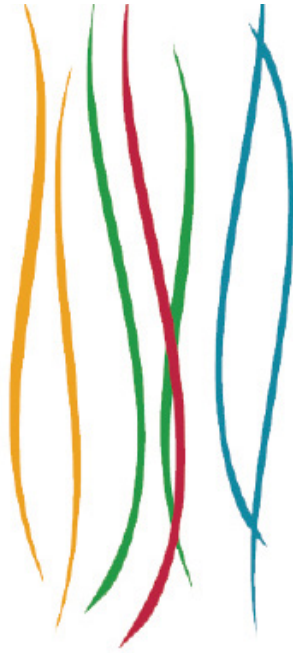# Empowering Student Voice and Participation

moores

EDMUND RICE EDUCATION
AUSTRALIA

Edmund Rice Education Australia acknowledges
with great sorrow the suffering endured by the victims and survivors of
child abuse at the hands of those who were in positions of trust and
who were supposed to protect them. Edmund Rice Education Australia
further acknowledges their suffering was compounded by a failure to
listen to their cry and to respond justly with belief and compassion.
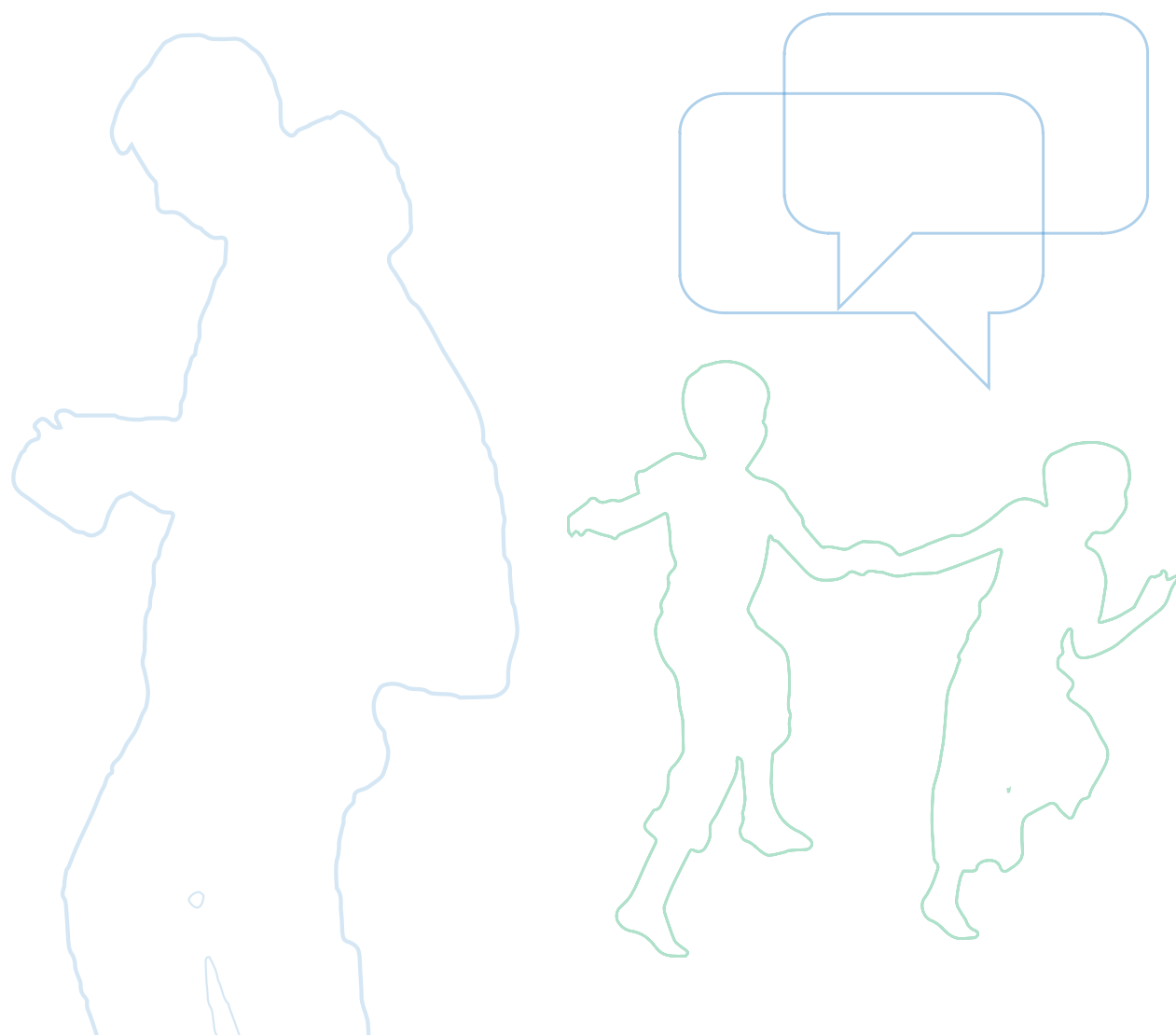We also acknowledge the pain that families, friends and loved ones
have endured.

Edmund Rice Education Australia is committed to creating
a culture where the safety, wellbeing and participation of all children and
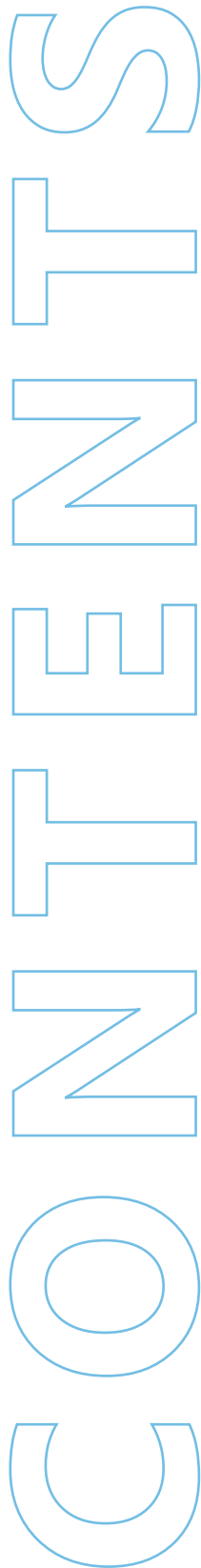young people is paramount.

EDMUND RICE EDUCATION AUSTRALIA

Empowering Student Voice and Participation

CONTENTS

Executive Summary

1

Welcome to the Empowering Student Voice and Participation Framework (the Framework).

The purpose of the Framework is to provide guidance to schools on engaging with students and enabling student contribution to decision making frameworks and feedback implementation.

The Framework is only one example of the way schools can partner with their stakeholders. Students are a school's most important stakeholders and it is important that schools partner with the children and young people they work with. This partnership should be extended to include working with children to make decisions together and also implement the decisions together.

In this Framework, schools can find the following key resources:

A. An overview of the Framework and the reason behind its implementation, including the key objectives of the Framework in Chapter 2;

B. The importance of consulting with students, the legal obligations on schools to engage with students and the link between the Framework and the EREA Standards in Chapter 3;

C. An overview of consulting with students including different types of engagement, methods and relevant legal and ethical considerations in Chapter 4;

D. The key guidelines to engaging with students including key principles, facilitation guidelines and inclusive consulting in Chapter 5;

E. How the Framework can be used as a practical tool for schools which sets out key steps and considerations in planning student engagement. The explaination behind the Framework can be found in Chapter 6 while a blank usable version of the Framework is in Annexure A;

F. Information on data analysis and record keeping to guide schools on analysing the information they receive from students and how this should be stored in Chapter 7;

G. Key tips and recommendations for schools to consider when engaging with students in Chapter 8; and

H. Additional resources and contacts at Annexure B

Introduction

2

This chapter provides context for the implementation of the 'Empowering Student Voice and Participation Framework' and sets out the objectives of the Framework.

2.1

Edmund Rice Education Australia (EREA)

EREA is dedicated to ensuring a safe environment for all students who attend and engage with its schools. EREA strives for a culture in all EREA schools where protecting students from abuse and other harm, and the promotion of safety, participation, empowerment and wellbeing of students, is embedded in the everyday thinking and the practices of leaders, staff, and volunteers.

The Framework sits alongside the *EREA Child Safeguarding Standards Framework* **(EREA Standards)** and schools should refer to the Standards in their use of this Framework. The documents are consistent with the essential principles that govern the approach to child safety in all EREA – governed schools. The Gospel imperatives of truth, justice, compassion, liberty and reconciliation underpin the Standards.

This Framework supports EREA's belief that the rights of students need to be promoted and protected, that all students deserve to be treated equally with care and respect, and that their personal dignity is not to be compromised. EREA is committed to nurturing the wellbeing of all students in its care, respecting their dignity, ensuring their safety, empowering them, and protecting them from abuse and other harm.

This Framework accords with EREA's dedication to empowering students and ensuring that they have a voice in relation to child safety. It aligns with the *United Nations Convention on the Rights of the Child* **(UNCRC)** Article 12 which sets out the right of children to be listened to, taken seriously and have their opinions considered.

2.2

Objectives of the Framework

This Framework aims to help schools meet EREA **Safeguarding Standard 2**, which requires that students are safe, informed and participate in decisions affecting them. In particular, the Standard requires that each school has multiple and age and developmentally appropriate platforms to regularly and proactively:

(a)   engage with students;

(b)   seek the views of students;

(c)   consult students about decisions that affect them; and

(d)   consult students about what makes them feel safe and how this can be recognised and implemented by the school.

2.3

Scope & application

The Framework was drafted by EREA in consultation with Moores, the law firm engaged to assist EREA and its schools across Australia with preventing and responding to child abuse.

The information in this Framework is of a general nature and does not intend to be nor should it be taken to be legal advice. Schools should not rely on the information in this Framework in relation to their legal obligations and should seek specific advice as required.

This Framework was drafted with input from students, schools and leading papers and studies on the participation of students. A bibliography of resources that were utilised in developing this Framework is contained in **Annexure B**.

Importance of Consulting with Students

3

This Chapter explains why consulting with students is important, as well as the legal obligations imposed on schools. This will set the context for this Framework and emphasise the need to ensure it is used to empower your students.

3.1

What is consulting with students?

Consulting with students is a process where students are involved in decisions affecting them and have an opportunity to share their views. Ideally, consultation with students will ensure that students are actively and genuinely involved in the planning and design of policies, services, procedures and processes that will impact them. In many ways, consulting with students should be treated in the same manner as consulting with any other stakeholder group – their opinions should be respected, considered and inform the final decision. However, consulting with students has its own unique challenges and needs to be undertaken in a considered manner.

Consultation with students is often referred to synonymously with "empowering students" or "engaging with students". Consulting with students is one such way to empower and engage students. It allows them to feel heard, empowers them to act as leaders and decision-makers and engages them in aspects of the school environment which they may not have been previously involved in.

3.2

Why consult with students?

The benefits of consulting with students are extensive. Some of these are set out below. Furthermore, consulting with students is important because it:

(a) accords with the *United Nations Convention on the Rights of the Child*, to which Australia is a signatory;

(b) helps ensure that policies, procedures and frameworks are child centric;

(c) allows students to build self-confidence and self-expression;

(d) is a child's right to be heard and consulted with, particularly where it affects them;

(e) helps students develop important skills including leadership, communication, teamwork and decision making;

(f) fosters collaboration between students and helps them appreciate differences in opinion and background;

(g) increases the likelihood that students will engage with the policies, procedures and frameworks consulted on; and

(h) builds strong relationships between the students and adults in an organisation.

3.3

Lessons from the Royal Commission

The Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**) released its Final Report in December 2017. The Royal Commission ran for five years and involved over 8000 private sessions where individuals shared their stories. Extensive information on the Royal Commission can be found in the Child Safe Standards and National Principles that are set out in section 3.4.

Principles[1]

In relation to the empowerment of students, the Royal Commission made the following findings:

(a) students that are empowered are less likely to be abused;

(b) students that are empowered are more likely to speak up and report abuse;

(c) disempowered students, particularly in vulnerable groups such as students with disabilities or culturally and linguistically diverse (CALD) students, are more vulnerable to abuse;

(d) cultures where students are seen as inferior to adults have higher rates of child abuse such as religious or educational organisations where there are often hierarchal structures and an acceptance of a 'tough love' culture;

(e) it is accepted amongst child safety experts that students' participation and empowerment is a relevant indication of whether an institution is child safe; and

(f)   the empowerment of students contributes to a culture that prioritises child safety and leadership.

As the Royal Commission outlined, "students are safer when institutions acknowledge and teach them about their right to be heard, listened to, and taken seriously".

Case studies

A common trait of the case studies examined by the Royal Commission related to institutions that had a culture where students were not listened to, believed or engaged in their own safety.

