



# **Managing Challenging Student Behaviour**

**Practical advice on your rights to work in a  
safe, less stressful environment - and how to  
achieve it!**

# **A MESSAGE FOR AEU REPS**

Faced with difficult students and problems of behaviour, teachers and other education workers can feel isolated, challenged, insecure and even failures. A culture of blame that identifies them as failures neither helps teachers and other education workers achieve order, nor pupils to raise their general levels of behaviour.

The AEU believes that within all schools, systems of support should be available to teachers and other education workers faced with challenging student behaviour. Asking for such support should never be perceived as a sign of weakness or failure. The provision of support should be a normal expectation.

As an AEU Rep, you are in a position to respond to members who find themselves in difficulty and need help. The advice set out below will help you provide that advice. You should feel free to pass the advice on to any member in your workplace.

When members are in need of help and advice that is not forthcoming from within the school itself, you should contact the AEU office for advice.

A handwritten signature in black ink that reads "Mike". The signature is written in a cursive style and is positioned above a horizontal line that extends to the right.

Mike Poate  
President

# PROFESSIONAL JUDGEMENT AND STUDENT BEHAVIOUR

The AEU believes that at the heart of teaching and learning should be the professional judgement of teachers and other education workers. The approach of schools to student behaviour and support for teachers and other education workers will determine whether or not they are effective. If members do not receive backing for their professional judgements from employers, the AEU will act unequivocally to support its members.

**The recent Auditor General's report on *Safe Schools*, focused the community's attention on student behaviour in our schools. It also clearly sets out the DoEs responsibility to maintain a safe environment in schools for students and all education workers. Most importantly, remember:**

- No education worker should be placed in a position where his or her teaching is undermined by the behaviour of students.
- Every education worker is entitled to practical support when faced with student behaviour that is unacceptable.

These guidelines outline the support teachers and other education workers should receive. They provide up-to-date guidance on school discipline policies, including advice on the exclusion of students and on the role of the DoE in providing support and advice to schools.

**Above all the guidelines make it absolutely clear that members will be protected fully where student behaviour strategies adopted by schools have not succeeded. Where a situation arises which places the education worker in an unsafe environment, we will support teachers and other education workers in withdrawing their labour as provided for in the *Workplace Health and Safety Act, 1995*.**

**THIS IS NOT STRIKE ACTION AND NO LOSS OF PAY RESULTS.**

***The AEU is there to promote your professional interest and to act effectively when you need protection.***

***No other organisation provides the quality of advice and support offered by the AEU.***

# **Removing disruptive and dangerous students from the workplace.**

## **what to do and How to do it!**

The AEU strongly supports the notion of excluding students from schools who exhibit dangerous and intimidating behaviour from schools. Such students not only disrupt, if not destroy the educational opportunities of their peers, but also affect the health and well being of our members.

The Education Department, by virtue of the Workplace Health and Safety Act, 1995, has the responsibility to provide a safe working environment for its employees, yet the same Department has devised policies that effectively act against the effective operation of this legislation.

For example, one of the criteria used to measure the effectiveness of the newly established Behaviour Management Unit, requires a decrease in the annual number of student suspensions. Decrees such as this, combined with some district offices asserting that the number of suspension are too high in certain schools, sends the message to school administrators that too many suspensions will result in black marks against their names.

**We do not develop safe schools by keeping a watchful eye on suspension “quotas”!**

**We keep schools safe by removing dangerous students from them.**

**In cases such as this, the Workplace Health and Safety Act rules!**

The following implications of the WHS Act should be noted:

1. School principals are the responsible officers of the worksite. They have a clear responsibility to uphold the WHS Act. If he/she infringes the Act he/she can be fined up to \$25 000 (twenty five thousand dollars!).
2. All schools must have a clear behaviour management policy, agreed to by the staff that will protect them from dangerous and disruptive students
3. All our members have individual responsibilities to report disruptive and dangerous acts by students to the school administration.
4. The school administration has the responsibility to apply the school policy in such a way that the safety and well being of staff and students is protected.
5. If this does not occur, then the employee has the right to refuse to work. This appears to be extreme action, but the legislation is there to protect the worker from harm. If a member decides on this course of action, they should:
  - a) First contact the AEU and acquaint the Union with the details of the problem.
  - b) Explain the problem to the AEU workplace rep the principal and the workplace OHS representative.
  - c) If there are still difficulties, a sub-branch meeting of the union should be convened by the union representative and motions passed to provide support for the aggrieved member. The AEU will provide officer support at this stage if it is required.
  - d) The AEU offices should be notified with the latest details of the situation and any motions passed so that appropriate support and advice can be provided.

This, of course, is not the complete solution to the problem, but it does do three things:

- It removes the immediate problem from the school site
- It acts as a strong warning to other, would-be offenders that they should think twice before threatening the well being of others
- It places the problem squarely in the hands of the education policy makers. The government cannot be seen to have no plan of action to deal with school aged children who have been ejected from schools onto the community. In other words they will have to provide properly funded alternative education sites and programs for these children, something this organisation has been urging for a number of years.

