

Review of Ashburton College's Policies and Processes Surrounding Complaints of Student Bullying Behaviours

Executive Summary

As a result of the allegations made to TVNZ the Board has resolved to undertake a review of process and policy regarding managing complaints of students being bullied, and to evaluate how effective and/or accessible our current processes are. The scope of the review is to evaluate complaints from 2017 onwards. The reviewer interviewed nine parents/caregivers who raised complaints with TVNZ and 11 staff along with the Presiding Member (Chairperson) of the Board and had a meeting with the Senior Leadership Team and Heads of School.

No complaints of student bullying behaviour were brought to the Ashburton College Principal or Board of Trustees between 2017 and the current date. The only complaints of this nature that have been received have come through TVNZ. The following is a summary of the cases interviewed: Eight females and one male student; they range in the degree with which they informed and engaged with the College regarding their concerns from not informing the College at all, through to emailing a staff member in the middle of the night to ask for help because they were being bullied on-line; the majority of cases are complex involving multiple: incidents; people; interventions; and occurred both inside and out of school; with hours of work conducted by the College to support these students in all of the cases the College was aware of.

The reviewer's view of the credibility of the complaints and the information gathered is mixed due to some complexities, namely: In two of the cases the concerns were not raised with the College, so no opportunity to investigate and address them was provided; In a separate case the concerns were raised but the College was not given permission to act on them; In a large number of incidents within cases that were reported the allegations were unsubstantiated and the context surrounding those incidents is explored; In two cases some parts of their allegations were false - the College's investigation found those parts of the allegations to be untrue; In the cases where bullying behaviour was corroborated some caregivers stated they were not happy with how their concerns were addressed which the reviewer has noted could be because: they were not fully informed of the interventions provided for their child; and /or they felt like a firmer stance or different intervention should have been taken.

It is the reviewer's conclusion that the College was undertaking the actions expected of them within the Concerns and Complaints Policy and in many cases, exceeding them. In the few instances where policy expectations were not met the recommendation has been made to: remove barriers for raising concerns, including communicating more widely about the process; helping students/caregivers to understand the steps that have been taken towards a resolution for them; Identifying a process that allows care to be shown even when the outcome the student or parent/caregiver is after is not met; standardising processes for follow-up and feedback to ensure there is a full understanding of the actions that have been taken and to more readily identify if the concern has been resolved.

Background

It has come to the Board of Trustees' attention that there have been assertions made in the community critical of the process and procedures in relation to student bullying allegations. As a result of these allegations the Board has resolved to undertake a review of process and policy regarding managing complaints of students being bullied, and to evaluate how effective and/or accessible our current processes are.

The Board has contracted an independent reviewer to undertake this work.

Scope

The scope of the review is to evaluate complaints provided to TVNZ, from 2017 onwards, being the date of commencement of the current Principal's term at Ashburton College. To:

- Investigate the process College staff and the Board has followed during this period
- Summarise the current process and procedures
- Review that process for compliance with applicable College policies and procedures
- Identify shortcomings (if any) in current process and procedures
- Recommend changes (if any) needed to current process and procedures
- Report to the Board of Trustees, and our Senior Leadership Team, the outcome of this review.

Process

This section describes the process the reviewer followed to conduct this review.

Ashburton College provided the reviewer the names of parents/caregivers who had complained to TVNZ about Student Bullying Behaviour at Ashburton College that fell within the scope of the review's five year time period, from 2017 onwards. The reviewer was provided with eight names (who will be referred to as complainants) by the College and a further family was included at the request of a complainant to provide further details and it transpired that their child had also experienced bullying behaviour and they wanted to be included as a case on their own.

The reviewer scheduled phone or Zoom sessions with each of the complainants to explain about the review and to hear their concerns. Key points from these conversations were transcribed and a copy of this was presented to each complainant for comment and approval for use within the review.

The reviewer interviewed 11 staff from Ashburton College asking them a series of standard questions relating to their understanding of and practises relating to the College's Concerns and Complaints Policy and a number of specific questions relating to each case. The reviewer also emailed an additional member of staff who was absent on the day of the interviews and interviewed the Presiding Member of the Board over the phone. Key points from these conversations were transcribed and a copy of this was presented to each staff member for comment and approval for use within the review.

