachers and other staff and through the curriculum.²⁷²

The Behaviour Management policy identifies that each school should develop a code of conduct that embodies the belief that it is the right of students and staff to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination. The code of conduct:

²⁷² Government of Western Australia, Department of Education, *Behaviour management in schools*, Department of Education, Perth, 2008, viewed 26 September 2013, <<http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/behaviour-management-in-schools.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781804>>.

Describes the school community's expectations of student behaviour ...including specific behavioural consequences and serious breaches of discipline that adversely affect or threaten safety.²⁷³

The Behaviour Management policy also provides that, in cases where behaviour reaches unacceptable levels, and where it appears to be in the best interest of the school community and/or the student involved, the principal can suspend the student:

The principal can suspend a student from attendance at school when the administrative team consider they have committed a breach of school discipline.²⁷⁴

The Behaviour Management policy identifies that the maximum period of suspension is five days for a breach of school discipline and 10 days for a serious breach of school discipline (a breach of school discipline that adversely affects, or threatens, the safety of a person at the school).²⁷⁵

When a student has been suspended for ten or more days in a school year, consultation with the student's parents must take place, as follows:

When a student has been suspended for a total of 10 or more days in one school year, further consultation with parents must take place to review the behaviour management plan for the student and the educational program being provided.²⁷⁶

If a student accumulates 20 days of suspension in one year the district education office (now known as the educational regional office), must be involved, as follows:

...the school is required to involve the district education office as part of a case management approach. The district education office staff member will assist the school, family and relevant agencies to formally review all aspects of the student's situation and jointly develop a documented plan. This plan must be monitored and reviewed.²⁷⁷

²⁷³ Government of Western Australia, Department of Education, *Behaviour management in schools*, Department of Education, Perth, 2008, viewed 26 September 2013, <<http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/behaviour-management-in-schools.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781804>>.

²⁷⁴ Government of Western Australia, Department of Education, *Behaviour management in schools*, Department of Education, Perth, 2008, viewed 26 September 2013, <<http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/behaviour-management-in-schools.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781804>>.

²⁷⁵ Government of Western Australia, Department of Education, *Behaviour management in schools*, Department of Education, Perth, 2008, viewed 26 September 2013, <<http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/behaviour-management-in-schools.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781804>>.

²⁷⁶ Government of Western Australia, Department of Education, *Behaviour management in schools*, Department of Education, Perth, 2008, viewed 26 September 2013, <<http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/behaviour-management-in-schools.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781804>>.

²⁷⁷ Government of Western Australia, Department of Education, *Behaviour management in schools*, Department of Education, Perth, 2008, viewed 26 September 2013, <<http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/behaviour-management-in-schools.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3781804>>.

The Director General's statement, *Managing Student Behaviour*, (**the Director General's statement**) states:

...we want our staff in schools to view student behaviour in educational terms, and have educational strategies to manage it, rather than trying to understand it as a mental health professional might ...

We believe that, even with those students who have been suspended and become alienated from school by their extreme behaviour, there is still scope to re-engage these students. By facing up to what effect their behaviour has had and by making an effort to put things right, students can restore damaged relationships and be reconnected with the school. Those students whose circumstances make it difficult for them to succeed at school often exhibit unproductive behaviours.