# **AEU ADVICE ON SCHOOL BEHAVIOUR MANAGEMENT POLICIES**

**All schools should have a student behaviour management policy which:**

- promotes self-discipline and proper regard for authority amongst students
- encourages good behaviour and respect for others and prevents all forms of bullying
- ensures students' standards of behaviour are acceptable
- regulates students' conduct

**Such a policy should also:**

- define the standards of behaviour the school wants to achieve
- seek the widest possible measure of agreement on those standards and how to achieve them
- ensure that these standards are fairly and consistently adopted throughout the school
- include a commitment to school staffs to ensure the consistency of application of the policy

**In order to be effective school behaviour management policies should be practical. They should include:**

- a commitment to regular professional development on behaviour strategies for all staff;
- a clear definition of the range of disciplinary measures to be used, including the curtailment of voluntary activities, detentions, suspension etc.;
- guidelines for teaching and non-teaching staff on who to turn to in a disciplinary crisis, including guidelines on intervention in fights between students, on restraint of students and on recording incidents of unacceptable behaviour;
- a commitment within the school day to give the necessary time to all staff to share information and experiences on the behavioural needs of individual students;
- a summary of school strategies on the bullying of students, on the use of drugs by students, and other forms of harassment amongst students;
- a commitment to the gathering and use of views of all sections of the school community on behaviour and discipline.

**The AEU believes that Behaviour Management Policies should provide information in response to the following questions:**

1. Do all teachers and other education workers know who to turn to within the school when they need support?
2. Where should students go if they need to be removed from the classroom?
3. What is an acceptable 'cooling off' period for the student and where should they go to 'cool off'?
4. Are there flexible arrangements for teachers and other education workers to ask others to take students for short periods of time?
5. When can teachers and other education workers, within school time, share views and information about students with particular problems?
6. What are the arrangements for withdrawing students from class?
7. What is the school's policy on suspension and exclusion?
8. What are the arrangements for reporting and recording incidents?
9. Has the contract for re-entry after suspension been developed in consultation with the classroom teacher?
10. In the case of exclusion, has the full history of the excluded student been passed on to the new school?

**Behaviour Management policies should be subject to full consultation with teaching and non-teaching staff.**

Policies that do not reflect the views of the staff are doomed to failure.

If teachers and other education workers are excluded from the development of policies, then the AEU should be contacted for advice.

# WHAT TO DO IF YOU ARE SUBJECT TO WORK-RELATED VIOLENCE

A number of responses are open to teachers and other education workers who are subjected to assaults:

1. **Members should immediately contact the Union.**
2. **Injuries or assaults should be recorded on the appropriate forms at the school.** All staff should be fully acquainted with these procedures and all forms should be readily available.
3. **Staff who are absent from work as a result of assault should submit a claim for Workers' Compensation as soon as reasonably practical.** This will involve visiting the doctor to obtain the appropriate certification. (See your *AEU Handbook* for further details)
4. **Regardless of advice from your supervisor, it is your right to take appropriate action.** The AEU believes that if an education worker is assaulted such action should ALWAYS be taken. This could mean pressing charges and/or obtaining a restraining order.
5. **Depending on the circumstances or severity of the case, the AEU may support a member in seeking monetary compensation through the Criminal Compensation Act.** In the case of serious injuries, the matter should be dealt with by the police. Those teachers and other education workers involved, may be required to appear as witnesses.

# **DETENTION, SUSPENSION, EXCLUSION AND EXPULSION OF STUDENTS**

## **Support from the Education Act and DoE Guidelines**

### **STUDENT DETENTION**

**The DoE's 'Discipline Guidelines' states:**

'A principal can impose a detention on a student. This authority may also be delegated to teaching staff... a detention must be supervised by a member of teaching staff... Where students are detained at school before or after normal school hours, it may be necessary to notify parents. If detention will cause a student to miss a crucial bus or jeopardise a student's safe transport home, it is appropriate to postpone the detention until alternative arrangements can be negotiated with the students' parents.'

The guidelines also give detailed information on the conditions for a 'time-out' room. This document should be available in all schools, and teachers and other education workers should refer to it if in any doubt.

Teachers may be required to supervise detentions or 'time-out' rooms as part of their instructional load or as part of their duty allocation. However, where members consider that the request is unreasonable, school representatives should contact the AEU office.

### **STUDENT SUSPENSIONS**

**Under the Education Act (1994), 'the principal, if satisfied that a student has behaved in an unacceptable manner, may:**

- a) suspend the student full-time or part-time from that school for a period of 2 weeks or less; or
- b) impose a detention on that student'

**The AEU believes that a student who has been suspended should only return to school if a plan for reintegration has been put into place.**

**TEACHERS AND OTHER EDUCATION WORKERS SHOULD NOT RECEIVE A STUDENT BACK INTO THEIR CLASSROOM UNLESS ALL PARTIES HAVE AGREED TO SUCH A PLAN.**

## STUDENT EXCLUSION

### **The Education Act states:**

'If the principal...is of the opinion that the behaviour of a student justifies the suspension of more than two weeks, the principal may refer the matter to the Secretary.