For example, the detailed case studies into Swimming Australia's response to historical allegations showed a culture where students did not feel that they could speak up regarding abuse they suffered at the hands of coaches. This was due to a strict hierarchal structure. One survivor spoke about how she did not feel she could speak up about the abuse as the coach who abused her was highly respected in the community and she felt any accusation would not be believed and would affected her career as a swimmer.[2]

Similarly, case studies revealed that students who did find the courage to report were often either not believed or had their experiences minimised. Some disturbing comments made to students included "get used to it", "say three Hail Marys and pray, after which [they] would be forgiven" and that if they said anything they would go to hell.[3]

Consideration also needs to be given in relation to empowering all students. For example, boys who are abused by men often face homophobic comments and barriers to reporting.[4] Students with disabilities face the stigma that they are asexual or are unlikely to suffer sexual abuse at the disability-specific institutions. More so, students with disability are less likely to be consulted and may have less capacity to communicate their feedback, opinions and ideas. Students from an Indigenous background are often more likely to feel disempowered and powerless due to a history of oppression. Students from a (CALD) background or international students may struggle to seek support and find trusted adults.[5]

The case studies highlighted that empowering students does not involve a single strategy, and that tailored approaches are required. However, a common theme across all case studies was a propensity to believe that students were 'lying'. As outlined in the key principles in Chapter 1, it is rare for students to make up incidents of abuse in order to gain attention. Sadly, another common theme was that students who are disempowered are unlikely to speak out against abuse. As one survivor in the Royal Commission stated "This is what all these predators know. That kids just don't talk".[6]

Recommendations

As a result of the Royal Commission's findings, several recommendations were made to empower students. These recommendations are embedded in the 10 elements of child safe institutions set out on page 11.

3.4

Child Safe Standards & National Principles

The Child Safe Standards by the Royal Commission set out the 10 elements that child safe organisations should embed within their culture. It is important to note that the EREA Standards are designed to reflect the Child Safe Standards. Schools that are in compliance with the EREA Standards are also likely to be in compliance with the Child Safe Standards and National Principles. However, the EREA Standards have an additional standard in Standard 11 which has been added to relate to the parent body and responsibility for this standard primarily rests with EREA.

In February 2019, the Council of Australian Governments (**COAG**), the Prime Minister and state and territory First Ministers endorsed the Standards and set out the National Principles for *Child Safe Organisations* (**National Principles**) which align with the Standards.

National Principle 2 is based off the Royal Commission's focus on children's participation and empowerment. It states that "Students are informed about their rights, participate in decisions affecting

Child Safe Standards by the Royal Commission

Child Safe Standards

(IMAGE 1)

- Leadership, governance & culture
- Children's participation & empowerment
- Family & community involvement
- Equity & diverse needs
- Human resources management
- Child-focused complaints process
- Staff education & training
- Physical & Online Environment
- Review & continuous improvement
- Child safe policy & procedures

---

1   The information set out in this section is derived from the Royal Commission's Final Report,
    Volume 6 – Making institutions child safe.

2   See Case Study 15 by the Royal Commission regarding Swimming Australia.

3   See Case Study 11 by the Royal Commission regarding the Christian Brothers and Case Study and notes regarding
    private session responses by "Connell" (name changed).

4   See for example notes regarding private session responses by "Louis Cole" (name changed) during the Royal
    Commission.

5   See comments in Royal Commission's Final Report, Volume 6 – Making institutions child safe.

6   See notes regarding private session with "Jac" (name changed) during the Royal Commission.

them and are taken seriously". National Principle 2 is made up of the following sub-areas:

(a) Students are informed about all of their rights, including safety, information and participating.

(b) The importance of friendship is recognised and support from peers is encouraged, to help students feel safe and be less isolated.

(c) Where relevant to the setting or context, students may be offered access to sexual abuse prevention programs and to relevant information in an age appropriate way.

(d) Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for students to express their views, participate in decision-making and raise their concerns.

The indicators that this principle is upheld include:

- The organisation has programs and resources to educate students on their rights including their right to safety and right to be listened to.

- The organisation is proactive in providing age appropriate platforms to regularly seek student views and encourage participation in decision-making.

- Staff and volunteers have a good understanding of students' developmental needs.

- Opportunities for participating are documented and regularly reviewed.

- The organisational environment is friendly and welcoming for students.

- Students participate in decision-making in the organisation, including in relation to safety issues and risk identification.

- Students can identify trusted adults and friends.

- Students are informed about their roles and responsibilities in helping to ensure the safety and wellbeing of their peers.

Several of the other National Principles are relevant, including National Principle 4 which states that "Equity is upheld and diverse needs respected in policy and practice". This requires organisations to understand students' diverse circumstances and provide access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand. In particular, this principle requires organisations to pay particular attention to the needs of Aboriginal and Torres Strait Islander students, students with disability, students from CALD backgrounds, those who are unable to live at home and lesbian, gay, bisexual, transgender and intersex students.

A consistent theme of all the National Principles is that child safety is at the heart and a child centred approach is required. Organisations will be required to consult and engage with students to ensure that their policies and procedures are child centred.

Many of the states have already implemented their own Child Safe Standards which are similar to the National Principles. For example, Victoria has adopted its own set of seven Child Safe Standards. Standard 7 relates to empowering students. Organisations in Queensland are required to comply with the Working with Students (Risk Management and Screening) Act 2000 (Qld) which requires them to develop and maintain a Child and Youth Risk Management Strategy which must include certain topics. The National Principles will work in conjunction with state based schemes and organisations will be required to comply with both (although there is likely to be areas of overlap).

3.5
Student satisfaction survey

The Schools Assistance Act 2008 (**Cth**) and the relevant Regulation set out funding agreements for non-government schools. Schools that have a funding agreement are required to comply with the relevant obligations of the Act and Regulations. This includes reporting on student satisfaction.

Many schools will collect this data through surveys with schools or consultation processes.
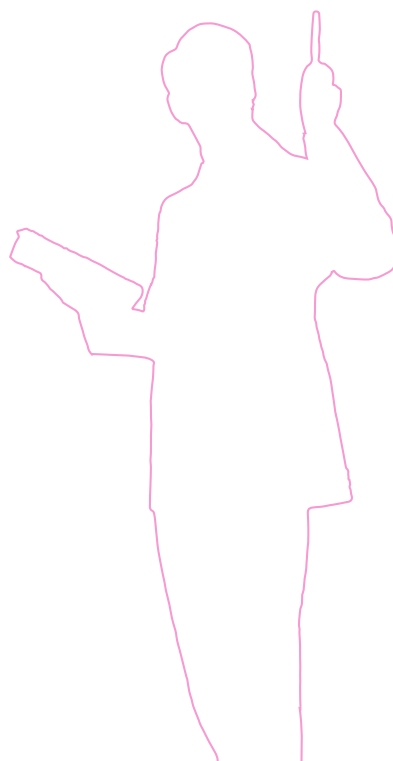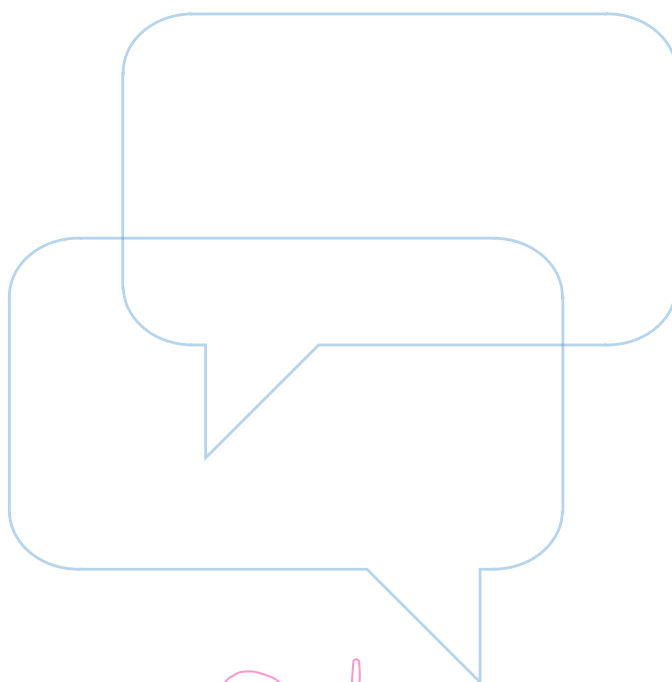
3.6

Board obligations

As EREA is the relevant body corporate under the Trustees of Edmund Rice Education Australia, individual schools do not have a separate legal identity. The legal obligations imposed on 'boards', are in the case of EREA, imposed on the governing body the 'Trustees of Edmund Rice Education Australia', the legal entity. The EREA Board approves the EREA Child Safeguarding Standards Framework (**EREA Standards**) and ensures resourcing and support for implementation.

However, School Boards play an important role in working collaboratively with the Principal, the School Leadership Team and with the EREA Executive to ensure faithfulness to the Charter for Catholic Schools in the Edmund Rice Tradition which is foundational to our commitment to child safety and wellbeing. It is within this context that the School Board is tasked with supporting the Principal and School Leadership Team in ensuring a culture of safeguarding.

To assist the Principal and the School Leadership Team, the School Board should provide support in the implementation of the EREA Standards by ensuring that safeguarding becomes a standing item on the Board meeting agenda. In reference to Standard 2 (Children and Young People are Safe, Informed and Participate) of the Framework, the School Board should provide support to the Principal and Leadership Team with practical ideas and assistance in ways of engaging student voice and participation on matters concerning their safety and wellbeing.

In the development of the EREA Standards best practice in child safety and wellbeing have been adopted, including the recommendations of the Royal Commission and the Australian Human Rights Commission Principles both highlighting what constitutes a child safe organisation. A key component of a child safe organisation is providing children and young people with a voice in matters that affect their safety and wellbeing. A significant finding of the Royal Commission was

that where organisations that have boards that do not prioritise child safety, this was likely to lead to a broader culture of child disengagement and disempowerment and subsequently, a greater chance of abuse. Boards need to actively support the Principal and School Leadership Team in setting the tone that child safety is of the utmost importance at the school and consulting and empowering students is a key aspect of this.

Overview of consultation with students

4

The process of consulting with and engaging students can take many different forms. This chapter sets out some options available to schools for consulting with students. It will set out the pros and cons of each form of consultation and provide case studies for how they might apply in practice.

4.1

Types of consultation and engagement

Schools have significant flexibility to decide on the type of consultation that will be best for its community. The appropriate type of consultation will involve a range of considerations including the age of the students, your objective in consulting with students, the background and vulnerabilities of the students, the safeguards that can reasonably be put in place to support students through the consultation process, and the resources you have available.

Broadly, there are two key purposes for consulting with students:

A. Evaluation of existing process / policy / procedure

You may consult with students to collect their opinion on an existing practice. For example, to understand if they like a particular subject at school. The outcome of this consultation process may be that you change the subject to make it more relevant, remove it all together, keep it the way it is or add more classes to allow more students to enjoy it.

Case study - Consulting with students on sexual education

In a report commissioned by the Royal Commission, students expressed their desire to be consulted with in relation to the sexual education they are taught at school. The *Engaging Young People in Sexuality Education Research Project* funded by the Australian Research Council attempts to do this by collecting young people's evaluation of the current state of sexual education research. The first report has been released after surveying more than 2000 students across 31 schools in Victoria and South Australia.

B. Brainstorming and implementing new ideas

Students might also be engaged to brainstorm new projects and ideas. For example, a school that is looking to implement a social media policy for the first time might consult with students as part of this process.

Case study - Phone ban

In June 2019, the Victorian government banned mobile phones during school hours in state schools. This was a move to end cyber-bullying and reduce classroom distraction. The move was criticised by some students, teachers and parents who viewed it as a short-sighted reactionary step that did not account for the proper use of mobile phones by students such as online calendars, communicating with their parents and educational use. The ban does not apply to non-state schools. Many non-state schools are consulting with students about whether to implement a social media policy or phone code of conduct. This sets out reasonable expectations of behaviour that students and the school agree on. A policy that has been formed with student consultation is more likely to have student support and be complied with by students. Consultation about safe online behaviours can also inform school strategies to prevent predatory online behaviour.

Consultation with students can be formal or informal, and one off or ongoing. Formal processes might include surveys, round tables, consultation sessions and ballots. Informal processes include the opportunity to share feedback at regular meetings (such as homeroom, house meetings or student representative councils) or a feedback box.

A consultation process with a set outcome such as deciding on a new type of uniform may be one-off, but feedback in relation to subject choices and content may be ongoing or undertaken each year.

4.2

Groups to consult with

Determining the group of students to consult with is a difficult task and will depend on the objective of the consultation process. Inevitably, schools will need to find a balance between being inclusive of all students and the practicalities of running a consultation. At times, it will be appropriate to involve all students at the school. At others, it may be preferable to consult with a small group. This might be the group of students affected by the objective of the consultation. For example, if

consulting with students on whether a particular subject might be offered at the school, it may be more effective to consult only with students who have taken the subject or are interested in taking the subject in the future.

