

SUBMISSION No. 73



NEW SOUTH WALES TEACHERS FEDERATION

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SUBMISSION TO

**THE PARLIAMENT OF AUSTRALIA
JOINT SELECT COMMITTEE**

ON

**The Inquiry into Cyber-Safety Issues
Affecting Children and Young People**

Authorised by

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General Secretary
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Introduction

The New South Wales Teachers Federation is the registered trade union which covers NSW public school teachers. The New South Wales Teachers Federation represents all teachers in New South Wales public pre-schools, infants, primary and secondary schools and TAFE Institutes. Teachers in Schools for Specific Purposes and Corrective Services are also members.

Federation membership includes 39,000 permanent full-time teachers, 4,000 temporary teachers, 6,000 casual and unemployed members and 6,000 TAFE teachers. The total membership stands at 67,000.

The Federation's submission raises important issues for New South Wales public school teachers. It focuses on the following terms of reference:

- i. the online environment in which Australian children currently engage, including key physical points of access (schools, libraries, internet cafes, homes, mobiles) and stakeholders controlling or able to influence that engagement (governments, parents, teachers, traders, internet service providers, content service providers);*

and

- vi. Ways to support schools to change their culture to reduce the incidence and harmful effects of cyber-bullying including by :*
- *increasing awareness of cyber-safety good practice;*
 - *encouraging schools to work with the broader school community, especially parents, to develop consistent, whole school approaches; and*
 - *analysing best practice approaches to training and professional development programs and resources that are available to enable school staff to effectively respond to cyber-bullying.*

Importance of a national approach

The Joint Select Committee on Cyber Safety provides the opportunity to adopt a consistent national approach to the education of the whole community in cyber safety including measures to tackle cyber-bullying.

In her foreword to the 2009 report of the NSW Legislative Council *Inquiry into bullying of children and young people*, its Chair Hon. Robyn Parker MLC wrote:

“The Committee was alarmed by the growing prevalence of cyber-bullying. While both bullying and cyber-bullying are deeply negative experiences, cyber-bullying is more insidious by nature, having a heightened impact due to its ability to reach into the private domains of children and young people...

Schools need more assistance to be able to respond effectively to cyber-bullying.”¹

¹ New South Wales. Parliament. Legislative Council. General Purpose Standing Committee. No. 2 (2009) *Inquiry into bullying of children and young people: [report]*, p.x.

The report called for “a collaborative effort between young people, parents, schools and the Internet industry to address cyber-bullying.” This included greater coordination and cooperation between all levels of government, schools and the research community.²

Specific measures included:

- an integral component of the National Secondary Schools Computer Fund be the provision of support and professional development for teachers on cyber-bullying;
- an examination of the adequacy of the existing legal framework for cyber-bullying related offences;
- development of clear guidelines for schools on their responsibility to address cyber-bullying, particularly that which occurs out of school hours;
- recruitment of additional school counsellors and School Liaison police officers; and
- securing agreement that local internet service providers conform with international best practice regarding user protection from cyber-bullying.³

Federation endorses these recommendations of the Inquiry as a first step.

Federation also recommends:

- integration of material on cyber safety into the national curriculum; and
- teacher union involvement in the clarification of policy and guidelines concerning cyber-bullying.

Support for schools

Education in cyber safety

The development of the national curriculum provides the opportunity for teaching units on Digital Protocols, Digital Citizenship and cyber safety to be integrated across all curriculum areas. Whilst a range of organisations are developing curriculum resources for all age groups on cyber safety, time poor teachers would benefit from having material accessible from a central on line resource. Given rapid technological change, such material would require constant development and update. The New South Wales Department of Education and Training provides the model for teacher friendly on line units of work with its Teaching and Learning (TaLe) website.⁴

The allocation of new technological hardware such as the federal government rollout of laptop computers must be accompanied by greater funding of professional development of teachers and programs to address cyber safety for students. Students in years 9 and 10 have been issued with laptop computers with sophisticated programs including video functions before all teachers have received their laptops and professional development on their uses as an educational tool and protections to ensure cyber-safety. There is time to rectify this situation before the rollout is complete.

Responding to cyber - bullying of children and young people

The total responsibility for responding to cyber-bullying of children and young people can not be dumped on schools. Schools do not have the resources, the expertise nor the legal status to investigate and impose sanctions for all allegations of cyber bullying. Students' learning may be affected by cyber bullying perpetrated out of school hours. If the bullying does not occur on school

² Ibid, p.xiv.

³ Ibid, pp. xvii – xix.

⁴ www.tale.edu.au

issued laptops or through the school's website, parents and the community should have no automatic expectation that the school is able to intervene. Community information and education programs need to manage expectations of schools. Parents and care givers must accept responsibility for modelling safe practices.

As a preventative many primary schools and some high schools expect that students deposit mobile phones at the school office and ban other electronic devices. Even this raises problems of access to secure storage, the need for staff to be available and have the time for processing. This is not therefore a universal solution.

