

# Education and play

Early years

Schooling

Leisure and play



# A child rights approach would:

Promote child and youth participation by encouraging schools state-wide to empower students in decision-making and contribute to their educational experiences.

Ensure active engagement, learning, and socialisation of children with disability in kindergarten and Early Childhood Education and Care (ECEC) settings through appropriate support, accommodations and inclusive practices.

Improve the Closing the Gap education targets for Aboriginal and Torres Strait Islander children and young people. Invest in teachers' cultural competency and understanding of the history of these communities to support the educational needs and aspirations of Aboriginal and Torres Strait Islander students, especially in remote areas.

Foster inclusive education practices that meet the diverse needs of all students. Create accessible, supportive and inclusive educational settings for students with disability, providing necessary accommodations, resources and specialised support to ensure their educational success.

Respond to advocacy bodies' calls for an independent inquiry into school disciplinary absences in Queensland state schools, addressing the disproportionate exclusion of Aboriginal and Torres Strait Islander students, students with disability and students in out-of-home care.

Implement trauma-responsive strategies within schools and expand the availability of restorative practices to resolve school-based incidents, focusing on addressing trauma-based behaviours.

Recognise the positive commitment made through the *Equity and Excellence: realising the potential of every student strategy* to improve education at the early childhood, primary and secondary levels. Ensure that the principles of equity and excellence are upheld regardless of the setting, whether it be youth justice facilities, hospitals or remote learning environments.

Address concerns about education, leisure and play access for children and young people in youth detention. Invest in the development of facilities and resources in Queensland's youth detention centres to promote overall wellbeing, healthy development and opportunities for education, recreation and leisure activities.

All children and young people have the right to an education (Article 28, UNCRC). Education should develop each child’s personality and talents to the full. It should encourage children to respect their parents, their cultures and other cultures (Article 29, UNCRC). Children have the right to relax, play and join in a wide range of leisure activities (Article 31, UNCRC).

*Equity and Excellence: Realising the potential of every student* is the Queensland Department of Education’s framework for schooling which focuses on educational achievement, wellbeing, engagement, culture and inclusion.

*Every student with disability succeeding plan 2021–2025* is the Queensland Department of Education’s plan to transform Queensland’s education system and enable students with disability to achieve their full potential and live a life of choice.

## Early years

### Early childhood development

The science behind rapid brain development in the first three years of a child’s life and the studies on economic return on early years investment are considerable.<sup>xlii</sup> Approaches that work intergenerationally with a child’s extended family, and integrate education, health and family support sectors can have the greatest impact in a child’s early years. The opportunities for optimal early childhood development are not afforded equally to all children.<sup>319,320</sup>

Data on children’s development is collected nationally every three years in a child’s first year of school (prep year in Queensland) through the Australian Early Development Census (AEDC). The latest AEDC data (2021) highlights that just over half (51.4 per cent)

of Queensland children were considered developmentally on track on all five domains.<sup>xliii</sup> Queensland children continue to experience higher levels of developmental vulnerability than the national average (54.8 per cent).

Target four of *Closing the Gap* is to increase the proportion of Aboriginal and Torres Strait Islander children assessed as developmentally on track in all five domains of the AEDC to 55 per cent by 2031. This will require substantial effort in Queensland with only 33.8 per cent of Aboriginal and Torres Strait Islander children reported as being on track on all five domains, compared with 53.2 per cent of non-Indigenous children. The proportion of Queensland Aboriginal and Torres Strait Islander children developmentally on track on all five domains did not increase significantly in 2021. Aboriginal and Torres Strait Islander children were most likely to be developmentally on track in the physical health and wellbeing domain (64.1 per cent), and most likely to be developmentally vulnerable in the language and cognitive skills (school-based) domain (21.6 per cent).<sup>321</sup>

The data is collected at a community (not individual) level and has been used in Queensland by schools, health providers and communities for early years planning. While such a community level indicator is useful for understanding trends, there is caution that as a population level data set AEDC data should be used in combination with other data to provide a fulsome picture of child development at a community level.

xlii Refer to [Children’s Research at Telethon Kids](#); [Centre for Community Child Health](#); [Centre for Community Child Health \(CCCH\) \(rch.org.au\)](#); [Center on the Developing Child at Harvard University](#); [Welcome to ARACY – Australian Research Alliance for Children and Youth \(ARACY\)](#)

xliii The Australian Early Development Census (AEDC) collects data nationally every three years across five domains of child development: Physical health and wellbeing; Social competence; Emotional maturity; Language and cognitive skills (school-based); and Communication skills and general knowledge.