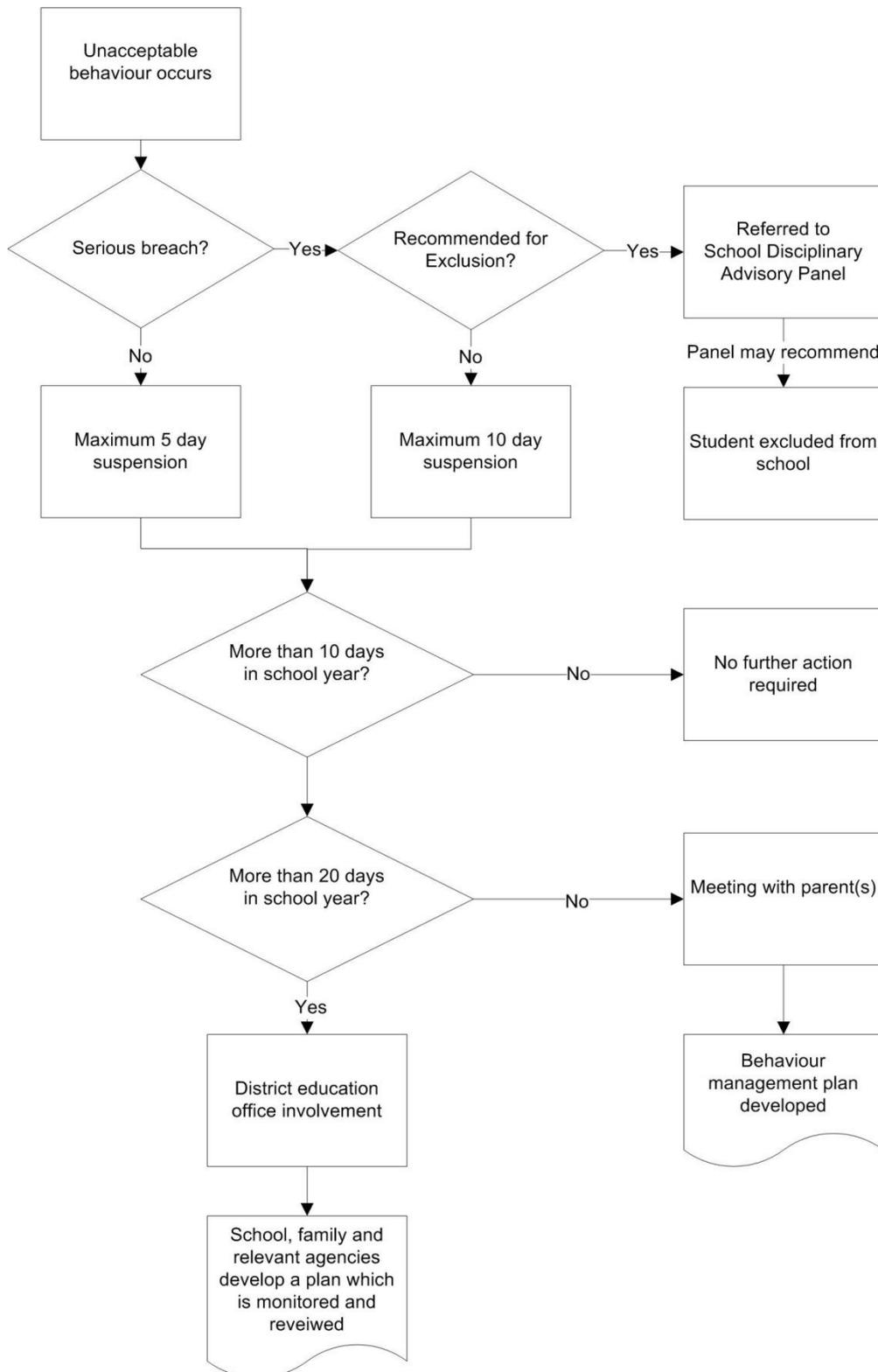
For those students who persistently engage in extremely disruptive behaviour, our school psychologists will help school staff to enable them to put in place individual programs to manage the behaviour and learning of these students. For those who simply cannot be managed in a normal classroom we will provide alternative placements that will give them the intensive help they need with the aim of reintegrating them back into mainstream classes wherever possible.²⁷⁸

In this way, the Director General's statement highlights the role that school psychologists have in assisting teachers with developing behavioural management plans which are required when a student is suspended under the policy and guidelines.

The requirements for managing student behaviour, as set out in the Behaviour Management policy, are depicted in Figure 43 below.

²⁷⁸ Government of Western Australia, Department of Education, *Director General's Statement, Managing Student Behaviour*, Department of Education, Perth, 2009, viewed 26 September 2013, <<http://det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/director-generals-statements/managing-student-behaviour.en?oid=com.arsdigita.cms.contenttypes.FileStorageItem-id-5064311>>.

Figure 43: Department of Education requirements for managing student behaviour



Source: Ombudsman Western Australia

9.4.3 Ten of the 19 young people enrolled at school had been suspended from school

Of the 19 young people in Group 1 who were enrolled at school at the time of their death, 10 (53 per cent) had been suspended or excluded from school. Nine of the ten young people were suspended on more than one occasion from school.