A session was held with members of the Senior Leadership Team and Heads of School from Ashburton College to review the collated information for completeness and to discuss some of the feedback received and how it relates to the Concerns and Complaints Policy and the College's practises.

Findings

The following section details the findings and the reviewers view as to the credibility of complaints and information gathered.

No complaints of student bullying behaviour were brought to the Ashburton College Principal or Board between 2017 and the current date. The only complaints that have been received have come through TVNZ.

Summary of Cases

The following is a summary of the cases interviewed:

- Eight females and one male student
- The timeframes parents/caregivers provided for when the bullying behaviour occurred were: One occurred in 2017 (and prior), one in 2018, two during 2020-2021, one during 2019-2021, one during 2020-2022, one during 2021-2022, and, two happened in 2022.
- The cases range in the degree with which they informed and engaged with the College regarding their concerns from not informing the College at all, all the way through to informing the College of everything including emailing a staff member in the middle of the night to ask them to help because they were being bullied on Instagram Live.
- The majority of cases are complex, involving multiple: incidents; people; interventions; and occurred both inside and out of school with hours of work conducted by the College to support these students in all of the cases the College was aware of.
- There was no particular pattern to what parents/caregivers described being dissatisfied about with different parents/caregivers noting different aspects of how the school handled their concern about the bullying behaviour that their student was allegedly experiencing. Many of these concerns had never been raised with anyone at the College to be addressed. The following provides a summary of the concerns:
 - Absences are often an indicator that there is a concern over safety but not always investigated through that lens.
 - Staff sometimes failed to listen to the students' full concern before acting.
 - Some students and parents/caregivers felt like staff didn't care, lacked empathy and did not support the bullied student.
 - Some parents/caregivers had the impression that their child was kept in the office or sent elsewhere rather than addressing the behaviour of the bully.
 - A number of concerns were not addressed due to a lack of evidence and not resolved for the student involved.
 - For some students the intervention led to retaliation and caused further harm.
 - The College is not consistently following up to see if the concern has been resolved.

- One case related to a complaint that had been sent to the Board about a different matter and they had not received a response. On investigation the email address provided to the caregiver was wrong and will be followed up with.

Credibility of the complaints and information gathered

The reviewer's view of the credibility of the complaints and the information gathered is mixed due to some complexities, namely:

- Typically the credibility of a complaint would rely on a judgment being made about whether the complaint fell into one of three categories, namely:
 - false - where evidence pointed to the allegations being false;
 - substantiated – where evidence exists through video footage, eye-witnesses, screenshots of online communication or confessions that show the allegations were true;
 - unsubstantiated – where there is no evidence to prove the allegation is true or false.

The complaints received from TVNZ fell into each of these categories, sometimes different incidents within the same case fell into different categories.

- In two of the cases the concerns were not raised with the school, so no opportunity to investigate and address them was provided, but learnings are still drawn from these cases which are worthwhile. In a separate case the concerns were raised but the school was not given permission to act on them.
- In a large number of incidents within cases that were reported the allegations were unsubstantiated, no evidence for or against the allegation was found. The context surrounding those incidents were not always clear but potentially included:
 - When personality, mental illness, or previous trauma increased a student's sensitivity towards an abrasive comment or an abrupt person and they perceived it as bullying
 - When the incident being addressed was not bullying but because of previous bullying behaviour the student perceived the behaviour as such.
 - When the bullying behaviour is happening outside of camera view and the students engaged in the bullying behaviour are lying about their actions and witnesses are too scared to report them.
- In two cases some parts of their allegations were false, the College's investigation found video footage and school attendance records that proved the allegations to be untrue.
- In several of the incidents within cases the bullying behaviour was substantiated but the student raising the concern had also been involved in conducting bullying behaviour themselves so the case was handled accordingly. Sometimes this caused the parents/caregivers to be dissatisfied with how their concerns of bullying behaviour were addressed. It is possible they were not informed of the two-sided nature of the behaviour. In such instances the failing was not in the way it was addressed but in the way it was communicated to the parents/caregivers, the feedback and follow-up step of the process.