Some other examples of small group consultation might include:

(a) Representative model – this might include consulting with your Student Representative Group or creating a new representative group specifically for the consultation you are undertaking.

(b) Organisation or association – you may choose to consult with a specific student led group or association at the school. For example, on environmental issues, you may choose to consult with the Environmental Action Group or equivalent.

(c) Cross-section – you may choose to select either at random or through a considered process accounting for diversity a group of students to consult with.

(d) Older students – as part of retrospective consulting process, you may choose to consult with older students who have gone through the schooling process and have a solid understanding of issues relating to students.

When considering small group consultation, schools will need to ensure that they are still aligning with best practice, both in terms of consulting with students and data collection. For example, choosing to only consult with the Environmental Action Group on the school's action on environmental issues is likely to skew your data as you are only interacting with students who are passionate about sustainability. Similarly, consulting with only the leadership group or Student Representative Group is likely to still be skewed as this only engages students who are likely to be leaders and highly engaged in their education. Exclusion can also happen inadvertently, such as when schools hold these consultation processes outside of school hours. This can make it difficult for students that live far away or disengaged students to participate.

In accordance with best practice, schools should ask the following questions:

(a) Does the group that we are consulting with accurately represent the school as a whole / the group that may be affected by this decision?

(b) Have we taken steps to ensure that the consultation process is inclusive and diverse?
For example, have we provided support to students from a CALD background, students with a disability, rural students, Indigenous students and disengaged students to participate in consultation in an accessible way?

(c) Is there opportunity for different types of consultation? It is best practice to include one-on-one discussions, group activities and anonymous responses which allow students to be involved as much or as little as they want. For example, you might start with a smaller group to define some key parameters for consultation and then engage the whole school or a wider group.

(d) Is the group that we are consulting with going to skew the data? Have we chosen a group of students made up of students with similar characteristics?

(e) Have we provided the students with a choice of whether or not they would like to participate in the consultation? It is important to preserve the autonomy of the child so that no child is 'forced' or expected to participate in consultation.

Methods of consultation

There are a range of different methods that schools can use to consult with students. Schools will need to be guided by the objective for consultation and potential barriers/challenges for students when deciding on the most appropriate method of consultation, and should use a range of consultation methods to ensure maximum participation.

A list of different methods is set out below. This is not an exclusive list and we encourage schools to adapt their consultation method to the students involved and the objective of the session.

METHODS OF CONSULTATION ──────────────

For the purpose of demonstrating the different methods of consultation, we will use an example where the school is consulting with students to define what it means for students to feel 'safe', and what the students need from the school to feel safe. We note that this consultation was recommended by the Royal Commission as a starting point for schools to engage with students on child safety.

Method	Description	Benefits	Challenges	Example
Face to face discussions with small groups of students	The most common type of consultation is small focus groups or round tables where students can express their opinions. This method is best for when schools want to work collaboratively with students on large projects or have a particular group they want to work with. It can be challenging to do small group discussions with the whole school depending on the size.	• Small groups allow students to feel more comfortable sharing their opinions. • The school, through facilitators at the session, can control the parameters of the consultation to avoid deviation. • Allows students to feel heard. • Fosters collaboration between students, especially if group activities are utilised. • Qualitative data may allow the school to understand more difficult concepts that can't be captured in quantitative data.	• Resources – if the school is seeking to consult with the whole school or a large number of students, several sessions may be required. • Facilitators – the school will need to find suitable facilitators either internally or externally. • Qualitative data – the data collected will be qualitative which can be difficult to turn into meaningful data to act on. • Mob mentality – group environments can create mob mentality or be overpowered by a few more talkative students.	School to run several sessions with students of different ages. Activities might include scenario based discussions with older students and visual based discussions with younger students / students with a disability. For example, different images are presented and students to say which one makes them feel safe / unsafe.

METHODS OF CONSULTATION

Method	Description	Benefits	Challenges	Example
Surveys, questionnaires and feedback forms	This is a common method where the school wants feedback on a wider scale such as the whole school.	• If using digital tools such as Survey Monkey, data can be quickly collated and analysed. • Allows a larger group of students to be engaged and consulted with. • Can use different surveys, questionnaires etc. for different ages and students.	• Questions need to be carefully designed to ensure they are neutral, accessible and achieve the objective. Questions can be tailored to ensure access. • If optional, can be difficult to achieve optimal take up rates from students. • May need to limit to quantitative questions (or will be difficult to collate qualitative answers). • Students from CALD backgrounds with limited English or those with visual or intellectual disabilities may not be able to participate or may require support to participate e.g. adjustments/support.	A survey could be used to ascertain a qualitative figure on how safe students feel at school and could be segmented into different year levels and groups of students. This is helpful to provide benchmarking and the data could be fed into small group consultations to better understand the data collected.
Whole of school brainstorming sessions	This is a common method where the school wants feedback on a wider scale such as the whole school.	• Whole of school approach. • Can be less intimidating than surveys and small group discussions. • Students often feel less filtered and more likely to be honest. • Allows artistic and non-verbal students to participate. • Students are able to use their own works, drawings and expressions which can be inclusive for students with lower literacy levels. • Allows students who may be shy or lack confidence to participate.	• The school will have to make sure this occurs in a secure area (i.e. vandalism or destruction has occurred in the past). • The responses will be anonymous so schools will not be able to follow up on any ambiguous responses. • Data can be hard to collate if seeking tangible outcomes to be achieved.	A wall of the school or board could be dedicated for a few weeks as the brainstorming area. Equipment could be left for students to write on a post-it note what being 'safe' means for them and this can be stuck onto the wall or board.

EREA – CHILD SAFEGUARDING STANDARDS FRAMEWORK

METHODS OF CONSULTATION

Method	Description	Benefits	Challenges	Example
Social Media	Schools are beginning to use social media to consult with students. Best used when interacting with older students who are familiar with social media.	• Complies with best practice by utilising a method that students are likely to be familiar with. • Moves the school into the students' space as opposed to the other way around. • May encourage students to be involved. • Provides an opportunity for the school to reinforce proper social media use.	• Beware of trolling! • Schools may find it difficult to limit participation to only its students. • The school will need to expend resources on monitoring social media and managing any inappropriate responses. • Difficult to collate and analyse information received.	Options might include having a common hash-tag on Twitter to allow students to share their views (this was used by a school in the US with success), having a Facebook Group (with a private setting so only students of the school can engage) or even sharing the link to a digital survey through social media channels.
Student Representative Council (SRC)	This method is commonly used in schools. While it may be a helpful starting point, schools should still consult with a wider group of students.	• Students vote in a representative group that they trust to have input on their behalf. • Smaller group allows effective consultation. • Schools can have ongoing consultation with this particular group as they are generally elected for a year. • Representatives of all year levels.	• There tends to be a bias – students involved in SRC are likely to be engaged already. • SRC can be tokenistic and the school needs to ensure that the consultation is put into effect. • Confined to a small group of students – there will be situations where the school should be consulting with a wider group of students, including disengaged students.	An effective way to utilise the SRC while still consulting with the whole school is to engage members of the SRC to co-facilitate. Student leaders can be effective as a medium between adults and the rest of the student cohort and can help draft the questions that might be asked of students in surveys or even act as co-facilitators in small group discussions.
Class project	Students can be asked to provide their views as part of a school project. This can be a helpful way to ensure participation (though schools should be careful to provide an option to not participate in accordance with best practice).	• Embeds the consultation process into the learning environment. • Allows students to engage in consultation during school hours. • Can be utilised for students of all ages and backgrounds.	• Schools will need to ensure it still aligns with the relevant curriculum. • Need to make sure that students understand how their projects will be used. • Can be difficult to collect proper data from this.	Potential projects could include writing an essay on what it means to be safe, creating a piece of artwork that shows what it looks like when they are safe or creating a video in IT.

4.4

Legal and ethical considerations

Schools should be aware of the relevant legal and ethical considerations when consulting with students. This includes issues surrounding the level and nature of consent required to conduct student consultations, navigating potential privacy concerns when collecting data from students, and ensuring that all student consultations are conducted in accordance with federal and state anti-discrimination requirements.

PRIVACY AND CONFIDENTIALITY

Legislative framework

In Australia, most independent schools are subject to the regulation of the Privacy Act 1988 (**Privacy Act**) either because they have an annual turnover in excess of $3 million or because they hold health information and providing health services which is not their primary activity. The Privacy Act is the main legislative instrument that regulates the means and methods in which 'personal information' may be collected and handled post collection. The Privacy Act includes 13 Australia Privacy Principles (**APPs**) which outline how organisations must handle, use and manage personal information. Personal information is defined in the Privacy Act as 'information or an opinion, whether true or not, and whether recorded in material form or not, about an identified individual, or an individual who is reasonably identifiable.' Schools are also required to comply with their own privacy policies and procedures.

How the law applies to student consultations

In consulting with students, schools will likely be collecting personal information which they may not have had access to previously. Where students convey an opinion or information about them in an identifiable manner, the school will need to treat that opinion or information in accordance with their privacy obligations. In accordance with APP 2, individuals participating in practices where their personal information is subject to collection and use, must be provided with the option of anonymity or adopting a pseudonym.

Schools are encouraged to consider whether the collection of information is reasonably necessary or relevant to the functioning and activities of the school. Best practices that ensure privacy compliance include notifying individuals of:

(a)   the purposes for which the school is seeking to collect the information;

(b)   the consequences, if any, of not collecting personal information; and

(c)   the means available for individuals to access and modify, if necessary, their personal information being stored by the school.

The APPs places a positive obligation upon schools to restrict the use or disclosure of personal information to the purpose for which it was collected, unless individuals have provided their consent for their personal information to be used for a secondary purpose. Schools must also take reasonable steps to ensure that any information collected or disclosed is accurate, up-to-date and complete.

Schools are further obliged to have internal mechanisms in place to prevent the formulation of circumstances where personal information collected may be subject to misuse, interference, loss or unauthorised access. If a school holds information that is no longer deemed relevant, steps must be taken to destroy the information or ensure that the individual cannot be identified.

We recommend that schools put in place the following practices to mitigate the risk of any breach of their privacy obligations:

•   Provide students with the option of adopting a pseudonym or remaining anonymous when their personal information is being collected.
In fact, it is preferable if all opinions collected are non-identifiable (i.e. the student's name is not listed and there is no identifying information included).

- Regularly review information held on record, preferably annually, to ensure that it is current and up-to-date. If consultation with students is one-off, the date on which the information was collected should be clear.

- Review internal mechanisms to ensure that they provide for the secure storage of personal information.

- Provide individuals with the opportunity to update any personal information held on file. We note that this may be difficult in a consultation process where the school may have already documented any opinion. If the student is identifiable from the opinion (i.e. they are quoted), it may be that the school will need to remove that quote or the identifying information.

CONSENT

A commonly asked question in relation to consultation is if the school needs to obtain the consent of the student being consulted with and if consent from the parents or guardians are needed.

Legislative framework

The Privacy Act stipulates that the four key elements of consent are:

(a)   individuals are adequately informed before giving consent;

(b)   individuals provide consent voluntarily;

(c)   consent is current and specific for the primary and secondary purpose for which it was collected; and

(d)   individuals have the capacity to understand and communicate their consent.

The Privacy Act does not specify an age in which individuals can independently make their own privacy decisions. As a general principle, only individuals aged 15 and over are presumed to have the capacity to provide sufficient consent; however, organisations must determine this on a case by case basis having regard to the individual's maturity and understanding of the nature of the proposal when determining whether the individual has capacity. Additional factors in addition to age that may impact upon an individual's capacity to consent include physical or mental disabilities.

The Privacy Act provides that consent must be 'current and specific.' Where consent has been provided, organisations cannot presume that consent will endure indefinitely. Schools must be specific in the purposes for which they are seeking the information and must not seek consent for undefined future uses.

How the law applies to student consultations

It is best practice for schools to always seek a student's consent before engaging them in consultation. This should be informed consent and schools should make sure that students are being informed as to what they are being consulted on so that any consent provided is informed consent. Consent can be withdrawn at any time and underpins a child-centred approach.