### Early childhood education and care

The foundations of early childhood education and care are grounded in the UNCRC (Articles 3, 6, 18, 28 and 31) and inform the 2012 National Quality Framework, which set performance standards for long day care, preschool, kindergarten and other early childhood care.<sup>xliv</sup> The *Education and Care Services National Law Act 2010*<sup>322</sup> details objectives and guiding principles, including ‘that the rights and best interests of the child are paramount’. In 2022, *Belonging, Being and Becoming: The Early Years Learning Framework for Australia* made explicit statements about the rights of children and the role of educators to:<sup>323</sup>

- recognise children as competent and capable learners who have rights and agency
- make curriculum decisions that uphold all children’s rights to have their cultures, identities, abilities and strengths acknowledged and valued, and respond to the complexity of children’s and families’ lives
- mediate and assist children to negotiate their rights in relation to the rights of others
- enable children to advocate for their own rights with the adults that care for them.

In Queensland, the early childhood education and care sector is made up of over 3000 approved long day care, family day care, kindergarten and outside school hours care, delivered by the state, private providers and community-based not-for-profit services.<sup>324</sup>

### Access and participation

Since 2008, Queensland has made significant gains in the participation of children in kindergarten (the year prior to school). In 2022, 54,094 children were enrolled in kindergarten<sup>xlv</sup> (87.1 per cent of children).<sup>325</sup> Aboriginal and Torres Strait Islander children’s participation in kindergarten is even higher (95.2 per cent) due mainly to state-delivered

**kindergarten** in remote and discrete Aboriginal and Torres Strait Islander communities and community-controlled initiatives such as **Deadly Kindies**. They contribute to Queensland’s *Closing the Gap* target of high quality, culturally appropriate early childhood education for Aboriginal and Torres Strait Islander children.

Queensland also has some of the highest levels of childcare accessibility in Australia, with a median of 0.48 childcare places per child, which is higher than the national median.<sup>326</sup>

Access and affordability remain a significant barrier to participation for some children. Only 80.2 per cent of children who lived in disadvantaged areas in 2021–22 were enrolled in an early childhood education program.<sup>327</sup> The 2022 report *Deserts and oases: How accessible is childcare in Australia?* highlighted the disparity of service access in remote parts of the state and in lower socio-economic communities.

Children with disability have some of the greatest benefits to gain from participation in kindergarten but are least likely to experience kindergarten programs. In 2022, children with disability made up 7.1 per cent of children in kindergarten, even though they make up approximately 9.5 per cent of the 4–5-year-old Queensland population.<sup>328</sup>

Early childhood education and care services are not required to meet the *Disability Standards for Education 2005*.<sup>xlvi</sup> A national review of these standards in 2020 examined the extent to which families, educators and providers knew about their rights and responsibilities under the *Disability Discrimination Act 1992*. The review did not go as far as recommending early childhood education and care services be captured under the Disability Standards for Education but did recommend building awareness and capability in the sector.<sup>329</sup>

xliv The National Quality Framework (NQF) introduced a new quality standard in 2012 to improve education and care across long day care, family day care, preschool/kindergarten, and outside school hours care services.

xlv Children enrolled in a preschool program in the state-specific year before full time schooling.

xlvi *The Disability Standards for Education 2005* clarify the obligations of education and training providers and seeks to ensure that students with disability can access and participate in education on the same basis as students without disability.

Not having the safeguard of the Disability Standards for Education may lead to some services refusing to enrol children with disability. This is compounded when families are left to navigate lengthy, complex and cumbersome linkages between early childhood education and care services and NDIS Early Childhood Early Intervention supports. The frustration experienced by families managing this interface may contribute to lower participation for children with disability.