9.4.4 Five of the 19 young people enrolled at school had been suspended from school for more than 10 days during a school year, and three young people went on to be suspended for more than 20 days during a school year

The young people who had been suspended from school were suspended for the total number of days in a single school year set out below:

- five young people were suspended from school for less than 10 days in a single school year;
- five young people were suspended for between 10 and 20 days in a single school year; and
- three of these five young people went on to be suspended for over 20 days in a single school year.

9.4.5 A range of actions were taken when young people had been suspended for more than 10 days, however, the relevant policies were not consistently applied

For the five young people who were suspended for ten days or more but less than 20 days over the year, the investigation found that minimal actions were taken. For the three young people who were suspended for 20 days or more over a single year, the investigation found that the following actions were taken:

- two young people were referred to a school psychologist; and
- two young people had a behavioural management plan in place.

For three young people who were repeatedly suspended from school, arrangements were made under section 24 of the *School Education Act 1999* for the young person to attend a registered training organisation.

Recommendation 17: The Department of Education ensures that schools comply with the requirements for managing student behaviour, as set out in its *Behaviour Management in Schools* policy.

Recommendation 18: The Department of Education considers the expansion of its *Behaviour Management in Schools* policy to:

- recognise that ongoing behavioural difficulties by a student resulting in multiple suspensions and exclusions may be due to cumulative harm resulting from child maltreatment;
- recognise that these students may be at heightened risk of suicide;
- set out what additional steps will be taken in response to this risk, including working in coordination with other State government departments and authorities; and
- provide that, where this association is identified, it will be appropriately taken into account.

9.5 Aboriginal young people

9.5.1 Department of Education policy regarding enrolment and attendance by Aboriginal young people

The Department of Education requires that every Aboriginal student in Years 1 to 10 has ‘an individual learning plan, as one of the strategies to help close the educational gap between Aboriginal and non-Aboriginal students.’ These requirements are incorporated into the Student Attendance policy:

Regular attendance at school is a critical element in improving students’ literacy and numeracy skills. This in turn impacts on the development of skills and knowledge that improve pathways to work, career choices and financial independence. From Term 1 2010 all Aboriginal students with an attendance rate below 80 per cent are required to have a documented plan to address barriers to attendance, respond to identified educational needs and improve attendance.²⁷⁹

Alternatively, a school can develop a whole school strategy, as follows:

A documented plan does not necessarily need to address all aspects of a student’s educational program, only those aspects that require an individual approach. Schools may develop whole school strategies and write group plans.²⁸⁰

²⁷⁹ Government of Western Australia, Department of Education, *Student Attendance, Appendix A*, Department of Education, Perth, 2011, viewed 26 September 2013, <<http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policiesframework/policies/attendance.en?bbp.s=9&bbp.e=select&bbp.v=6&bbp.i=d0.1&bbp.8.policyID=13773513&g11n.enc=UTF-8&bbp.9.pane=0>>.

²⁸⁰ Government of Western Australia, Department of Education, *Student Attendance*, Department of Education, Perth, 2011, viewed 26 September 2013, <<http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policiesframework/policies/attendance.en?bbp.s=9&bbp.e=select&bbp.v=6&bbp.i=d0.1&bbp.8.policyID=13773513&g11n.enc=UTF-8&bbp.9.pane=0>>.

9.5.2 Nine of the ten Aboriginal young people in Group 1 attended school less than 60 per cent of the time

Ten of the 20 young people in Group 1 were Aboriginal. Nine of the 10 Aboriginal young people were enrolled with government schools at the time of their death.

Nine of the 10 Aboriginal young people attended school less than 60 per cent of the time in their last year of life. Attendance records for one young person were not available. The attendance patterns of the nine Aboriginal young people where records were available were as follows:

- three effectively did not attend school in the last year of their life; and
- six attended school less than 60 per cent of the time in the last year of their life.

9.5.3 Of the nine Aboriginal young people who attended school less than 60 per cent of the time, limited action was taken to remedy this persistent non-attendance

The nine Aboriginal young people were enrolled at government schools in Term 1 2010. Therefore, for all these nine young people, an individual documented plan, in addition to the actions specified for all students, or a group plan and a whole school strategy, should have been developed.²⁸¹ For these students, the investigation found that the actions set out below were taken:

- letters were sent to parents or guardians of two Aboriginal young people in the last year of their life, and to the parents or guardians of two Aboriginal young people in the three years prior to their death;
- meetings were arranged with parents or guardians of four Aboriginal young people;
- an attendance improvement plan or a whole school strategy were in place for two Aboriginal young people; and
- meetings were held between agencies to facilitate three young people's return to school and/or participation officers monitored and visited regularly.