Schools must be mindful that only students aged 15 and over have the legal capacity to provide consent to the collection and use of their personal information. In the event that the school has any concerns about the mental and physical capacity of a child aged 15 and over to provide consent, schools are strongly encouraged to seek parental consent. Schools may not believe this is required if the consultation occurs as part of general school activities that parents have already consented to.
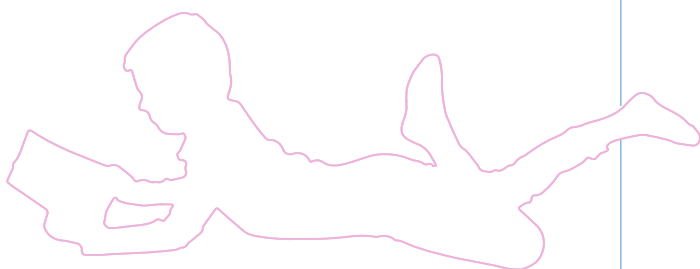
However, consent from parents may be required in circumstances where the student consultations diverge from the daily curriculum. For example, if consultations are conducted outside of school hours, external facilitators are engaged, or the student consultations deal with difficult subject matters, such as body safety or sexual activity.

In circumstances where the student consultations have elicited responses from students that raise concerns regarding the health and wellbeing of a student, a school must uphold its duty of care and comply with their relevant policies and procedures. Schools should be aware that this is a common

occurrence where students are consulted on difficult topics such as mental health, respectful relations education and their safety and will need to be equipped to provide support.

In order to mitigate the risks in relation to consent, we recommend that schools undertake the following procedures:

- Conduct student consultations on a voluntary basis.

- Provide students participating in consultations with the opportunity to 'opt out' at any time. Students must be notified of their right to withdraw from any situations where their personal information is being gathered, and procedures must be in place to facilitate withdrawal that are easy and accessible.

- Include participation in student consultations in the scope of the general consent forms which are circulated to parents and guardians at the beginning of every year.

- Notify parents and guardians of any upcoming student consultations in school newsletters or other mediums used by schools to interact with parents and caregivers.

- Where schools wish to use qualitative data ascertained from consultations, ensure that students are not identifiable.

HUMAN RIGHTS AND ANTI DISCRIMINATION REQUIREMENTS

Children have the right to be heard and be consulted with. This applies to all students. If the school decides to only consult with a small group of students, it needs to ensure it is not engaging in any discrimination.

Legislative framework

On a federal level, several pieces of anti-discrimination legislation regulate the conduct of educational authorities.[7] Each state and territory also has their own discrimination legislation.[8]

Whilst each Act differs slightly, all Acts specify that individuals are not to be discriminated against on the basis of a protected attribute such as sex, age, disability, sexual orientation, gender identity or race unless an exception applies.

Unlawful discrimination can be either direct or indirect, or a culmination of both.

- Indirect discrimination is where a school imposes a requirement, condition or practice that has the effect of disadvantaging people with a particular attribute, and is not reasonable. For example, requiring all students to complete an online survey would have the effect of disadvantaging students with a visual impairment.

- Direct discrimination occurs when someone is treated less favourably than another group due to the fact they possess certain characteristics over which they have no control, such as age, race or sexual orientation. For example, excluding people from participating because they have a disability.

7   *Human Rights and Equal Opportunity Commission Act 1986* (Cth), *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth) and *Disability Discrimination Act 1992* (Cth).
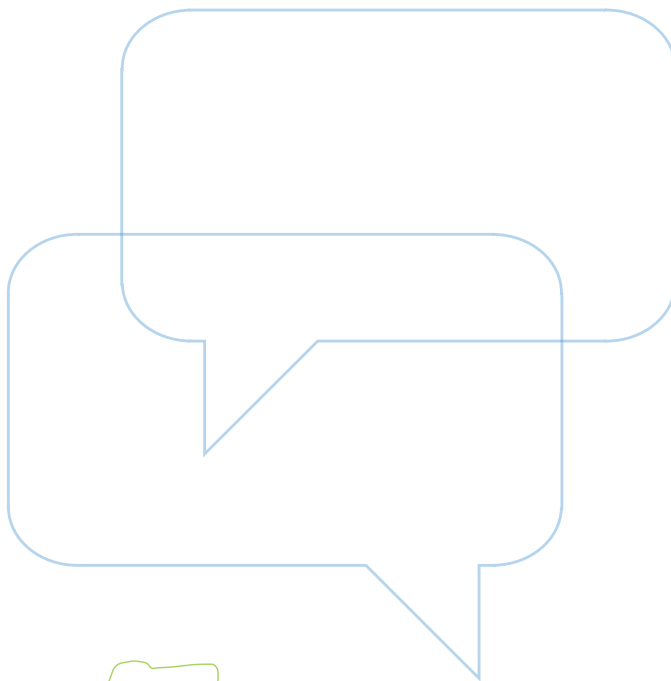
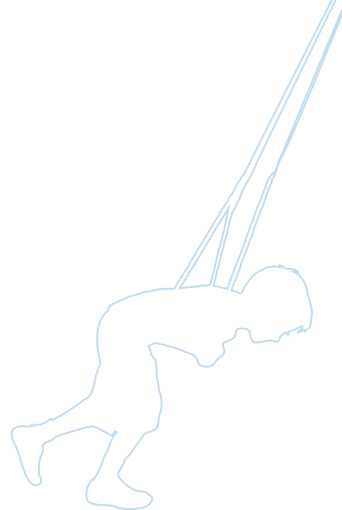8   *Australian Capital Territory Discrimination Act 1991* (ACT), *New South Wales Anti-Discrimination Act 1977* (NSW), *Northern Territory Anti-Discrimination Act 1996* (NT), *Queensland Anti-Discrimination Act 1991* (QLD), *South Australia Equal Opportunity Act 1984* (SA), *Tasmania Anti-Discrimination Act 1998* (TAS), *Victoria Equal Opportunity Act 2010* (VIC) and *Western Australia Equal Opportunity Act 1984* (WA).
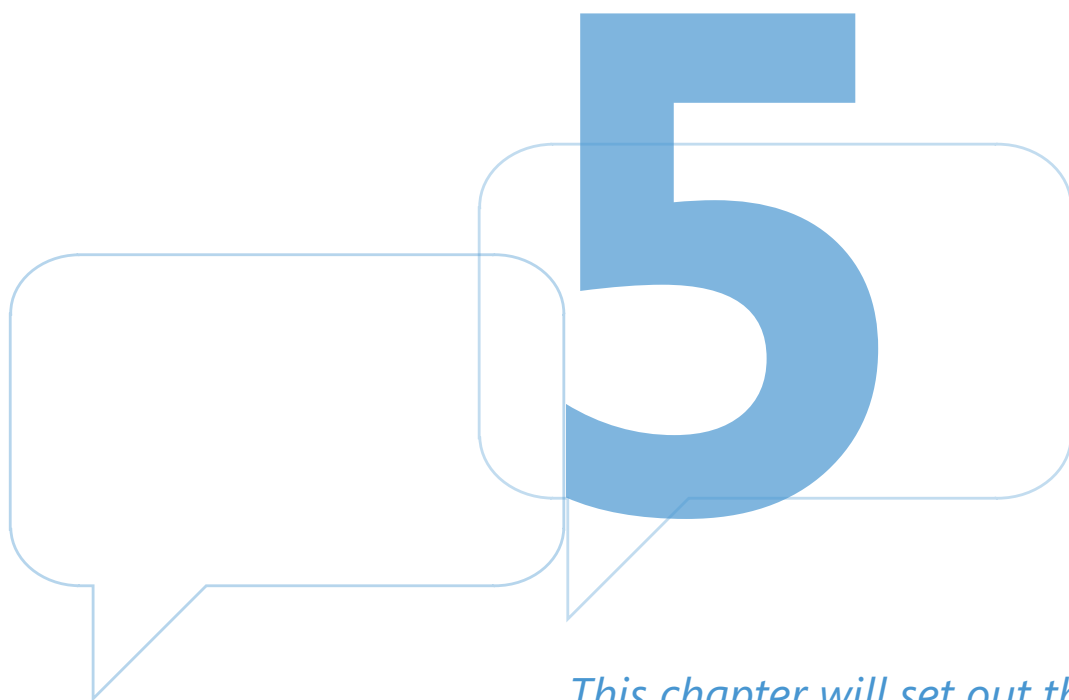
How the law applies to student consultations

Student consultations must comply with human rights and anti-discrimination legislation by ensuring that all students are treated equally during the consultation process. Anti-discrimination considerations are particularly relevant where schools are seeking to only gather information from a specific sub-set of students. Schools must also be wary that they are not perceived to be directing the outcome of student consultations to the formulation of resources or benefits that are specifically designed to only benefit certain student groups.

To help mitigate this, we recommend that schools:

- Whenever possible, design student consultations to be as inclusive as possible. This is set out in further detail below.

- Only exclude certain groups when necessary. Whilst it is difficult to consult with all students at the school, the school can mitigate this by running several levels of consultation. It might use select focus groups for the initial consultation to provide key options and then provide a whole of school survey to determine the final outcome.

- Provide prior notice that the consultation is designed to ensure the participation of a specific subset of students. If this is the case, it should be clearly explained why this is so.

- Notify parents and caregivers in consent forms that their child may be invited to participate in consultations. This should be broad and overarching to include all types of consultations.

Guidelines

5

This chapter will set out the key considerations when undertaking consultation. It will provide a checklist of considerations for schools and a practical worksheet to help schools frame their consultation.

5.1

Key Principles

Throughout the consultation process and when planning to consult, schools should be guided by the following key principles.

(a) **CHILD-CENTRED** – at the core of every consultation process needs to be the best interests of the child. This should be clearly defined in your objective and should be an overarching consideration at all points.

(b) **INCLUSIVITY** – empowerment and engagement needs to be tailored to students of different backgrounds including students with disabilities, indigenous students and students from CALD backgrounds.

(c) **LEADERSHIP** – students are in a unique position to become leaders, noting that most students are more likely to rely on their friends than adults if they are worried about something.[9]

(d) **MEANINGFUL PARTICIPATION** – participation should be meaningful, not tokenistic. This includes ensuring that students are free to express their views openly and honestly, their views are then implemented and incorporated into school processes and builds the self-esteem and self-confidence of students.

(e) **CONSENT** – consent remains important and 'forcing' students to engage in consultation will only disempower students and disengage them.

(f) **SUPPORT** – consultation needs to be paired with support and schools must recognise that participation may be confronting for some students.

(g) **INFORMED CONSULTATION** – students should receive information beforehand so they can make informed decisions. This might include an agenda or a fact sheet that sets out some of the information regarding what they will be consulted on.

(h) **FEEDBACK** – students should always be informed about how the information they have provided during consultation has been used. This helps affirm that they have been heard and also allows them to correct anything that may have been misinterpreted.

5.2

Facilitation

Regardless of the method of consultation a school chooses to use, it is important that schools ask the right questions and choose the right facilitators.

ASKING THE RIGHT QUESTIONS

Schools should strive for a balance between quantitative and qualitative questions. A series of all qualitative questions can make it difficult for schools to collect key metrics to establish a baseline or level of improvement. Again, schools will need to be mindful of this and adjust their questions according to the group of students they are working with and also the objective. For example, open-ended questions are generally considered best practice so as to allow students to use their own words. However, for younger students or students with disabilities, open-ended questions can be difficult to respond to. In these groups, questions with some options can be helpful to guide students. An additional option of "other" to allow students to express their own opinion can be added to better accord with best practice.

The example outlined above where the school consults with students on what it means to be safe for them and what the students need from the school is a good example of where a mix of questions are needed. It would be helpful for the school to establish a baseline of how safe students feel at the school – this could be done by asking the students to rank their feeling of safety within school grounds from 1 – 10. This will then provide schools with a baseline from which to work. If the sense of safety is low, this indicates to the school that they need to obtain some qualitative answers in relation to why this is so. Similarly, if the sense of safety is high, this might encourage the school to consult with students as to why this is so.

---

9   *Our Safety Counts report.*

Example - consulting on child safety

A common consultation process that we are seeing in schools post-Royal Commission is the consulting with students on child safety. Often schools struggle to understand where to start. A baseline questionnaire is a good place for schools to start – this allows them to gauge where their key areas of concern are to tailor their later consultation process.

Some good questions to ask include:

(a)   Do you know where to go for help at the school?

(b)   How comfortable do you feel raising concerns about your safety at school?

(c)   How safe do you feel at school?

(d)   Are there any areas in the school where you feel unsafe?

(e)   Do you use social media at school?

(f)   Do you know what the school's child safety policy is and where to find it?

(g)   Do you think the school takes child safety seriously?

(h)   Do you think the school educates you well on your rights in relation to child safety and respectful relationships?

(i)   Have you seen behaviour at the school that makes you concerned about your safety?

(j)   Do you feel that the school engages students in decision making?

(k)   Do you know where to go if you think your friends need help?

This is by no means an exclusive list and schools should be guided by their own areas of priority. It could even be an area that schools consult with students on to help draft the right questions.

Schools will need to be careful to make the questions culturally appropriate and tailored to the needs of different student groups. When collecting the data, this should also be segmented to identify key trends. For example, do male students feel safer than female students? Do Indigenous students feel less engaged in decision making? This will help the school understand where it needs to prioritise its work and consultation.