## Schooling

A total of 575,285 students were enrolled in Queensland state schools in 2022. Aboriginal and Torres Strait Islander students made up 64,301 enrolments (11.2 per cent of the total).<sup>330</sup> Queensland state schools reported around 116,000 students with disability; 5000 of these were in special schools. Approximately 95 per cent of children with disability in Queensland attend their local state school.<sup>331</sup>

This report covers education provided by the Queensland Department of Education, through state schools (including schools of distance education). Future reports will extend analysis to education provided by the Catholic schools (educating about 20 per cent of all school-aged students) and independent schools (educating about 16 per cent of all school-aged students).

In 2022, the Department of Education released *Equity and Excellence: Realising the potential of every student*.<sup>332</sup> This strategy focuses on three key areas: educational achievement, wellbeing and engagement, and culture and inclusion. From a child rights perspective, the intentions behind *Equity and Excellence* are encouraging. It recognises that excellence requires a focus on addressing inequity in education, so all students can feel success.

“Ensuring that students are happy with their learning and are given all the support and opportunities they need to do their best.

Male, 16 years, Growing Up in Queensland

## Inclusive education

Only 50 per cent of the 5924 young people who took part in our *Growing Up in Queensland* survey reported feeling a sense of belonging at school.<sup>333</sup>

“ (I think leaders should take more action on) making everyone feel safe and included at school.

Female, 17 years, Growing Up in Queensland

In 2017, the Department of Education commissioned a review to examine the extent to which current policy settings support students with disability to reach their educational potential.<sup>334</sup> The review made 117 recommendations, all of which were implemented by 2022 according to the Department of Education. The review led to the department’s Inclusive Education Policy Statement, based on the nine features of inclusive education in the *United Nations Convention on the Rights of Persons with Disabilities*. The statement was recognised with a Zero Project<sup>xlvii</sup> award in 2020.

The Inclusive Education Policy Statement takes a broad perspective on inclusive education, recognising that many students need supports and reasonable adjustments to access and fully participate in learning. It also draws attention to certain cohorts of students and the intersectionality of their experiences of educational equity. The statement has led to some priority action on procedures and programs for:

- students with disability
- Aboriginal and Torres Strait Islander students
- students living in out-of-home care
- gifted and talented students
- students with mental health needs
- refugee students
- culturally and linguistically diverse students
- LGBTQIA+ students
- students living in rural and remote areas.

xlvii The Zero Project is a research-driven approach that aims to identify, curate, and share inclusive solutions, as intended, and encouraged by *United Nations Convention on the Rights of Persons with Disabilities*. <https://zeroproject.org/view/project/17e4c70d-9317-eb11-a813-000d3ab9b226>

While the legislative and policy settings are generally sound, we have concerns with how the educational practice is implemented day-to-day in schools and classrooms. Students can continue to experience bullying and harassment from their peers, inaccessible or irrelevant curriculums, physical inability to participate, and impacts of trauma on their ability to learn. These are made worse for students of families that do not have the resources to support their child's full participation (for example, healthy lunches, uniforms, excursion fees and the skills to engage in their child's learning). Without necessary adjustments, many of these students do not achieve their potential.

The government has announced a new resourcing model to be introduced to Queensland state schools from 2023 and fully implemented by 2025. Under the 'game changing' disability resourcing model, more than 30,000 extra children with disability will receive dedicated support in Queensland state schools each year, bringing to 70,000 the total number of children supported.<sup>335</sup> Under the model, the focus of investment will shift from addressing particular prescribed disabilities to the adjustments needed for students to fully participate. For the first time, dedicated funding will support students with dyslexia, ADHD, foetal alcohol syndrome, tourette syndrome and mental health conditions. This approach aligns more closely with the Nationally Consistent Collection of Data on School Students with Disability. This annual collection counts the number of school students receiving an adjustment (or 'help') due to disability and the level of adjustment they are receiving to access education to the same level as other students.<sup>336</sup>

### **Restrictive practices**

The 2017 disability review identified that the use of restrictive practices,<sup>xlviii</sup> such as seclusion and physical restraint, was inconsistent across schools. The report recommended that clear, unambiguous advice should be provided by the Department of Education and the use of restrictive practices should be clearly articulated in each school behaviour support plan. Additionally, the department should measure and monitor the use of restrictive practice with the aim of minimising use. As a result, the Department of Education has enhanced its restrictive practices procedure and provided fact sheets for staff.<sup>337</sup> As part of the revised procedure, principals must ensure data is appropriately recorded in OneSchool<sup>xlix</sup> for review by the principal's supervisor or delegate.