All schools have computers. The nature of computer technology makes it difficult for teachers to detect inappropriate activity even within classrooms. The laptop rollout with WiFi access and inbuilt cameras allows opportunities for cyber-bullying. The ability to flick between software applications and engage in surreptitious actions makes it difficult for teachers to monitor inappropriate activity in the classroom. Even networked classrooms, in all likelihood, do not possess the technology that allows teachers to monitor the screens of individual students from a central location.

Mobile phone technology with its silent modes and small size makes it easy for students to send bullying texts, take compromising photos and record class and school activities.

Teachers have practice in collecting student books. They may in the course of marking come across inappropriate material, be able to locate tags used in graffiti and match handwriting with that of an inappropriate note being passed around the class or playground. Collecting laptops and mobile phones and going through hard drives and data banks, even assuming teachers have the necessary technical skills, is not an option. It is impossible for teachers to know if vexatious or bullying messages are being sent by students unless students actually show the offending material. Even then teachers may not be in a position to know the full story of how the material came to be.

Federation would reject any legislation or policy that calls for a school's responsibility to deal with cyber bullying to extend beyond school hours and beyond incidents that take place physically on school grounds as recommended in the coronial inquest into the death of a New South Wales school student Alex Wildman.⁵ Mr Wildman's death occurred following incidents of cyber-bullying by fellow students.

Federation does nevertheless strongly support clarification of the role and responsibilities of school staff. The *Inquiry into bullying of children and young people* stated: "... schools need more guidance from the NSW Department of Education and Training..." There are a plethora of documents relating to bullying, harassment, the use of computers as well as legislation. Schools report, for instance, receiving conflicting advice on whether to delete offensive video material on student mobile phones. Should such material be deleted immediately to prevent uploading to sites such as You Tube or should it be immediately referred to the police as evidence? The Coroner in the Wildman case also called for revision of "policies so as to provide practical and clear guidance to senior school staff as to the circumstances in which police should be called to deal with ... (ii) threats, intimidation or harassment by students over telephones or via the internet ... Those policies should clearly inform senior staff that police officers are best placed to investigate the origin of online and telephone threats ..."⁶

In establishing clearer guidelines, teacher unions should be involved.

⁵ www.lawlink.nsw.gov.au/lawlink/Coroners_Court, 1258/2008, 17 June 2010, p.34

⁶ Ibid.

Students in New South Wales public education and their parent/caregivers are not able to receive the federal government funded laptop computer unless they sign the Laptop User Charter. It includes the statement: “the misuse of internet and online communication services may result in disciplinary action which includes, but is not limited to, the withdrawal of access to services.”⁷ School discipline and anti bullying policies detail sanctions for inappropriate behaviour including cyber-bullying. Teachers have not baulked at accepting these responsibilities.

Teachers work well with School Liaison police who reinforce to students the message of cyber-bullying. But investigating cyber-bullying is difficult even for the police. Police evidence to the Inquiry established some of the difficulties in securing evidence of cyber-bullying: “There are a lot of providers, and sometimes there is a significant cost associated with obtaining some of that information.”⁸ In regard to social networking sites based overseas, the police have no jurisdiction.⁹

If it is difficult for the police, then it is impossible for government and the community to have expectations that teachers will be more successful. Similarly schools have no control over the content of social networking sites.

Schools work hard to remove offensive graffiti as quickly as possible. Federal and state governments should develop legislation requiring:

- on-line providers to remove inappropriate material in a more effective and faster manner; and
- social networking sites to provide greater protection to users.

Both the *Inquiry into the bullying of children and young people* and the Coroner in the Alex Wildman inquest called for additional school counsellors. The Coroner specified that all schools with over 500 students should have a full-time school counsellor.¹⁰ Federation has for many years campaigned for additional counsellors to support students.

RECOMMENDATIONS

1. An integral component of the National Secondary Schools Computer Fund be the provision of support and professional development for teachers on cyber-bullying.
2. An examination of the adequacy of the existing legal framework for cyber-bullying related offences.
3. Development of clear guidelines for schools on their responsibility to address cyber-bullying, particularly that which occurs out of school hours.
4. Recruitment of additional school counsellors and School Liaison police officers.
5. Securing agreement that local internet service providers conform with international best practice regarding user protection from cyber-bullying.
6. Integration of material on cyber safety into the national curriculum.
7. Teacher union involvement in the clarification of policy and guidelines concerning cyber-bullying.

⁷ www.schools.nsw.edu.au

⁸ *Inquiry into bullying of children and young people*, p. 61. Citing evidence of Superintendent Whyte.

⁹ *Ibid*, p. 61. Citing evidence of Senior Constable Dave Browne, School Liaison Officer.

¹⁰ www.lawlink.nsw.gov.au/lawlink/Coroners_Court, p.33.