- In the cases where bullying behaviour was corroborated some parents/caregivers stated they were not happy with how their concerns were addressed. On investigation, the reviewer found that these fell into two categories, namely:
 - large amounts of work had been done to address the bullying behaviour to support the student who was being bullied and to enable the student demonstrating bullying behaviour to change. If the caregiver had been aware of the length and breadth of interventions provided for their child they would have been more easily satisfied with the outcome. In these incidents the failing has been in the feedback and follow-up step not in a lack of interventions.
 - The bullying behaviour had been addressed and the intervention had been communicated to the parents/caregivers but they felt like a firmer stance or different intervention should have been taken.

School Policy

Ashburton College use SchoolDocs Policies and Procedures for their policies. The Concerns and Complaints Policy consists of seven pages of information including information on a complaints register, unreasonable complaints, raising a concern, making a formal complaint or serious allegation, student concerns and complaints and a flow chart of the concerns and complaints process. The reviewer notes that the Concerns and Complaints Policy is robust but complex and recommends simplifying it for general communication.

For the purpose of this review, and because there were no formal complaints or serious allegations made, the following summary of the concerns and complaints process was used to assess the school's handling of complaints.

1. Raise the concern with the right person
This is the student and/or parent/caregivers' responsibility. The school is responsible for making this information accessible.
2. Work towards a resolution
This is ideally a combined response led by the school but guided by the needs of the student.
3. Follow-up and feedback
This is the school's responsibility to provide feedback on the resolution and to check that the solutions have been implemented and are working.
4. Contact the Principal or Board if not happy with the outcome
This is the student and/or parent/caregivers' responsibility. The school is responsible for making this information accessible and advising them of when this step would be appropriate.

Processes for handling concerns raised by students and/or parent/caregivers

The following is a collation of all of the responses given by staff in regards to how they handle concerns raised by students and parents/caregivers with regards to allegations of student bullying behaviour.

Step 1: Receiving a concern from a student or parent/caregiver

Concerns can come from students themselves, from a fellow student, from another teacher through KAMAR (a Student Management System) to the Pastoral Care team, from a parent/caregiver or from witnessing it firsthand (this is very rare). Additionally if a student has recurrent unexplained absences their Ako teacher will meet with the student to see if there are concerns and sometimes call a parent/caregiver to check what is happening. This process has been more difficult to accommodate in the last 3 years due to COVID. If the parent/caregiver has provided reasons for student absences these are not followed up.

Ashburton College Staff provided me with the following examples that demonstrate that they apply a broad definition for identifying if a concern has been raised.

- *If a student has a concern they will come to the pastoral suite and see the Dean on duty.*
- *It reaches the threshold (of concern) if it is out of character or they are quiet/impacted.*
- *Sometimes they stop you in the school grounds to air a concern and these are followed up, even those that may not seem that important because to the student it can be a big issue.*
- *If it is damaging to the student or family*
- *If they are coming to me with something then that is my mandate to address it.*
- *All things will be followed up - Nothing is never an option. I will talk to the student – they often just need someone kind to sit and hear them and help them, coach them on strategies.*
- *I monitor kids and know if their friend group or location has changed, if they have been shunned, etc so I can see a potential problem before they come to us.*

Step 2: The concern about student bullying behaviour is addressed.

Priority: Shut it down immediately; make sure both parties are safe.

Below are excerpts that demonstrate some of the ways staff address concerns.

Scenario A: If a ball was thrown too hard at a student and it seemed deliberate I would hold them back and speak to them and then record it in KAMAR.

Scenario B: If it is a one-off we make the student aware of the impact their behaviour is having, the perpetrator often doesn't know that they have done anything. We then watch and check in to see if anything is cropping up again.

Scenario C: We use a no-blame restorative approach often when bullying behaviour has been two-way or is low-level. No punishment is given but students know what they have done and work to restore it. Sometimes they agree to get on or they agree to keep apart and in different parts of the school.

Scenario D: We speak with the student and get details of what has happened and ask how they want to resolve this – we then investigate (talking to both parties and witnesses) what happened and work to repair the harm and restore the relationship through a restorative session.