### **School disciplinary absences**

Chapter 12 of the *Education (General Provisions) Act 2006* prescribes the use of suspensions, exclusions and cancellation of enrolment of state school students to maintain good order and management. The legislation is supported by the *Student discipline procedure* and additional information such as fact sheets.<sup>338</sup> Collectively suspensions, exclusions and cancellation of enrolment are known as school disciplinary absences (SDA).

In Queensland, children and young people with disability, who are Aboriginal and Torres Strait Islander or who are living in out-of-home care (or a combination of these) are being suspended and excluded from school at higher rates than their peers. Based on an investigation by Queensland Advocacy for Inclusion and the Aboriginal and Torres Strait Islander Legal Service Ltd, it was found that while Aboriginal and Torres Strait Islander students made up approximately 10 per cent of all Queensland state school enrolments, they received 23 to 30 per cent of all school exclusions between 2016–2020.

xlviii Restrictive practices are the use of interventions or strategies that have the effect of restricting the rights or freedom of movement of a student. Restrictive practices include: seclusion, physical restraint, containment, mechanical restraint, chemical restraint, and clinical holding.

xlix OneSchool is the Department of Education's IT suite that is used by schools.

Students with an Education Adjustment Program verified disability made up approximately 5.5 per cent of all Queensland state school enrolments, however these students received 9.4 to 11.5 per cent of all school exclusions between 2016–2020.<sup>339,340</sup>

Data from 2022 shows that 14.0 per cent of Aboriginal and Torres Strait Islander students received one or more SDA, 14.9 per cent of students with disabilities received one or more SDA, and 24.5 per cent of students in out-of-home care received one or more SDA (prep to year 10).<sup>341</sup>

**In 2022, 26.1 per cent of Aboriginal and Torres Strait Islander students in out-of-home care received one or more SDA, and 21.6 per cent of Aboriginal and Torres Strait Islander students with disabilities received one or more SDA (prep to year 10).**

In the short-term, students on an SDA are denied access to learning opportunities and are socially isolated from their peers. Parents also face stress and financial hardship. The long-term impacts of SDA can also be severe and enduring. Research has demonstrated that students who have received SDA can go on to experience poorer mental health, prolonged unemployment, increased stigma and feelings of rejection, increased likelihood of becoming involved in crime and increased risk of homelessness.<sup>342</sup>

**“(Things that might stop me achieving my goals are) being suspended too many times at school, mum not having enough money, not being smart enough to have a job.**

Male, 13 years,  
Growing Up in Queensland

Under the Queensland Human Rights Act, the Department of Education has a legal obligation to uphold every child’s right to access a primary and secondary education appropriate to their needs.<sup>1</sup> The experiences of students suggests that this right is being withheld for certain cohorts of students without reasonable justification.

The 2017 disability review found that effective behaviour management would reduce the incidence of SDA and restrictive practices, and that schools needed to understand ‘...when difficult behaviour may be a manifestation of a child’s impairment that may be altered through environmental adjustments.’<sup>343</sup>

The *Equity and Excellence* framework uses SDA as a measure for ‘maximising learning days’. During 2022, the Department of Education focused on children in prep and saw a significant decrease in the numbers of children suspended or excluded in their first year of school. The *Every student with disability succeeding plan 2021–2025* also uses ‘decreasing the proportion of students with disability receiving a SDA’ as a measure of success, however public reporting is not yet available.

