



Final grant report: Safe at School? Exploring safety and harm of students with cognitive disability in and around school

Project title	Safe at School? Exploring safety and harm of students with cognitive disability in and around school
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Position	Research Fellow
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Description of the project

Describe the project in just enough detail so that anyone can understand it. What was the aim of the project, who was the intended audience and what strategies did you implement to achieve the aim?

This project aimed to generate knowledge to improve the access of students with cognitive disability to protection in the event of maltreatment, and to strengthen the implementation of their legal and human rights in school settings.

To do this, we identified the range of protections currently available at law to these young people through an extensive review of law and policy. We conducted research with students, families and key stakeholders in education, child protection and disability support to identify areas where students are not receiving due access to justice. Finally, we analysed this combined material to identify opportunities for improving law, policy and practice.

The results will be widely promoted through a report and resources tailored to students, families, education workers and legal and disability advocates.

The project – what happened?

How did the project come about?

The abuse and neglect of children and young people with disability is a longstanding and pervasive social problem. This harm in children and young people's lives ranges from chronic low level harassment and lack of appropriate care to extreme situations of criminal assault (Caldas & Bensy, 2014; Holzbauer, 2008; Reiter, Bryen, & Shachar, 2007). It is underpinned by social and systemic practices and attitudes which set low expectations for children and young people with disability and which frequently leave them on the margins in both practice and policy (Higgins & Swain, 2010; Stalker & McArthur, 2012). The most reliable research evidence suggests that children and young people with disability experience higher incidences of interpersonal harm at school compared to their peers, and across multiple life domains are abused at approximately three times the rate of children without disability. (Caldas & Bensy, 2014; Jones et al., 2012; Reiter et al., 2007; Stalker & McArthur, 2012; Sullivan & Knutson, 2000).

Previous research shows that school students with disability experience high rates of bias-based bullying, often compounded by social isolation. Chronic teasing and harassment impacts upon students' confidence, mental health and sense of belonging at school, reinforcing their loneliness and leaving them in an increasingly vulnerable social and emotional position. In addition to harm resulting from bullying, students with cognitive disability experience other interpersonal harms at school, both intentional and unintentional. For example, children and young people with disability appear to be a greater risk of sexual abuse, whether by other students or teachers/care staff (Caldas & Bensy, 2014; Kvam, 2003). Other harms are perhaps less intentional, resulting from systemic school systems and administrative needs. For instance, students describe having their means of communication, movement and relationships with peers constrained by the preferences and administrative needs of staff (Hoskin, 2010; MacArthur, 2012; Salmon, 2013).

Despite this picture, little is known about the perspectives of students with cognitive disability and their families about safety and harm in and around school. This missing perspective is critical in developing responses which better understand the problem, can respond in ways that meet young people's needs, and which build on existing and developing legal and policy frameworks and good practice.

This project was developed in response to an evident trend in complaints about harm and maltreatment of students with cognitive disability made to the Australian Centre for Disability Law; implications of forthcoming policy initiatives at State and Federal levels which may affect the ways in which schools and education authorities respond to the maltreatment of students with cognitive disability (such as the Gonski Review, Every Student, Every School and Local Schools, Local Decisions); and the results of previous research, policy and law reform projects completed by our team of researchers and lawyers.

The project also responded to information provided to us by stakeholders. Young people with cognitive disability told us in consultations about their lived experience of harassment, bullying and intimidation and of restrictive practices in schools; education professionals (behaviour consultants) confirmed the need for the project; specialist and generalist legal services both related a steady stream of requests for advice on these issues; and a wide range of disability and family support organisations perceived this as a neglected area in need of attention.

This combined body of work indicated that there may be a problem with existing laws, policies or statutory frameworks, or in the way they are interpreted or implemented in schools.

Briefly set out the project stages and what happened in each stage.

A participatory action research methodology underpinned the development and conduct of the project. We took this approach to prioritise the project and research interests in making change, and on the processes of shifting culture and practice in the interests of socially and economically disadvantaged groups (Mertens 2005). In this case, we were concerned that the legal and human rights of students with cognitive disability may be inadequately met around safety at school. Review of existing legal and policy frameworks, and the analysis of previous research identified some foundation to this concern. However, in order to shift culture and practice in the interests of students with cognitive disability, we wanted to prioritise understanding the experiences of students and also gather the perspectives of other key stakeholders about how we might together address any gaps between the existing structural responses and students' lived experience.