Scenario E: If it is complex (involving social media, multiple people or ongoing) we involve a number of people to ensure a thorough investigation is conducted and that all parties are communicated with and support provided. Sometimes this has included holding restorative sessions with parent/caregiver support involved and sometimes for parents/caregivers who are involved through out-of-school-behaviours.

Scenario F: We allow students to have “time-out” in the office area outside of the Deans offices if they need some space or are nervous about what is happening socially at school.

Step 3: The concern is followed up

- *We tell them if it continues to return, for example, if it starts to simmer or resurface to come and see me.*
- *We will follow-up a week or 2 later to check on things.*
- *If things are ongoing: parents/caregivers are informed and we get counsellors involved with bully and victim and provide any support, academically and socially, as they need.*
- *We will call parents/caregivers to inform them what is happening throughout the process and follow-up once resolved.*
- *If a restorative has been held I try to get the parent/caregiver on the line while I have their child with me so we can update them together about the outcome and any agreements reached.*

Communication

The steps that were described to me for communicating about concerns of student bullying behaviour included:

- *I will call a parent or email if it is it minor.*
- *Staff will inform the Dean who in turn informs Heads of School or Ako teacher. Parents are informed. If Deans have not had a positive outcome they refer them onto Deputy Principal or seek advice and guidance along with way.*
- *We are encouraged to write things up on KAMAR and this sends an alert to the Pastoral Team.*
- *The investigator will capture it into KAMAR and communicate with student, parent, bully’s + parents/caregivers,*
- *Typically it goes to the Pastoral Team (referred by student, parent, indirect via another student, students can fill in a Bullying & Harassment form or counselling staff) then it gets referred to Deans/HOS, then the Deputy Principal if it is serious enough.*
- *If it is tricky, for example, multiple groups, ongoing, social media based or if parents have phoned through it goes to Head of School or Deputy Principal.*
- *Once the pastoral team receives it we would speak to the staff member who noted it on KAMAR, Once it is received and acknowledged a member of Pastoral Team will take it on. Parents/caregivers will be met by a member of the Pastoral Team/Guidance/Senior Leadership Team and information record made.*
- *If the concern came from parents/caregivers we will go back to them once we have addressed it. Sometimes I will meet with the parent/caregiver too. Both sets of parents/caregivers will be informed.*

Number of concerns addressed by the College

For this report to provide a balanced picture of how concerns and complaints are managed by the staff at Ashburton College I thought it was worthwhile noting that a large number of concerns were

logged and successfully addressed by the School from students, parents/caregivers and/or teachers **during 2021**. Please note that these concerns include all ranges of concern from forgotten PE uniform through to serious concerns. In addition to this the College's Principal noted receipt of a large number of emails and messages of support commending him for the way the school has provided for students which is indicative of a large number of people who have been satisfied with the Ashburton College.

Assessment of the Findings

This section provides an assessment of findings against the undertaking expected in the Concerns and Complaints Policy and Procedures.

School Practise

Throughout my investigation it was noted that Ashburton College staff showed care and concern for students and were proactive in preventing and addressing situations. The information received from both staff and parents/caregivers indicated that, on the whole the school is undertaking the actions expected of them within the Concerns and Complaints Policy, and in many instances, exceeding them. For example, the policy for raising concerns does not specifically state to include an aspect of investigation but in many instances staff were investigating concerns to ensure they understood what was going on and were addressing it according to need.

The following information came from both caregiver and staff interviews and summarises the limited number of instances where policy expectations were not met. These instances are presented under each of the relevant policy steps, namely:

1. Raise the concern with the right person
 - Some students and parents/caregivers are not raising concerns they have about their children's safety at school.
 - Students and parents/caregivers who were not satisfied with the outcome of raising a concern were not consistently taking the next step available to them within the Concerns and Complaints Policy.
 - Parents/caregivers are not consistently informed when their child is involved in bullying behaviour.
 - Absences are often an indicator that there is a concern over safety but not always investigated through that lens.
 - Staff sometimes failed to listen to the students' full concern before acting.
2. Working towards a resolution
 - Some students and parents/caregivers felt like staff didn't care, lacked empathy and did not support the bullied student.
 - Some parents/caregivers had the impression that their child was kept in the office or sent elsewhere rather than addressing the behaviour of the bully.