The findings of the investigation are consistent with those of the State Coroner, who at the completion of his inquests into the deaths of Aboriginal young people in the Kimberley in 2008, and Balgo in 2010, recommended that 'there be a whole of government approach aimed at addressing truancy and its causes, particularly to Aboriginal students in the Kimberley.'²⁸² The Coroner recommended 'students at educational risk as a result of truancy should be monitored and, when necessary, resources of a range of departments should be applied to addressing the issue.'²⁸³

²⁸¹ Government of Western Australia, Department of Education, *Student Attendance, Appendix A*, Department of Education, Perth, 2011, viewed 26 September 2013, <<http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policiesframework/policies/attendance.en?bbp.s=9&bbp.e=select&bbp.v=6&bbp.i=d0.1&bbp.8.policyID=13773513&g11n.enc=UTF-8&bbp.9.pane=0>>.

²⁸² Coroner's Court of Western Australia, *Inquest into deaths* (F/No: 37/07), Perth, 2008.

²⁸³ Coroner's Court of Western Australia, *'Inquest into deaths'* (F/No: 37/07), Perth, 2008.

During the investigation the Department of Education advised that 'since 2013 the Department has been working with the Aboriginal Affairs Coordinating Committee on developing actions in relation to a whole of government approach to Aboriginal student attendance.'

9.5.4 Of the ten Aboriginal young people in Group 1 who were enrolled at school or a relevant registered training organisation, four were suspended or excluded from school and no action was taken

Of the ten Aboriginal young people in Group 1 who were enrolled at school or a relevant registered training organisation, four were suspended or excluded from school. Actions were taken when two young people were suspended from school for more than 10 days during a school year or excluded, as follows:

- meetings were arranged with parents or guardians;
- individual behaviour plans were in place;
- case management planning; and/or
- the involvement of a psychologist.

Recommendation 19: The Department of Education ensures that schools comply with the additional requirements for addressing non-attendance by Aboriginal students, as set out in the *Student Attendance* policy.

9.6 Conclusion

Nineteen of the 20 young people in Group 1 were enrolled at school at the time of their death. However, during the last year of their lives, 14 of the 19 young people enrolled at school attended less than 60 per cent of the time. For the 14 young people who attended school less than 60 per cent of the time, limited action was taken to remedy this persistent non-attendance. However, a range of other actions, not required by the legislation or policy (*School Education Act 1999* and the *Student Attendance* policy) were undertaken.

The names of two young people who died by suicide were on the list of students whose whereabouts were unknown in the year before their death. At the time they were on the Students whose Whereabouts were Unknown list, both of these young people had contact with other State government departments and authorities.

With respect to behaviour at school, ten of the 19 young people enrolled at school had been suspended or excluded from school. Five of the 19 young people enrolled at school had been suspended from school for more than 10 days during a school year, and three young people went on to be suspended for more than 20 days during a school year. A range of actions was taken when young people had been suspended for more than 10 days, and further actions were taken when they were suspended for more than 20 days, however, the relevant policies were not consistently applied.

Nine of the ten Aboriginal young people in Group 1 attended less than 60 per cent of the time. Limited action was taken to remedy this persistent non-attendance.

Recommendation 20: The Department of Education identifies young people who are exhibiting difficulties by establishing internal procedures to track when:

- a young person’s attendance has fallen below 60 per cent;
- a young person’s name has been placed on the Students whose Whereabouts are Unknown List;
- a young person has been suspended from attendance at school on two or more occasions; and
- a young person has been excluded from school.

During the investigation the Department of Education advised that ‘it has established and improved procedures by which student attendance can be tracked to identify students at risk.’

Recommendation 21: The Department of Education uses the information obtained through tracking attendance, suspensions and exclusions to identify young people whose risk of suicide will be further examined and addressed through the collaborative inter-agency approach discussed in Recommendation 22.

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