While these steps are encouraging, there are areas of continued concern where urgent attention to address children’s rights are required. These include:

- principals’ use of discretionary power with limited oversight, particularly the use of repeated or rolling short suspensions (up to 10 days) and the use of informal suspensions (when a student’s parent is called to collect their child from school, resulting in the child missing days of learning, without it being recorded)
- inconsistency of appeal processes, which can often be lengthy and confusing for a child or parent to navigate, and fail to afford basic procedural fairness as is required by the UNCRC (for example, there is no right of appeal for short suspensions (up to 10 days) and appeals of long suspensions (up to 20 days) can take more time to review than the length of the suspension)
- inconsistency in maintaining a suspended or excluded child’s right to education, which risks them becoming lost in the system without anyone supporting them to enrol in an alternative school (under the *Education (General Provisions) Act 2006*, the principal (or Chief Executive) is responsible for arranging continued access to an education program for a suspended (or excluded) student.

<sup>1</sup> Human Rights Act 2019 (Qld), s 36(1).

## Case study

(The following case study was provided by Queensland Advocacy for Inclusion (QAI).)

Sam (pseudonym), a 17-year-old attending a metro high school in year 12, faces mental health challenges while living independently. Despite absences due to health issues and homelessness, Sam maintains high grades and receives support from teachers who are aware of the situation. However, the school issued a warning notice threatening enrolment cancellation, significantly impacting Sam's mental health and housing stability.

Sam has been attending multiple monitoring meetings with the school management team, sometimes without a support person, causing anxiety and disrupting valuable class time. Sam believes these meetings create fear rather than helping to understand and support his graduation goals.

Seeking assistance, Sam contacted QAI for advocacy. Sam requested the cessation of monitoring meetings to ensure uninterrupted class attendance and sought reassurance regarding enrolment cancellation. Sam also wanted to understand his rights at school.

Positive outcomes from the advocacy support included:

- The advocate accompanied Sam to a monitoring meeting, resulting in the decision to discontinue further meetings and implement additional supports for Sam.
- The advocate ensured the school management team understood the conditions and responsibilities associated with enrolment cancellation and the negative impact of the warning on Sam.
- Sam received information about his rights regarding enrolment cancellation and the necessary processes and considerations.
- Sam continues to excel academically and remains on track to graduate in a few months.

### Education outcomes

A child's access, participation and achievement in education has enduring consequences for a child's life. Australian governments committed through the Alice Springs (Mparntwe) Education Declaration to improving educational outcomes for all young Australians as central to social and economic prosperity.<sup>344</sup>

In 2021–22, 97.4 per cent of students who stayed at school to year 12 left with a school-based apprenticeship or traineeship or were awarded one or more of: Queensland Certificate of Education, International Baccalaureate Diploma or Vocational

Education and Training Qualification. Six months after completing year 12, 86.8 per cent of these students were participating in post school education, training or employment.<sup>345</sup>

Key to achieving educational success is increasing the attendance and retention for all students. Target 5 under *Closing the Gap* is to increase the proportion of Aboriginal and Torres Strait Islander people attaining year 12 or equivalent qualification to 96 per cent by 2031. There are differences in school attendance for Aboriginal and Torres Strait Islander students at 75.6 per cent, while their non-Indigenous peers had attendance rates of 86.9 per cent (for students from year 1 to year 10 in 2022). In 2022, for Aboriginal and



Torres Strait Islander students the apparent retention rate<sup>li</sup> from year 10 to year 12 was 58.8 per cent, compared to 76.1 per cent for non-Indigenous students.<sup>346</sup>

In 2021, 78.5 per cent of children and young people in care were awarded a certification by the end of year 12, compared to 95.0 per cent for all Queensland school students. This number drops to 73.2 per cent for Aboriginal and Torres Strait Islander students in care. In the same year, 78.4 per cent of Aboriginal and Torres Strait Islander students in care were awarded a Queensland Certificate of Education, Vocational Education and Training qualification or International Baccalaureate Diploma, or were completing a school-based apprenticeship by the end of year 12. This compares with 89.3 per cent for non-Indigenous students in care and 97.8 per cent for students not in care. Children and young people in care are far less likely to undertake further study after completing year 12 (35.5 per cent), compared with all Queenslanders who complete school (63.2 per cent).<sup>347</sup>