Choosing your facilitators

When consulting with students in a physical environment, choosing the right facilitators is crucial. For some student groups, it will be preferable for the facilitators to be someone that they are familiar with. For others, external providers will help them feel able to speak openly and honestly without the oversight of teachers or the school staff.

Facilitation is a different process to providing a lecture or teaching a class. Facilitation is an active process where the facilitators are there to guide discussion between students, not to teach or provide a lesson on a particular topic. Some key principles when creating the facilitation process are:

- It is best to have at least two facilitators – this allows one person to do the 'talking' and the other to do the 'engaging'. Having multiple facilitators also provides a greater opportunity that students will connect with one of the facilitators. This is particularly important when facilitating on difficult topics such as safety or respectful relationships which could be triggering for students and may require one facilitator to provide first response support to a student.

- Small groups – facilitation is best undertaken with small groups, ideally around 15-20 students and no more than 30 students. This allows all students to play a role.

- Support to participate quietly – while a facilitator's role is to engage students and encourage them to provide their opinion, facilitation should also create a space where students feel comfortable to participate quietly. This aligns with the key principle of upholding a student's autonomy and choice.

- Listen more, speak less – facilitators should not be speaking more than they are listening. Facilitators are not lecturers; they are there to create a space for students to speak.

- Use student language – facilitators should be adjusting and adapting to the student's language and trying to get a sense of agreed terms.

ACKNOWLEDGE	Facilitators should always acknowledge a student's contribution. This can be through body language, eye contact and affirmative language. This is fundamentally important for student engagement and empowerment.
BE YOURSELF	Facilitators should be genuine and authentic. They should endeavour to be themselves and schools should avoid placing limits on facilitators as this can disengage students.
CHECK	Facilitators should always be checking the environment, gauging energy levels and checking on students.
DON'T ASSUME	Facilitators can get themselves in trouble if they begin a facilitation assuming that they know what the students are going to say or do. Keeping an open mind and allowing the facilitation to adapt naturally is important.
EMBRACE CHANGE	Facilitators should be flexible and adapt as the sessions progresses. While it is important to have a plan, this does not need to be followed to a tee and the facilitation should go where the students want it to go.

Peer led and external facilitation

When the Royal Commission worked with children to assess their opinions regarding consultation, it was commonly said that children preferred facilitation and consultation that was undertaken by people of a similar age. This is commonly referred to as a peer-led approach.

In particular, when discussion topics such as online safety, respectful relationships, child safety, abuse and violence, it is considered best practice to work with peer facilitators.[10] Peer facilitation or education is a process whereby those of the same societal group or social standing are educating or engaging with each other. This can be done by either utilising a co-facilitation model where adults work with children to deliver facilitation or by engaging external peer facilitators.

There are additional benefits to engaging with external organisations to help run consultation. Students may feel more comfortable sharing their opinion openly with external individuals than school staff members if they feel that there may be repercussions if they speak negatively. External organisations can also work with students to distil the agreed key points and report this back to the school.

5.3
Inclusive consulting

It is an important aspect of all consultation that it is inclusive. This is to ensure that schools are collecting a diverse range of opinion and not excluding any particular groups. Inclusive consulting can include being diverse in age, race, ability, socio-economic background or even academic ability.

While consultation needs to be inclusive, this tends to be an area that schools struggle with the most. Below, we have set out some guidance on engaging with particular groups of students. Again, this is not a definitive guide. Rather, it aims to provide some guidance on how to consult with particular groups. We encourage schools to refer to the additional resources for further guidance.[11]

---

10   See "Framing Best Practice: National Standards for the Primary Prevention of Sexual Assault through Education" by the National Association of Services Against Sexual Violence (NASASV).

11   Among other resources, "Engaging Children in Decision Making" developed by the Western Metro Department of Education and Early Childhood Development (DEECD) was utilised in this section.

YOUNG CHILDREN

Description of group

Very young children would include children in early childhood and early primary school (from birth to 7 years old).

Unique challenges

- Children's development and ability to engage with issues to be consulted on.

- Child safety and comfort in a potentially unfamiliar situation.

- Parent consent and working with parents / caregivers / guardians to ensure a safe environment.

- Large variation in development between different ages and different students.

- Clarifying comments from children and distilling this into data that can be used.

Tips

- Keep facilitator / educator to child ratio small.

- Ensure that the environment is familiar as much as possible (i.e. familiar location, usual teacher attending).

- Keep the topic to be consulted on confined and practical.

- Work with facilitators who are experienced in working with children of that age.

- Use a range of different ways to communicate, such as images, visuals, videos, sounds, music, toys etc.

- Ensure you have parental consent and work closely with the families and caregivers.

- Communicate clearly using simple language.

Activity example

A teacher in the city of Gaza made international news in relation to a creative technique he had for consulting with young children. Next to the door to the classroom each day, he had five different images – one of a heart, one of a fist bump, one of a hand shake, one of a high five and one of a wave.

As the students entered his classroom, they would point to one of the images, indicating the way in which they would like to be greeted. This activity was a way to start each day by providing students with autonomy and choice, which was reaffirmed when the teacher only provided the greeting that the student asked for.

Additional resources

Listen 2 Connect – A guideline for Engaging with Children, Youth and Young Adults (developed by the City of Logan with the Salvation Army).

Children's Voices – A Principled Framework for Children and Young People's Participation as Valued Citizens and Learners (developed by the government of South Australia and University of South Australia).

STUDENTS WITH A DISABILITY

Description of group

Students who have a physical, cognitive and / or intellectual disability and/or communication difficutlies.

Unique challenges

- Students' comprehension may be lower than average at their age.

- There may be difficulty in terms of concentration and extended consultations will be a challenge.

- Standards of appropriate and inappropriate behaviour may need to be reinforced.

- Understand that there are different types of disabilities requiring different adjustments and it may be worth consulting with students / carers to ensure inclusivity.

- Support that needs to be provided to students to allow them to express their opinions.

- Understanding the unique experiences and challenges that this student group might face

Tips

- Utilise lots of small groups for consultation, noting that activities and the process may need to be adapted for each group. Ratio of staff/support to students would need to be higher than usual.

- Notwithstanding these challenges, it is fundamentally important to include students with disabilities in the same consultation process on the same topics as other students.

- Provide information well in advance and clearly explain to students the process that will be undertaken.

- Work with experienced educators and facilitators to ensure exercises and activities are accessible for everybody. This may include ensuring the questions are presented in Braille for those with vision impairment and that there is narration of what is occurring in the session for this student.

- Adjustments to express opinions need to be considered for non-verbal students who may use a communication device.

- Plan thoroughly and in advance to ensure you are catering for the students.

- Obtain consent from the student and parents and guardians as needed.

- Where students have a physical disability, adjustments may need to be made such as ensuring an accessible location, large spaces and assistance in moving around.

- External assistance may be needed for students with sensory disabilities (e.g. vision / hearing impaired) such as requiring facilitators with Auslan experience.

- Depending on students' comprehension, may be best to limit to choosing from options instead of open ended questions where appropriate. Visuals should be used to support answer formulation where literacy or comprehension levels are low.

- Questions should be broken down into single step/part questions. Wait time and processing time utilised to support receptive and expressive language.

Activity example

An EREA Special School has utilised a range of different activities to consult with their students. For example, they allow students to pick the song that plays as the 'bell' each day. In another example, they consulted with students about their learning and education. They did this by providing images of different aspects of the school and asking students to pick which they preferred or liked most. They also chose from several images of lesson components to share their opinion on what they thought makes a good lesson.

Another example is consulting with students on their classroom setting. Facilitators moved around the classroom with one student at a time and asked them to identify their favourite and least favourite areas in the classroom. This allowed facilitators to effectively communicate with students with diminished cognitive capacity in a simple manner and then tailor the classroom to suit the needs of each student.

Additional resources

Guidelines for Consulting with Children and Young People with Disabilities (developed by PLAN International).

SoSAFE! Tools – Social safety training education for teachers, trainers and counsellors in relation to working with children with a moderate to severe intellectual disability and ASD, and used as a visual communication tool for reporting of physical and sexual abuse.

STUDENTS FROM INDIGENOUS BACKGROUNDS

Description of group

Students who identify as a person of Aboriginal or Torres Strait Islander descent.

Unique challenges

- Understanding the Indigenous cultural contexts and consulting with students on this.
- Acknowledgement that Indigenous groups vary and are not a homogenous group.
- Understand the historical background in terms of trauma to the Indigenous community.

Tips

- Use inclusive and appropriate language for Indigenous students and young people.
- Ensure staff or facilitators that consult with students are experienced in working with Indigenous children and communities. It is preferable to engage staff or facilitators of an Indigenous background.
- Engage the wider Indigenous community, this is best done by visiting their community (with advance permission).
- Be aware of different communication models – for example, in Indigenous culture, verbal communication is sometimes preferred over written communication.
- Engage Indigenous students at the start of the planning process to ensure consultation is appropriate and tailored to them.
- Ensure you include an acknowledgment of country before beginning the consultation.

Activity example

Kids on Country program – an organisation called Millennium Kids consulted with Indigenous children regarding what they would like to change in their communities. The organisation went into the Indigenous community and worked with Elders to engage the children. The consultation found that young Indigenous students were bored as they had little means of transport, leading to anti-social behaviour. Working with the children, they co-designed a project for the kids to seek sponsorship and grants. From this, a Kids on Country program was developed, allowing children to explore local sites, experiment with technology and build skills. This program continued to develop a range of projects with children for children.

Additional resources

Engaging with Aboriginal children and young people toolkit (developed by the Commissioner for Children and Young People WA).

Listen to Us – Using the Views of WA Aboriginal and Torres Strait Islander Children and Young People to Improve Policy and Service Delivery (developed by the Commissioner for Children and Young People WA).

STUDENTS FROM CULTURALLY AND LINGUISTICALLY DIVERSE (CALD) BACKGROUNDS

Description of group

Students from a wide range of different cultural, religious, racial, ethnic and spiritual backgrounds.

Unique challenges

- Understanding the differences and commonalties between students in this group.
- Being mindful of different communication processes and protocols.
- Language may be a problem for students who do not speak English fluently or even if they do, may not understand the lingo and short-hand language used.
- For certain cultures, it is uncommon for children to be consulted with and feel empowered.

Tips

- Use facilitators that are from the same cultural or linguist background as the students or have an understanding of multicultural engagement.
- Consider focus groups or different small group consultations to allow the students to feel more comfortable.
- Utilise existing social structures such as church groups, associations, places of workshop or multicultural centre groups.
- Ensure your facilitation can be understood by students – where possible, use images and simple English.
- Consider if single sex groups may be more appropriate.

Activity example

A school in Queensland found themselves scrutinised when they suspected a child had suffered abuse after noticing red marks on their back. However, these were from a traditional Chinese medicine practice of cupping which leaves marks on the skin. As a result, the school chose to consult with its students from a CALD background regarding what they wanted teachers and other students to know about their culture. This was done through 'share days' where the school had specific days to celebrate and learn about a particular culture. These were co-designed and run with students.

Additional resources

Consultation Through a Multicultural Lens: Multicultural and Cross-Cultural Consultation in Schools (authored by Colette Ingraham and published in School Psychology Review).

Working with Culturally and Linguistically Diverse Adolescents (developed by the Australian Institute of Family Studies and includes a list of other resources).

STUDENTS FROM FAMILIES EXPERIENCING VULNERABILITY

Description of group

Students from families experiencing difficulties for reasons such as separation, family violence, drugs or alcohol issues or parents with a mental illness.

Unique challenges

- Students are more likely to be disengaged from school and may not be regular attendees.

- Students may have less confidence in themselves and willing to speak up.

- It may be difficult to ascertain who should provide consent for the student to be consulted with.

- It may be challenging and triggering for students to consult on sensitive topics such as safety or mental health.

Tips

- Use trusted professionals that the students are familiar with and feel safe around.

- Ensure the processes are respectful and carefully considered.

- Provide students (and parents if appropriate) of the process to occur with plenty of notice.

- Ensure that support is available throughout the process.

- If running group sessions, allow plenty of breaks to give students an opportunity to leave or raise concerns if they need.