(2) The Secretary, if satisfied that the behaviour of a student justifies it, may:

- a) suspend the student full-time or part-time from attending the school for a period of two weeks or less; or
- b) exclude the student full-time or part-time from attending school for a period exceeding 2 weeks; or
- c) expel the student from the school; or
- d) prohibit the student from enrolling in any state school. The Secretary may determine the educational instruction of a student referred to in sub-section 2.

The Secretary may revoke any exclusion, expulsion or prohibition if satisfied that the student is willing to behave in an acceptable manner.

Research evidence, including Professor John MacBeath's research published in the document 'Schools Speak for Themselves', indicates that when a student consistently disrupts a class, it is not only the education worker who faces enormous stress and demoralisation. Other students in the class may resent the disruption of their education. It may be unreasonable to seek the sanction of exclusion on the first sign of bad behaviour unless it is particularly serious.

**When all reasonable strategies have been attempted, however, including suspensions and the application of any external support, then exclusion or expulsion must be considered.**

Where students assault teachers and other education workers or commit serious breaches of the discipline policy, such as bullying or assaulting other students, then exclusion should be the response.

**THE AEU WILL PROTECT MEMBERS WHERE THE EXCLUSION OR EXPULSION OF STUDENTS WOULD BE THE NEXT LOGICAL STEP BUT HAS BEEN RULED OUT BY DEPARTMENTAL OFFICERS. IF THE RETENTION OF THE STUDENT WOULD DISRUPT EDUCATION OR THREATEN THE WELFARE OF OTHER STUDENTS OR STAFF, THE AEU SHOULD BE CONTACTED AS SOON AS POSSIBLE.**

# What does the Education Act say about student behaviour?

According to the Tasmanian Education Act (1994)

*'The principal of a State school is to provide educational leadership in the school.'*

It goes on to say:

*'A student at a state school is to behave in a manner acceptable to the principal.*

*Behaviour which is not acceptable in a State school includes behaviour which:*

*a) constitutes refusal to participate in the education program*

*b) constitutes disobedience of instructions which regulate the conduct of students*

*c) is likely to impede significantly the learning of the other students of that school*

*d) is likely to be detrimental to the health, safety or welfare of the staff or other students of that school*

*e) causes or is likely to cause damage*

*f) is likely to bring that school into disrepute'*

# ***Extracts from the Workplace Health and Safety Act***

## **1995 Workplace Health and Safety No. 13 s. 12**

### **Responsible officer**

- 10-(1) An employer is to appoint a responsible officer for each workplace at which the employer carries on business.
- 10-(2) If an employer fails to appoint a responsible officer for a workplace, the person responsible for the direction and management of the business of the employer at that workplace is taken to have been appointed as the responsible officer for that workplace.
- 10-(3) An employer is to ensure that a responsible officer appointed under subsection (1) has sufficient authority to perform the duties of a responsible officer under this Act.

### **Duties of responsible officer**

- 11-(1) A responsible officer must perform the duties of his or her employer under this Act at the workplace for which he or she is the responsible officer.

Penalty: Fine not exceeding 250 penalty units.

- 11-(2) A responsible officer is not to be taken to have failed to perform any duty of his or her employer under this Act if:
  - (a) it was not reasonably practicable for the responsible officer to perform that duty; or
  - (b) the failure to perform the duty was due to causes over which the responsible officer had no control and against the happening of which it was not reasonably practicable for the responsible officer to make provision; or
  - © the responsible officer used all due diligence to prevent the failure to perform the duty; or
  - (d) the responsible officer was unaware that he or she had been appointed, or was taken to have been appointed, as the responsible officer.
- 11-(3) Nothing in subsection (1) relieves the employer of performing the employer's duties under this Act.
- 11-(4) A responsible officer may be proceeded against and convicted of having failed to perform the duties of an employer under this Act whether or not the employer has been proceeded against or has been convicted of having failed to perform the duty.

## **Refusal to work**

- 17-(1) Where an employee has reasonable grounds to believe that, as a result of work being carried on at a workplace, there is a risk of imminent and serious injury to, or imminent and serious harm to the health of, any person, an employee may refuse to work if it is not within the employee's ability to rectify the cause of the risk.
- 17-(2) An employee who refuses to work as mentioned in subsection (1) must immediately notify his or her employer or the person in charge of his or her workplace and, if there is an employees' safety representative for the workplace concerned, the employees' safety representative of the risk of imminent and serious injury or imminent and serious harm to health.  
Penalty: Fine not exceeding 20 penalty units.
- 17-(3) An employee who refuses to work as mentioned in subsection (1) may be given reasonable alternative work to perform until the cause of the risk has been rectified and the employee resumes his or her usual work.
- 17-(4) If an employee is given reasonable alternative work to perform, the employee is required to perform that work under the terms and conditions of the employee's employment.