## Leisure and play

Every child has the fundamental right to unwind, engage in leisurely activities and pursue their interests, such as playing sports and indulging in cultural or artistic pursuits (Article 31, UNCRC). The UN General Comment No. 17 describes the ideal conditions for children to relax and play. It highlights the importance of a stress-free environment safe from social exclusion, prejudice, violence and physical hazards. Children need ample leisure time and space to play freely without adult control. They need access to challenging outdoor environments and opportunities to engage with nature, animals and cultural heritage. They should also have access to games, sports and recreational activities with trained facilitators. Society should recognise and uphold their right to these activities.<sup>348</sup>

The QFCC's 2021 *Living through COVID* report found that many children and young people reported decreased contact with friends and family outside of their immediate household due to restrictions and social distancing during the pandemic. Many children and young people had to adapt to new forms of socialisation, such as online communication and virtual gatherings. While this provided a means of staying connected with others during the pandemic, it also highlighted the importance of in-person socialisation and face-to-face interactions. The pandemic had a particularly significant impact on the socialisation of children and young people experiencing mental health difficulties, with disability and from disadvantaged backgrounds. These groups were more likely to experience social isolation and disconnection during the pandemic.<sup>349</sup>

“ Not being able to go out and visit friends and my grandparents.

Male, 13 years,  
Growing Up in Queensland

“ Not being able to socialise with my friends. It made me feel sad.

Male, 15 years,  
Growing Up in Queensland

“ Not being able to see people in person, it was a struggle to have to see people through a screen and not have the normal human interactions I was used to.

Female, 14 years,  
Growing Up in Queensland

li Apparent retention rate is an indicative measure of the number of full-time school students in a designated year level of schooling as a percentage of their respective cohort group in a base year. For example, the apparent retention rate for year 10 – year 12, 2021, is the number of students in year 12 2021 as a percentage of the number of students in that cohort in year 10 in 2019 (the base year), two years earlier.

Through the *Growing Up in Queensland* project, we heard from children and young people across Queensland about their experiences of their communities. Young people reported that they like various aspects of their communities, including the natural environment and green spaces, access to public transport, social events, and facilities such as libraries, swimming pools and parks. Many also appreciated the cultural diversity of their communities and the sense of safety they feel. Some young people mentioned the sense of community and friendly neighbours, while others noted the availability of jobs and educational opportunities.

**“ What makes my community a great place is that people understand each other and help as much as they can. You could easily make a new friend.**

Female, 10 years,  
Growing Up in Queensland

The most recent youth survey found that 60 per cent of young people aged 13–18 years felt safe in their community. The survey found that 59 per cent felt their community is a place where they belong and 55 per cent felt that there are enough safe places in their community to spend time with their friends.

Access to play and leisure opportunities vary based on location, with children in regional and remote areas often having limited options for leisure. Children and young people from low-income households were less likely to participate in extracurricular activities, such as sports or music lessons, due to financial barriers. Children and young people with disability reported facing additional barriers to accessing play and leisure opportunities.<sup>350</sup>

The QFCC’s *Safe Spaces* report (2022) focused on the experiences of children and young people with safety, security and access to safe spaces in their communities. Access to safe spaces is particularly important for children and young people with a disability or mental health condition, Aboriginal and Torres Strait Islander children and young people, and children from low socioeconomic backgrounds. Creating safe spaces for young people to socialise, learn and play is critical for their wellbeing and development. Communities need to work together to provide these spaces and ensure they are accessible and welcoming for all young people.<sup>351</sup>

We are concerned about children and young people’s access to education, leisure and play while in youth detention, given the findings discussed in [Chapter 3](#). Inadequate opportunities for learning, recreation and play can contribute to feelings of isolation, boredom and frustration, which may exacerbate behavioural and mental health issues. Play and leisure activities provide opportunities for young people to socialise, build relationships and develop important life skills such as communication, teamwork and conflict resolution. Without access to opportunities, young people may not develop these skills and may struggle to reintegrate into their communities after release.



**The most important issue for youth today  
is the lack of connection  
to the community and its members  
as outside of school they can feel  
as if they have no value or significance.**

Male, 17 years,  
Growing Up in Queensland



**Programs that can incorporate teens  
into activities and courses  
that they are actually interested in  
to develop a sense of worth and give them  
a reason to get up in the morning.**

Female, 18 years,  
Growing Up in Queensland