- Work with the students to find the best method of consulting with them – for example, some students may prefer during school hours while others may prefer out of school hours.
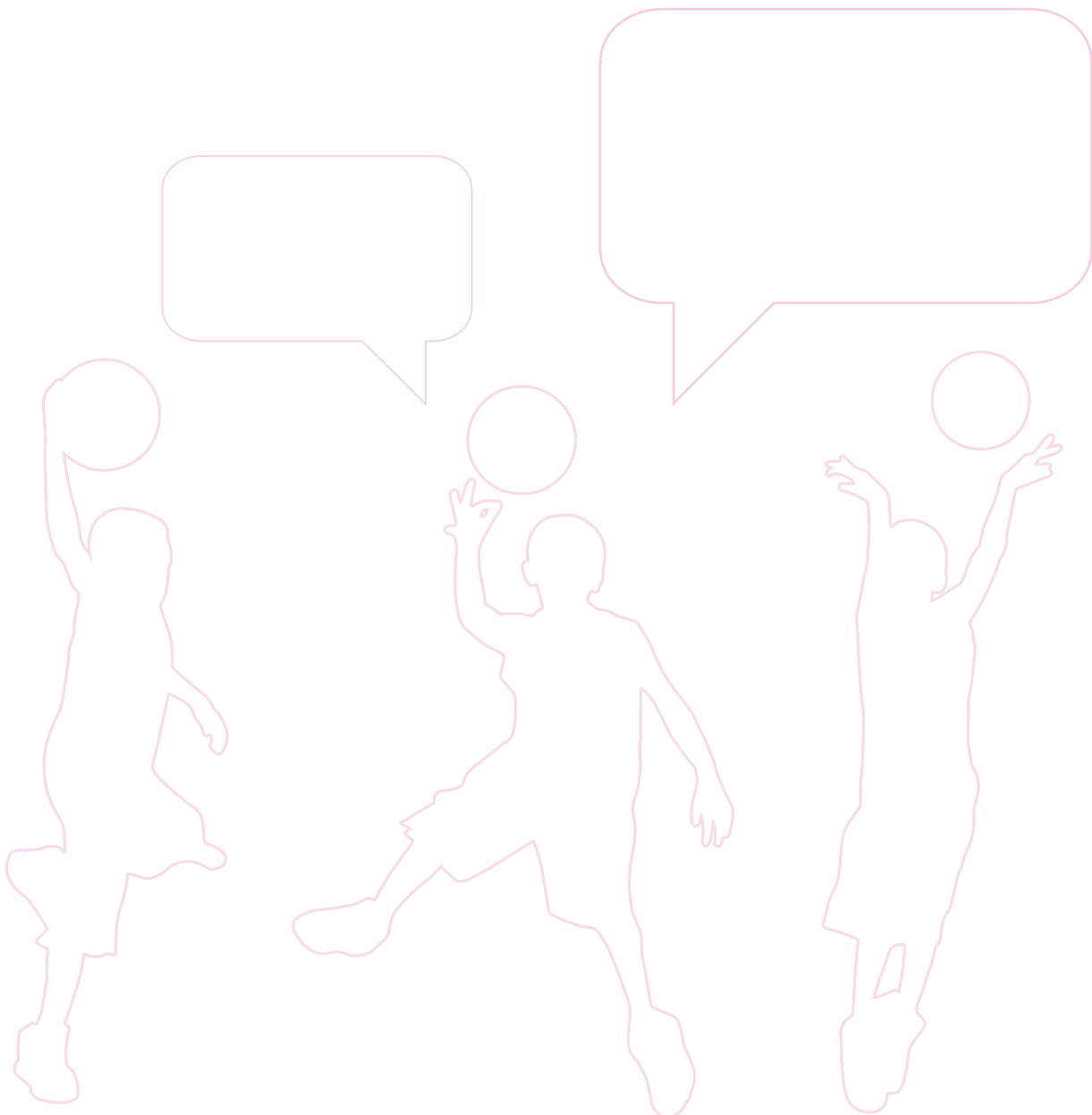
Activity example

During the Royal Commission, it was noted that children experiencing domestic violence at home could begin to normalise this behaviour and replicate it in problematic behaviour of their own towards other children. It was recommended that schools work with these children to re-establish appropriate and inappropriate behaviour. This involved showing children, often young children, images of different actions and then asking them to demonstrate which actions they perceived as appropriate and inappropriate. This then provides a school with a baseline of knowledge in order to build education on.

Additional resources

Engaging Children in Decision Making (developed by the Western Metro Development of Education and Early Childhood Development (DEECD).

Report of the Protecting Victoria's Vulnerable Children Inquiry (authored by the Department of Premier and Cabinet Victoria).

The Framework

6

This chapter sets out the Framework that schools should utilise when consulting with students. It sets out the key steps and considerations to guide schools and is a practical checklist to help schools plan their consultation processes. We will also set out some examples of consultation processes that align with best practice. A blank copy of this Framework can be found at Annexure A.

6.1

General Framework

Step 1

Set your purpose and objective

The first part of consulting with students is to set your purpose and objective. This will help ensure that your consultation is not tokenistic and engages students to help you solve a problem or achieve an aim.

Schools should be guided by questions such as:

• Why are we consulting with students? Why is it important as part of this project to consult with students? To what extent will the students' feedback and opinion determine the ultimate decision?

• What is the purpose of consultation?

• What decision is being made here?

• Are we consulting with any other stakeholder groups?

• What will it look like at the end of this process if we have consulted with students successfully?

Step 2

Frame the consultation

Once you have set your objective and purpose, you can then begin to frame the consultation. This is to set the parameters and define what your consultation process will look like and how this will help achieve your purpose.

Schools will need to consider:

• **Who** will we consult with? Does this group of students align with our purpose? Are we being inclusive? Will there be different levels of consultation? For example, we might start with small groups but then move to whole of school.

• **What** method of consultation will we use? Will we use a range of different methods?

• **When** will the school start consulting with students? Note that consultation with students can occur at this point in the planning to work with students to decide how the process will work.

• **Where** will consultation take place?

Step 3

Plan the consultation

At this stage, the school needs to think: how will we run this consultation? While some of these considerations might be thought of above, this part of the process involves thinking through the logistics.

Schools will need to determine:

• **Budget** – what is our budget for this consultation process and how will we use it?

• **Facilitators** – if you are running small group sessions, who will be your facilitators? Be guided by the principles of best practice above.

• **Timeframe** – will the consultation be ongoing or is there a set deadline that the school needs to work with?

• **Data collection** – what kind of data will the school collect from students? Will this data and its analysis align with the objective and purpose?

• **Support** – will we need to provide our students with any support after the consultation if the consultation may be difficult for some students?

Step 4

Begin the process

Once schools are comfortable with the planning they have done, it will come time to start the consultation. However, there will be steps that may need to be taken before the consultation starts.

This may include:

- Providing students with information regarding the consultation beforehand so that they can engage with the consultation in an informed manner.

- Seeking consent from students to participate in the consultation.

- Considering if consent needs to be sought from parents.

- Preparation of materials and activities for the consultation process.

- Notifying teachers, parents, School Board and School Body and the wider community (if appropriate) about the consultation.

Step 5

Consultation process

The consultation process will vary greatly depending on the considerations above. During this process, schools will need to be guided by the key considerations and principles we have set out previously. Throughout the process, schools should keep a child-centred approach.

Step 6

Analysis of the data

Once schools have completed their consultation process, they will likely be left with a significant amount of data.

Before the data is utilised in decision making, schools will need to collate this data into key trends. We have set out some tips on analysing data below.

It can also be helpful and a skill building exercise for students if the school requires them to reach consensus on some key issues. This fosters collaboration, negotiation and communication and can help the school understand the key messages.

Another step schools might consider is feeding the data back to the students for their confirmation. At times, what is collected might not actually reflect the genuine opinion of students. This might be due to poorly worded questions. For example, one school undertook a survey of students regarding class satisfaction on a scale from 1 to 5 but used 1 to indicate "high satisfaction" and 5 to indicate "low satisfaction". Naturally, many students were confused and used the wrong numbers. In this case, it was important that the school checked back in with the students to confirm the overall trend shown so that students could clarify their true feedback.

Step 7

Making the decision

Once the school has collected the needed information from its consultation process, it will then need to make a decision. Again, schools should be referring back to the beginning when they defined their objectives and purpose and the question to be answered.

In making the decision, schools need to ensure that the student voice is heard. It will be difficult, if not impossible, to please every single student consulted with but the key trends and perhaps overall consensus should be reflected in the decision. If the school is consulting with several different stakeholder bodies and the student group is only one of these bodies, schools will have to make sure that its voice is heard amongst the others.

Step 8

Communicating the decision

Once a decision has been made, this needs to be communicated back to the student cohort (as well as other stakeholders involved). This accords with the principle that consultation must not be tokenistic and students will be empowered by seeing their consultation impact an action.
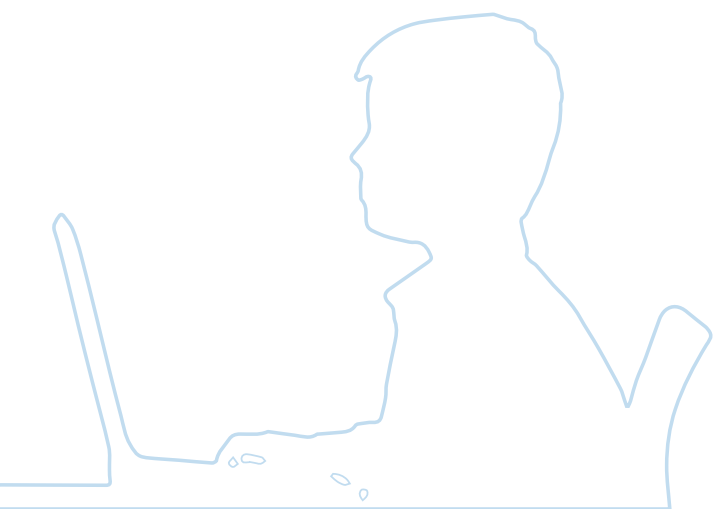
Communication should include:

- A thank you and appreciation for engaging in the consultation process.

- An outline of the decision made and the rationale for making that decision.

- Feedback to the students on how their input influenced the decision.

- What the next steps will be in terms of implementation of the decision.

- Where the students can go if they have any questions.

- Where the students can go if they need any support.

Step 9

Implementation of the decision

The consultation process does not end after the decision has been communicated. Students will need to have their consultation affirmed by seeing the implementation. The school should try to ensure regular reports are made and the key milestones are continuously communicated.
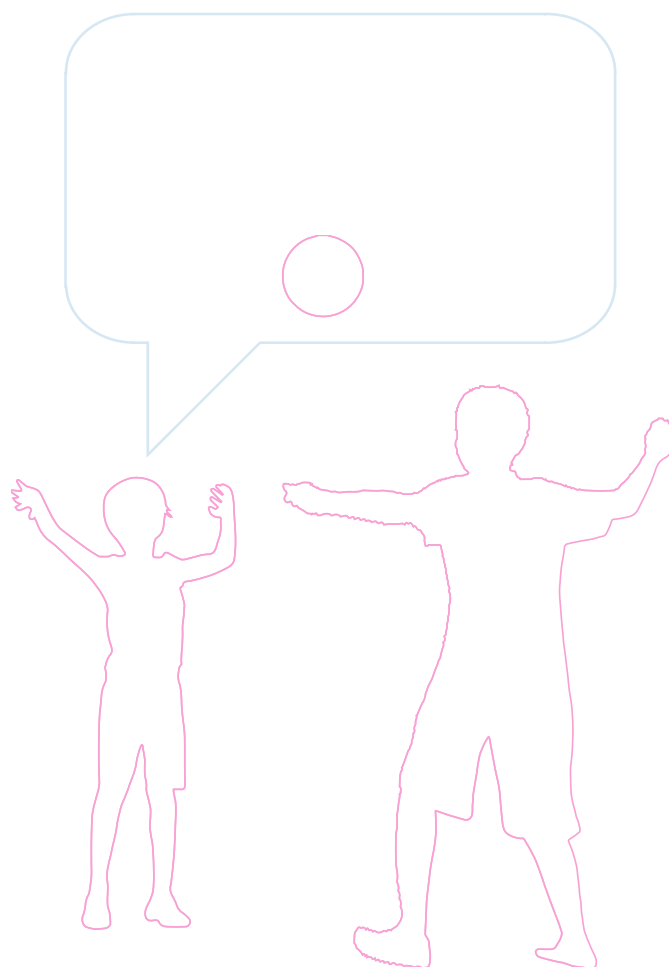
Step 10

Evaluation

The consultation process as a whole should be evaluated. This might be a further aspect of consultation as well if students are asked to provide feedback on the consultation. The school might consider asking if the students felt heard, supported and included. An internal evaluation might be done as well by looking at if the original purpose of the consultation was achieved.

Schools should consider:

- Should we involve students in the evaluation? If so, how?

- What are some of the things we think we did really well?

- What are some of the things that we would do better next time?

- Did we achieve our objective and purpose?

- Did consulting with students help us make our decision?

Below we have set out some real life examples utilising the Framework above.

CASE EXAMPLE 1 - UNIFORM CONSULTATION

This example is based on a consultation process run by an EREA school[12]

Step 1

Set your purpose and objective

The purpose here was to re-design the sports uniform. This purpose came about from another consultation process the school had which was feedback from their student leaders on an informal basis through meetings every few weeks with the Principal and Deputy Principal. The feedback was that the students did not like the sports uniform and wanted it changed.