Oversight and guidance

A steering committee comprised of stakeholder representatives supported the project development and contributed to the design and analysis of the research.

Ethics

Ethical approval for the research was obtained through Southern Cross University, and through the NSW Department of Education and Communities. Further ethical approval was obtained through ASPECT to promote the research to students with autism in their services in the region. In addition to compliance with ethics protocols, we took great care to ensure that we minimised the chances of causing distress to children and young people and their families in discussing such a sensitive topic. Customised materials, including pictorial consent information, were developed to suit the project and the anticipated participants.

Mapping the current landscape – law and policy

A review of the current legislative and policy landscape was made to better inform the research with students and those who support them. A comprehensive map of current rights, legislative, statutory, policy and practice responses to children and young people with cognitive disability who experience abuse, neglect, and harm was developed, supported by an international literature and policy review. A legal and policy analysis of the potential gaps and barriers was undertaken. Interviews were then conducted with five key stakeholders (including students) to develop a comprehensive understanding of the range of barriers experienced by students with cognitive disability. The results of these interviews were used to inform the structure of the research activities.

Research with students and those who support them

Qualitative research was conducted with students, families, educators, and practitioners and policy makers in the child protection and disability support arenas. Four research questions guided the project:

1. What characterizes the experience of harm of children and young people with cognitive disability in and around school?

2. What are the barriers to keeping children safe?
3. What promotes personal safety for students and young people with cognitive disability?
4. How can their legal and human rights be upheld?

Interviews were carried out with each participant. These were guided conversations, designed to identify people's understanding and experiences of safety and harm; the actions taken to respond to that harm; barriers at individual, systemic and structural levels; and ideas for overcoming barriers. A range of strategies were used to make interviews more accessible to children and young people, including adapted plain language and pictorial information and consent materials, pictorial concept mapping, and use of games and toys.

Two groups of children and young people were recruited to the project:

- a) School-aged students and their families
- b) Young people with cognitive disability who had recently left school, who were prepared to reflect on their experiences of school.

Narratives were developed around twenty seven different children and young people, aged between seven and twenty seven. Fourteen key stakeholders participated in individual interviews.

Analysis of combined research data, law and policy reviews

The results of the research were analysed, and a report written which drew together this data with the legislative and policy reviews to identify opportunities for improving law, policy and practice.

Dissemination

A series of resources were developed for students (in easy English), families, and professionals working with students with cognitive disability in schools. Together with the report, these formed the foundation of two seminars (Lismore and Sydney) and have been widely disseminated in the education, legal, disability, child protection and family support arenas.

If grant materials were produced:

How were they distributed?

The project materials comprise:

- Final report – 84 page research report, including legal and policy review.
- Resources for priority stakeholder groups
 - students with cognitive disability (easy read)
 - families
 - professionals working with students with cognitive disability in schools

Distribution activities are ongoing, but to date have included:

- state-based disability network and information services
- community legal centres (state-based)
- major children's rights and information services and networks
- over 600 report and resource packages sent to direct contact email addresses for information, wider distribution and promotion

- 60 hard copy resources distributed via seminars in Lismore and Sydney
- report and resources promoted on SCU Centre for Children and Young People and NSW Law and Justice Foundation websites
- Facebook and Twitter

Future distribution activities will include:

- Conference paper at national conference
- Peer-reviewed journal article
- Community-focused newsletter article (CLC or similar)

What was the extent of the distribution?

We have sent the report and resources to over 600 individual email addresses, and requested that addressees share the materials with colleagues who may find them of interest.

In response to direct requests, we have sent 28 copies of the report and resources electronically in the month since release.

Media reports at the time of the seminar (Northern NSW x 3) further promoted the research and resources.

If applicable, at the time of this report, what has been the extent of online use of your publication?

In the 24 days since posting on the CCYP website, the reports have been downloaded as follows:

- Research report – 109 copies
- Students resource – 107 copies
- Families resource – 117 copies
- Stakeholders resource – 107 copies

Electronic distribution is difficult to measure beyond the direct downloads from our website, including downloads from the NSW Law and Justice website and secondary email distribution from the sources listed above.

Now that the project has concluded, how did the implementation and/or the outcome differ from what was originally intended? Did anything surprise you? Were there any unintended outcomes?