It was important to the school that they consulted with students as a key stakeholder group because "the students are the ones who wear the uniform". The school was also consulting with other stakeholders such as parents and staff members. However, it made it clear that student feedback would be a significant consideration in its ultimate decision making.

The decision to be made here was on the new sports uniform. The school determined that success at the end of this process would look like a sports uniform that the students liked and wore proudly. It would also mean all students felt consulted with and a part of the process.
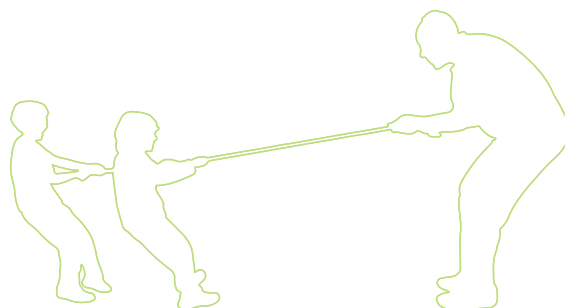
Step 2

Frame the consultation

The school then began to frame their consultation. They decided that they would consult first with the Student Representative Council (SRC) to provide general guidance on what the sports uniform should look and feel like. They would then expand this to a wider group including sports captains to shortlist the designs. Finally, they would provide the shortlisted designs to the whole school for final feedback before deciding.

They decided on the above process to allow for inclusivity but also efficiency. They noted that the SRC was made up of students of all ages. They decided to use small focus groups for the first two stages. For the final stage, they would have anonymous feedback boxes underneath the prototype uniforms on display.

The school worked with its senior student leaders to frame the consultation.

---

12   Please note that minor changes have been made to this example to demonstrate the use of the Framework.

Step 3

Plan the consultation

The school, with the help of its Board, set the budget for the consultation process and for the re-design of the uniform.

This included bringing in external facilitators for the focus groups and the school decided to use the company that was designing the uniform to run these consultation sessions. This was because the company had experience in designing school uniforms and consulting with students.

A general timeframe was set for consultations and the dates for the focus groups were set in advance. The school noted that they would be generally collecting qualitative data, being comments and opinions from students. They worked with the uniform company to understand how to distil these comments and opinions into tangible outcomes. Given that the school did not believe this was a difficult topic, it did not think support was needed at the time of the consultation. However, it did plan to touch base with younger students who may have found the consultation process daunting amongst older students.

Step 4

Begin the process

The school provided relevant information to students participating in the focus groups beforehand, including the general colour scheme, the uniforms to be decided and the objective.

The school did not seek consent from parents as all consultation took place in accordance with its general consent procedure but it did notify parents that they were re-designing the uniform and would be consulting with students.

Step 5

Consultation process

The school ran several focus groups with the SRC first.

These were run by the uniform company who the school observed did well making every student feel heard and incorporating the comments of all students.

Once some general key points had been agreed on, the school then invited the captains of sporting teams to participate in consultation. This was particularly important in relation to deciding designs for specific items of uniform that related to specific sports.

Finally, once a set of short-listed designs had been finalised, it had samples made up that were displayed in a public area of the school. All students were then invited to submit either named or anonymous comments regarding the designs.

Step 6

Analysis of the data

Given the difficulty of compiling all of the qualitative data from students and other stakeholder groups, the school encouraged students to reach consensus on some key issues.

For example, they encouraged the students to work together to decide on key colours and on a shortlist of designs.

The shortlist was then tested on a whole school level by seeking feedback from the rest of the school.

Step 7

Making the decision

The school noted that in the initial stages of planning, it wanted to value and reflect the students' feedback as a key stakeholder group.

They therefore placed importance on the comments from students in finalising the design and ensured that was communicated to the uniform company.

Step 8

Communicating the decision

Once the final uniform designs had been chosen, this was unveiled at a school assembly to the students.

The school explained how it had reached that decision and thanked the students for participating in the decision making process. The decision was also communicated to the wider community. The school outlined when the uniforms would start being available and the phase out process for old uniforms.

Step 9

Implementation of the decision

The school provided regular updates to students and parents as each new item of uniform became available in the uniform shop

It continued to update all stakeholders, including students, in relation to the roll out of the new uniform.
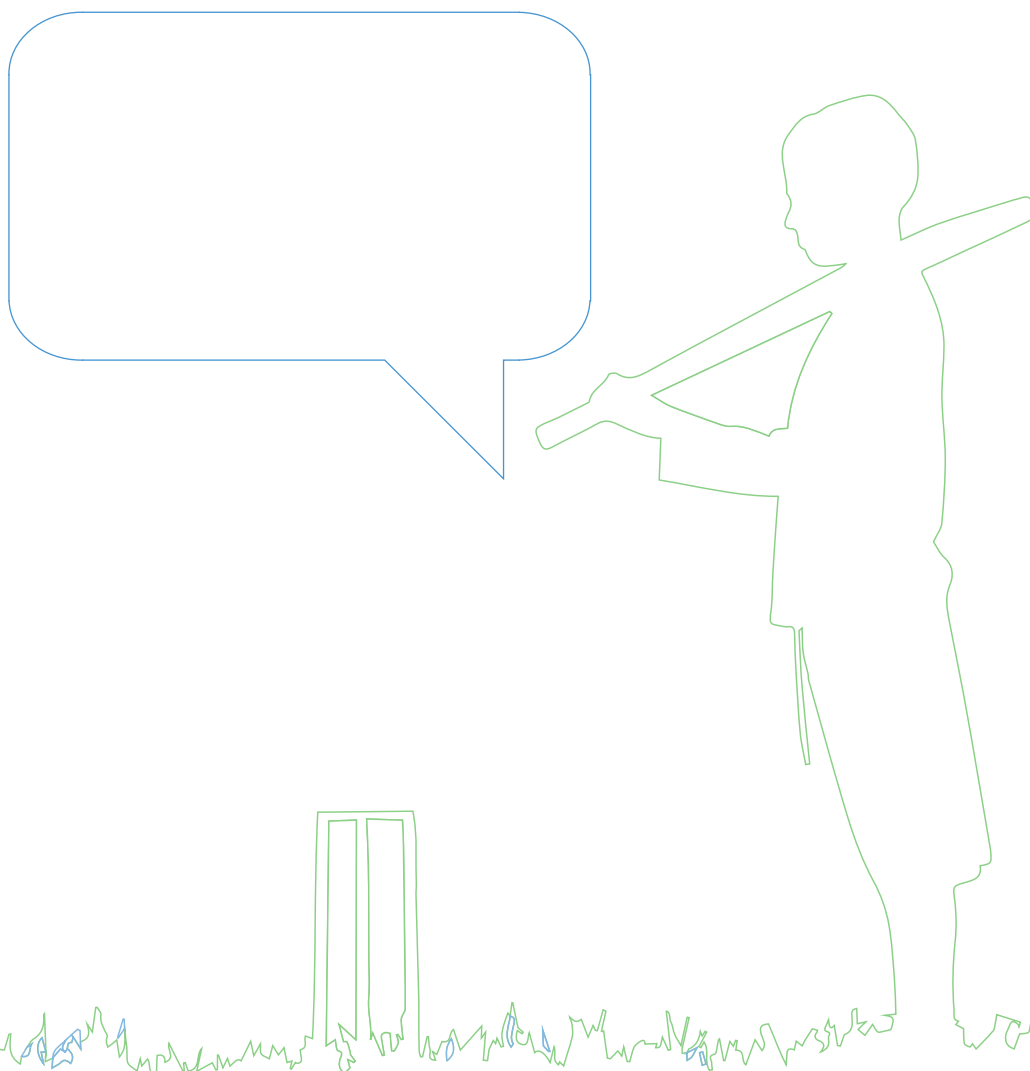
Step 10

Evaluation

Once the consultation process was completed, the school reflected back on how the process had gone.

They considered they had done some things well – such as engaging with a wide range of stakeholders, ensuring that the whole school had an opportunity to contribute feedback and working efficiently to the budget and timeframe.

However, they noted that there were some things they could have done better. For example, students provided a lot of feedback on the appearance of the uniform but not the feel as no fabric samples were provided. The school also noted that some students felt that they would have liked to be involved in the earlier consultation process as opposed to just seeing the short-listed designs.

Nonetheless, the school noted that by consulting with students, they were able to decide on a uniform design that the majority of their student cohort viewed favourably.

CASE EXAMPLE 2 - CHILD SAFETY EDUCATION

This example below is based off the consultation run by *Empowered Together*, a youth led not-for-profit organisation, with several schools in relation to child safety education

Step 1

Set your purpose and objective

The purpose here was to design child safety education that was based on what students wanted to learn.

It was important to the organisation and the schools that it worked with, that they didn't assume that they knew what students wanted to learn about sex education, relationships and child safety. Ensuring a child-centred approach meant consulting with students and be guided by them in designing the educative process.

The organisation and the schools that it partnered with also consulted with teachers at the school, relevant government departments, other organisations that provided respectful relationships education and parents. Whilst consultation with these other groups was important to ascertaining the education that was currently provided and best practice regarding education, it was decided that the student consultation would primarily shape the content of the education to be delivered to students.

Step 2

Frame the consultation

The organisation undertook different types of consultation with different schools.

With smaller schools, the organisation sent out school wide surveys to collect student opinion regarding the current education they received and then on what they wanted to learn. With larger schools where whole of school surveys would result in overwhelming data, the organisation ran small focus groups.

These focus groups were optional and all students were invited to participate. This allowed the organisation to ensure that it was being inclusive and also result in a wide range of opinions. While the organisation collected qualitative feedback during this process, they also collected quantitative feedback at the end of each session to ensure it had an evidence-based approach. Given that the topic was of a sensitive nature, all consultations took place on school grounds to allow the students to be in a familiar environment.

The organisation worked with the schools and the relevant student representative bodies to frame the consultation.

Step 3

Plan the consultation

The organisation, being a not-for-profit and volunteer run, required little budgeting to undertake the consultation process.

Nonetheless, it had to work with schools to have the process approved by the senior leadership team. It was decided that the organisation, as external facilitators, would run the consultation sessions. This accorded with best practice where it has been found that when discussing sensitive topics such as sex education and child safety, there is benefit in a peer-led approach as students feel more comfortable being honest.
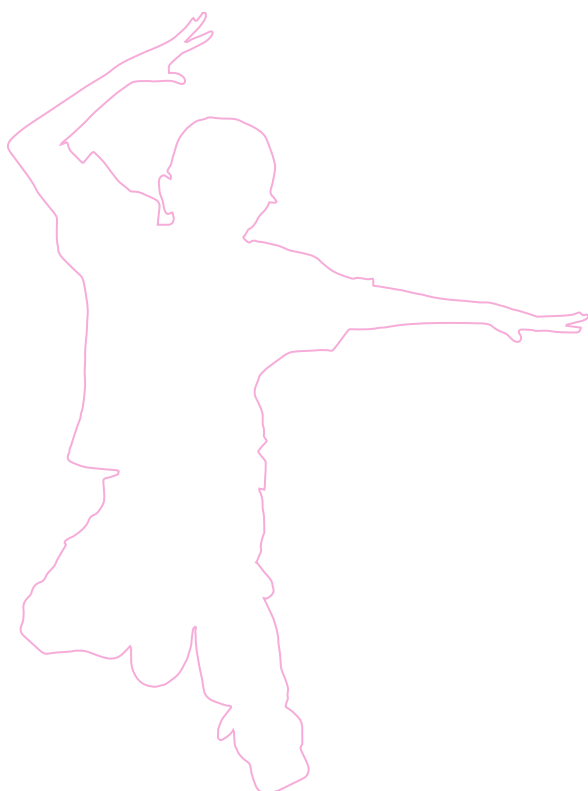
Notwithstanding the above, it was important that teachers and students present were comfortable, as well as counsellors and support staff either in the sessions or on stand-by. All of the facilitators used had experience working with young people, either through previous facilitation or as educators. Furthermore, all facilitators underwent training with a leading body in respectful relationships education. Facilitators were also trained in first response, noting that it is common when engaging students in this topic that disclosures often arise.

Step 4

Begin the process

The organisation provided schools with an information pack to send to students beforehand. This included a list of the topics to be covered and questions to be asked. Given that external facilitators were being engaged, it was important that students were given prior notice of this and the option to opt-out at any time.

Furthermore, some of the schools that the organisation worked with opted to send consent forms to parents. When this was done, the purpose of the consultation and its process was clearly outlined. This had to be carefully done as the school did not want parents withholding consent when their children wanted to participate in the consultation process. Providing a separate consultation session with students often mitigated any concerns that parents had.