Our original project proposal included research with children and young people in regional NSW and in Sydney. Recruitment difficulties and a changing research relationship with our Sydney based research partners due to resource constraints made this approach unachievable within the project budget, and with the agreement of the Foundation, the research was redesigned to limit recruitment to one region.

Recruitment of children and young people to the study was expected to be complex, but it proved more difficult and time consuming than anticipated. Children and their families were recruited through services they use, and avenues they and their families use for support in making decisions and seeking information. Tailored information was provided to schools in the region, but with little success. Almost all children and families were recruited through disability support organisations. Recruitment of educators to the research also proved very difficult, and we received few responses, several direct refusals and a number of cancelled appointments for interviews.

Evaluation

What questions did you ask to evaluate whether you had achieved your aim?

The aim of the project was to generate knowledge to improve the access of students with cognitive disability to protection in the event of maltreatment, and to strengthen the implementation of their legal and human rights in school settings.

An evaluation framework was developed as part of the initial project proposal, which included measurement criteria evaluating the process and outcomes of each of the primary strategies needed to complete the project:

1. Conduct analysis of current human rights and legal barriers to justice for students with cognitive disability (legal analysis, policy analysis, literature review)
2. Complete research with children and young people with cognitive disability and those who support them about their experience of harm in and around school (research)
3. Share key findings and critique through two seminars (report, resources and dissemination)

As well as assessing whether each of these elements had been completed, we asked whether they had been overseen and critiqued by people with expert content and process knowledge.

What data did you gather to answer your questions?

Supporting evidence for the evaluation of the project strategies included the final research report; key stakeholder interviews; steering committee minutes; research records; analysed research data; seminar program; seminar attendance database; participant evaluation; and requests for information and report downloads.

Did you achieve your aim? What did you find out?

The aim of the project was met through meeting each of the three strategies:

1. Extensive legal, policy and literature reviews were undertaken by qualified personnel. The reviews were framed and overseen by senior staff with experience and expertise in law, policy and research.
2. 27 children and young people and families, and 14 key stakeholders participated in the research. All student participants were located in the NSW Northern Rivers region, aged between 7 and 27, and attended a range of school types. Professional participants represented a cross section of roles in the education support arena.
3. A report was developed to share the project results. Resources for students (easy read), families and professionals working with students in schools were also developed to support the report and promote the project.

Two seminars were conducted – one in Lismore and one in Sydney. Seminars were co-presented by the project leader and a legal expert. A panel of young people with disability shared their personal experiences in Lismore, which was highly valued by participants. Participants in Lismore comprised teachers, teacher's aides, family members, regional education policy staff, academics, and young people with disability. Participants in Sydney comprised academics, lawyers, policy makers, and family members. Satisfaction with the seminars was high, with 83% in Lismore and 84% in Sydney ranking seminars as either very

good or excellent overall, and 77% in Lismore and 100% in Sydney stating the seminars met their expectations either very well or excellently.

Together, these three strategies promote the **key findings** of the project:

In the research, a discord emerged between students' experiences of harm, the responses provided by education providers, and the systemic structures they found available to support resolution of their abuse. The rights of students with cognitive disability to be safe at school were in many cases not upheld, or not upheld without vigorous advocacy.

Children and young people and their families told us about many different forms of harm and the ways in which this abuse impaired their school lives:

- Being harassed and bullied, physically assaulted, threatened and humiliated were ongoing and chronic forms of harm for some children and young people.
- Young people described a climate of fear at points in their lives due to the behaviour of other students, a lack of protection by adults, abuse and lack of safety on the bus, and feeling unsafe around the behaviour of staff or transport workers.
- Resolving these situations was frequently difficult, and both students and their families talked about many instances where schools were unresponsive to their requests for help, complaints and attempts to resolve interpersonal harm.

In some cases, young people and families felt that schools responded well when they experienced harm. On these occasions:

- Teachers were proactive, they believed students, listened and took action to sort things out quickly.
- Families were treated seriously and courteously, and kept informed about progress.
- School leaders showed strong personal commitment to the safety of students and to resolving breaches of all students' rights to safety and to dealing with harassment, bullying, abuse and violence.
- This gave children and young people confidence that they could continue at school, that they could deal with future problems, and that their problems were seen as significant and important.

For educators and child and disability support workers, significant tensions were expressed:

- Teachers had strong personal commitment to student's rights, but some also had difficulty in managing increasing complexity in students (particularly in mainstream schools).
- Educators felt that expectations of teachers in mainstream classrooms were increasing, at the same time as support resources were decreasing.
- A lack of systematic support for students was perceived, and consequent harms evolved as their behaviour escalated through frustration or boredom.
- Absent or weak leadership in schools was seen to make it more difficult for students and families to have harm addressed.

What helps?

To be safe at school, students with cognitive disability said they need:

- A foundation of trust and respect in relationships
- To have someone at school who knows them and likes them. This really helps in feeling confident that they can tell someone when there are problems at school or home and will be believed.
- To be listened to and taken seriously when they describe feeling unsafe with students, staff or other people.

Protection:

- Responding to harassment quickly, to stop it escalating.
- Meaningful intervention by teachers to bullying and physical assault.
- Some protection around bullying, harassing or abusive behaviour of other students when a teacher is not present.

Practical assistance and education:

- Good advice about how to deal with the problem - not to be told to turn the other cheek.
- Strategies (a 'tool kit') for dealing with problems caused by harm; getting to the bottom of problems; and coping with problems.
- Education in how to respond to unsafe situations.

Families, teachers and child and disability support workers said students need:

To be part of a whole-school approach to safety

- A safe school culture, where diversity is acknowledged and respected, and the capability and contribution of students with cognitive disability is promoted in the school community.
- Policy put into practice - available, understandable and living.

To have adults they can rely on:

- Teachers and other staff in schools who build the confidence, resilience and capability of students in multiple ways, which helps them if they need to report negative experiences or harm.
- Proactive support which pre-empts unsafe situations and promotes a safe culture and environment.
- Willingness to work in the interests of students with cognitive disability, to be 'in their corner' if they feel unsafe or experience harm.

To be able to work openly when harm occurs:

- Responsiveness and openness when problems arise, and a willingness to work with families.

Conclusion and recommendations

What is your conclusion?

The primary law reform finding of this project is not a need for new laws or policy, but better linkages between the existing frameworks. Better connecting education, disability and child protection at legal and policy points will improve rights information and access for students with cognitive disability who experience harm in and around school.

The importance of connecting the protection frameworks for children, people with disability and students cannot be overstated. This is particularly significant for children and young people with high and complex needs, who often engage with multiple service systems and providers. Not one student in this research had made use of criminal, civil or anti-discrimination law in relation to the harm they had experienced, although there were multiple instances in which they may have had reason to do so. National commitments to United Nations Conventions - to the rights of children to be protected, the rights of all people not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, the rights of people with disability to be free from exploitation, violence and abuse and the right to safe inclusive education - need to be woven into policy and practice at state and local levels.

For future action:

- Increase awareness of the well-established evidence that children and young people with disability are at significantly increased risk of abuse, and the legal and policy preventions and remedies available to them.
- Bring together policies into a coherent whole, and ensure that everyone working in schools is aware of how to put them into practice.
- Support and guidance for teachers in mainstream classrooms to increase capacity to support a diverse student group.
- Support and guidance for students with cognitive disability in the playground to build relationships and social skills through play and shared activities.
- Access to therapeutic support for students who have experienced harm, particularly those recovering from complex trauma.

Access to support and training for bus drivers and bus companies to provide skills to bus drivers in supporting students with additional needs, and for bus companies to enforce codes of conduct.

What are your recommendations for improvements both for the intended audience of your project, and for the strategy you used to achieve your aim? What would you do differently next time?

Recommendations for the intended audience

In our view, this project was successful in achieving its aim of generating new knowledge to improve the access of students with cognitive disability to protection in the event of harm.

The second aim, strengthening the implementation of their legal and human rights in school settings, is reliant in large part on the implementation of a number of the areas identified for future action in the final report. These are dependent on the efforts and collaboration of multiple stakeholders,

primarily in the education arena. They require sustained commitment to change at personal, school and systemic levels in order to bear fruit. To this end, the dissemination and promotion activities of the project will continue in promoting the research and its outcomes.

What would you do differently next time?

If this or a similar project were conducted again, we would develop the research framework with only one site, rather than the originally planned two sites (or with a team located in two sites). The reliance on relationships of trust in order for families and students to feel confident to participate in research of this sensitive nature meant that working at a distance was impractical for a project such as this.

Recruitment to the study was slow and difficult (see above). We feel the results of the project justify perseverance, but make note of the need for raised awareness of the additional time and effort required to build relationships of trust, overcome resistance in gatekeepers, and ensure that consent is informed (particularly in people with cognitive disability).