Step 5

Consultation process

During the consultation process, the organisation provided several options for students participating in focus groups to ensure they felt comfortable. This included running single sex sessions as well as mixed gender sessions. The organisation also ran separate sessions where students requested it.

For example, at one school, a separate session was run with students at the boarding school who indicated that the education they needed was different to day students given that they were residing at the school. In another example, a separate session was run with CALD students who outlined that they often struggled to understand the terminology of the sex education they were receiving.

Through each stage of consultation, it was endeavoured, where possible, for the organisation to engage facilitators that understood or came from the relevant background of the students.

Step 6

Analysis of the data

By the end of the consultation process, the organisation had collected feedback and consulted with over 500 students. This was a significant amount of data to analyse. It was also important to segment the data, breaking it down to allow the identification of trends across different student groups. Due to the complexity of the data collected, the help of individuals experienced in data analytics was utilised.

The organisation decided to continue to consult with students during this process. Once the data was inputted, the organisation worked with students to identify the key trends. In doing so, it also helped confirm that the data genuinely reflected the opinion of students.

Step 7
Making the decision

In this case, there were a series of decisions that were made as a result of the consultation.

Firstly, the organisation created a workshop based on the key education points that students wanted to learn. There were clear trends in the key learnings that students outlined across all groups.

However, there were differentiations and this helped form a facilitation guide which guides the organisation's facilitators when they work with different students. Additionally, reports were provided to each school that the organisation partnered with, allowing the schools to understand the education that their students wanted and the differentiation between different student groups.

Step 8
Communicating the decision

The decisions were provided back to the students. For example, some of the reports provided to schools were publicised and send to students. The organisation also returned to the schools to run the workshops that had been designed based on student consultation. The organisation continues to work with the schools involved in the consultation process. It was communicated to students how their input had helped shape the workshop and the plans for workshops moving forward (i.e. that they would be run in schools across Victoria).

Step 9
Implementation of the decision

The workshops that the students helped design were run in schools across Victoria.

After the workshops had been running for two years, the organisation returned to the schools it had originally partnered with to run new consultation processes to determine if the workshop needed to be updated or changed.

Step 10
Evaluation

Once the consultation process was completed, the organisation and the school evaluated the process they had undertaken.

They considered they had done some things well – such as being able to identify trends across several different schools, collecting significant amounts of quantitative data that helped form key metrics and making significant decisions that students could see reflected in their education.

However, they noted that there were some things they could have done better. For example, it was found that there was a lack of consultation with students with a disability who often chose not to participate in the focus groups for a range of different reasons. Furthermore, only students in secondary school were consulted with as the workshop was to be for secondary students but this meant primary school students and younger students were not able to share their opinion.
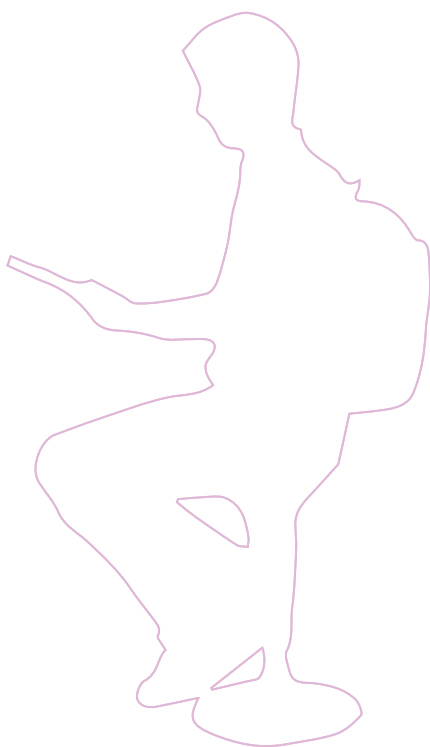
Nonetheless, the organisation noted that by consulting with students, they were able to design a workshop that reflected the views of students and could be shared with other groups state-wide.

Data Analysis & Storage

7

This chapter will cover the process that occurs after the consultation with students has been completed. Just as important as undertaking the consultation itself, schools need to collate the information collected from consultation and ensure it is utilised in the decision and implementation.

7.1

Principles of data analysis

Data analysis is a complicated area and schools should seek the help of a statistician or data analytic where it is collecting significant amounts of data or the data is complex.

Some general principles that can help guide schools include:

(a) Relevance – schools should ensure that the data they collect is relevant. In survey type methods, this is simple as the data will be confined to questions that the school has designed. In focus groups, this is more challenging as it is easy for the discussion to deter from the focus. Where this occurs, the irrelevant data should be filtered out.

(b) Simplicity – schools should try and keep it simple in the data they collect. This ties back to the purpose and objective. It will be difficult to collect student feedback on a wide range of topics and where possible, schools should keep this as simple as possible.

(c) Understand the shortcomings of your data – no set of data is perfect. Schools need to recognise and note where there might be shortcomings. This might be where questions were poorly phrased or understood by students or where there might have been a skew in data due to the sample size collected.

(d) Analyse data through multiple dimensions – at times, a simple manner of grouping data will lead to conclusions that may not actually be accurate. This is often known as Simpson's Paradox. It is important that schools split the data up into different groups – for example, not only looking at feedback by age but also feedback by gender, background etc.[13]

(e) Think carefully about sample bias – one of the reasons why it is preferable to have diversity in your sample group is to avoid this. Nonetheless, schools should be aware

of it when working with small groups. For example, consulting with only the leadership group may not be a true representation of what the whole student cohort thinks.

(f) Clarify your data – when collecting qualitative data, it's important to make sure that this is clearly understood. For example, when consulting with younger students, it will be important to clarify what they mean. A comment by a young child that "someone makes me feel funny" could mean a range of things and needs to be clarified further.

7.2

Record keeping

We have set out the relevant considerations in relation to privacy and confidentiality in section 4.4 above.

Another aspect that schools will need to consider is whether they will keep the data collected from consultation and if so, how. Any identifiable data that is collected (i.e. personal information) will need to be treated in accordance with the school's privacy policy. As previously outlined, where possible, it would be best for schools to collect anonymous data only. Otherwise, a de-identification process may need to be utilised.

Where schools are collecting sensitive or medical data, such as if the school is consulting with students on mental health or sexual education, additional care needs to be taken in relation to record collection and keeping. Schools may need to seek additional legal advice on this. Again, collecting anonymous data will be helpful but schools should be aware that anonymous data without a student's name may still be personal information if the student can be identified from the data.

Where disclosures or incidents occur, schools should undertake their usual processes for documenting these. They will also need to be stored in accordance with the school's privacy policy.

---

13 See for example the University of California, Berkeley case where the University was sued to admitting more men (44% that applied were admitted) than women (35% that applied were admitted). However, when this is broken down into departments, it was seen that women were generally admitted at a higher rate than men across most departments and there were a few departments with very low admittance rates that were skewing the data.

Key Tips & Recommendations

8

This Framework, engaging student voice, and encouraging student participation makes a considerable contribution in building a positive safeguarding culture; a culture that nurtures the wellbeing of all students, respects their dignity, ensures their safety and protects them from abuse and other harm. This is everyone's responsibility and the key message of this Framework.

8.1
Key messages

While this Framework is extensive, schools should note the following key messages:

1. Consulting with children is a critical pillar to ensuring a child safe environment and an important aspect of the EREA Standards.

2. Consulting with and empowering children is not a one off process and should be actively embedded into the school culture to facilitate children feeling valued, heard and safe.

3. It is well established that empowered children are less likely to be victims of child abuse and more likely to speak up if they experience inappropriate behaviour. Consulting with children therefore aligns with a school's duty of care and legal obligations.

4. Consultation should always be inclusive of all students, taking into account age, cultural and linguistic background, disability, Indigenous students and vulnerable students.

5. Consultation with students should be meaningful, not tokenistic, and should lead to implementation of student feedback.
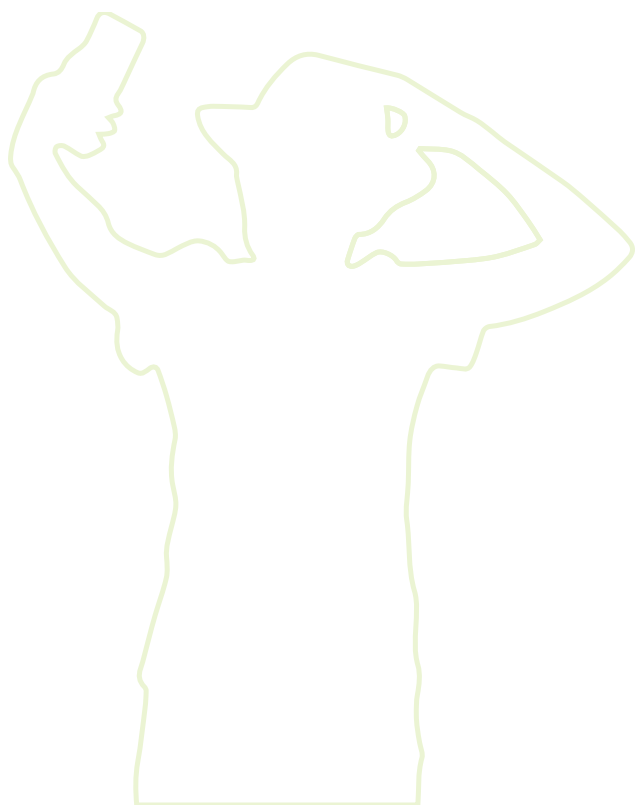
8.2
Next steps

After receiving and reviewing this Framework, we recommend the following next steps:

(a) Child Safety Officers to meet and discuss the Framework, its applicability to the school and its assessment of key messages;

(b) Management team of the school to meet and assess key areas of priority where consultation with students would be beneficial;

(c) Assessment to take place of the school's current level of consultation with students; and

(d) Consider engaging with a small group of your students to discuss their input on consultation and what topics they would like to be consulted on and how.

Schools are encouraged to explore their own methods and areas on which to consult with students on. However, some recommendations with a particular focus on safety and wellbeing are:

(a) Pastoral Care Policy;

(b) Complaints policy – procedures for students to raise grievances and complaints;

(c) Student Code of Conduct;

(d) Online safety;

(e) School environment: making it safe;

(f) Travel to and from school;

(g) The support students need to feel safe and raise concerns; and

(h) Education on personal safety and personal development.

Ultimately, schools will need to assess their areas of priority and where student consultation and input will be most effective and meaningful.

ANNEXURE A – BLANK FRAMEWORK

This is a blank framework that schools can fill out and use in its planning process. Please refer to section 5 for guidance on how the Framework should be used.

Reminder: Annexure A: Develop a separate Blank Framework page so that it can be populated online and down loaded.

Step 1 – Set your purpose and objective

Step 2 – Frame the consultation

Step 3 – Plan the consultation

Step 4 – Begin the process

Step 5 – Consultation process

Step 6 – Analysis of the data

Step 7 – Making the decision

Step 8 – Communicating the decision

Step 9 – Implementation of the decision

Step 10 – Evaluation

ANNEXURE B – SUPPORT & RESOURCES

1. **Several key resources were utilised and referred to in putting together this Framework.**

These are referenced throughout the Framework. Some of the key resources include:

(a) Taking Us Seriously: Students Talk About Safety and Institutional Responses to Their Safety Concerns – Institute of Child Protection Studies at Australian Catholic University;

(b) So You Want to Consult with Students? A Toolkit of Good Practice – Save the Children;

(c) Guidelines for Consulting with Students with Disabilities – PLAN International;

(d) Involving Students in Decision Making: Your Quick, Practical Guide – Commissioner for Children (Tasmania);

(e) Taking Young People Seriously: Consulting Young People About Their Ideas and Opinions – Youth Affairs Council Victoria;

(f) Children's Voices: A Principled Framework for Children and Young People's Participation as Valued Citizens and Learners – Pauline Harris and Harry Manatakis (developed by the Government of South Australia);

(g) Engaging Children in Decision Making: A Guide for Consulting Children – The Western Metro Department of Education and Early Childhood Development (DEECD) and Kurunjang Primary School;

(h) Working with People from Culturally and Linguistically Diverse Backgrounds – Practice Paper by the Queensland Government;

(i) Final Report: Volume 6 – Making Institutions Child Safe – Royal Commission into Institutional Responses to Child Sexual Abuse.

2. **Schools may also contact the following individuals for support in implementing student consultation.**

(a) EREA Director of Safeguarding can be contacted on (03) 9426 3216.

(b) Moores – law firm providing EREA and its schools with child safety assistance. They can be contacted on (03) 9843 2100.

(c) Catholic Professional Standards Limited – The Drector of Safeguarding can be contacted on 1300 603 411.

(d) Empowered Together – visit their website **Empowered Together.**

Acknowledgements

Edmund Rice Education Australia offers a liberating education, based on a gospel spirituality, within an inclusive community committed to justice and solidarity.