- A number of concerns of bullying behaviour were not addressed due to a lack of evidence and/or because they occurred outside of school and not resolved for the student involved.
- For some students the intervention led to retaliation and caused further harm.

3. Follow-up and feedback

- What some students “take away” from a meeting with a staff member is different from what the staff member is trying to communicate.
- The College is not consistently following up to see if the concern has been resolved.

It was noted that staff did not distinguish between a concern and a complaint when working to address matters brought to their attention involving bullying behaviour. The only distinction in the policy is a formal complaint which is a distinct process. No concern, investigated in this review, was escalated to that step. Nevertheless there were multiple cases where the College escalated the concern to either a DP or the Principal to meet with parents/caregivers to understand and address their concerns.

Recommendations

This section outlines the recommendations the reviewer deems appropriate to resolve matters.

Please note that the scope of this report means that the following recommendations focus on ways to improve the school’s ability to manage concerns and complaints that are related to bullying behaviour and not on how to manage bullying or harassment specifically.

Some of these recommendations have come from the College and are already underway as they have proactively undertaken their own internal review and continuous improvement process.

Unmet Policy Expectation	Recommendation
1. Raise the concern with the right person	
Some students and parents/caregivers are not raising concerns they have about their children’s safety at school.	a) Investigate ways to remove or reduce the barriers present for students and parents/caregivers raising concerns (e.g., fear of retaliation, fear of not being believed, assumption that there is nothing that can be done).
Students and parents/caregivers who were not satisfied with the outcome of raising a concern were not consistently taking the next step available to them within the Concerns and Complaints Policy.	b) That information is given to students and parents/caregivers about how to follow-up if their concerns are not resolved. c) Investigate and introduce procedures so all parties know when it is deemed necessary to escalate to a formal complaint.

Unmet Policy Expectation	Recommendation
Parents/caregivers are not consistently informed when their child is involved in bullying behaviour.	d) Review the procedures used to record and communicate issues with parents/caregivers of students involved in bullying behaviour with a view to increasing communication to allow parent/caregiver intervention.
Absences are often an indicator that there is a concern over safety but not always investigated through that lens.	e) Include a question for all parents/caregivers when their child is regularly absent to identify if their sense of safety at school is an issue that is preventing them from attending*.
Staff sometimes failed to listen to the students' full concern before acting.	f) Review the procedures followed when gathering information from people who are raising concerns, including communicating clearly with student and parent/caregiver that the intention is to only address the issue at hand.
2. Working towards a resolution	
Some students and parents/caregivers felt like staff didn't care, lacked empathy and did not support the bullied student.	g) Assist students and families to understand the different roles each person plays within the process so they understand why one person is engaging more. h) Review your processes for communicating the actions taken for monitoring and responding to any concerns about a student's safety.
Some parents had the impression that their child was kept in the office or sent elsewhere rather than addressing the behaviour of the bully.	The previous recommendation applies here too, as students are not locked in the office. There are a number of reasons a student would be sent to the office if they were concerned about bullying behaviour primarily to connect with a Dean who can assist or to have some time-out.
For some students the intervention led to retaliation and caused further harm.	i) Review processes used to address bullying to identify ways to reduce the risk of retaliatory behaviour. j) Review processes for interviewing students about wrongdoing to ensure information shared does not cause harm.
A number of concerns were not addressed due to a lack of evidence and/or because they occurred outside of school and not resolved for the student involved.	k) Continue to communicate about your jurisdiction as a school and what does and does not fall into this. If something falls outside of your jurisdiction communicate that the information received will be recorded and will be shared because it can be useful to inform staff that the abuse is occurring even if outside of the school's jurisdiction to proactively reduce the chance of it entering the school

Unmet Policy Expectation	Recommendation
	<p>environment.</p> <p>l) Identify a process that allows care to be shown even when the outcome the parent/caregiver is after is not met, for example, if the concerns do not meet the threshold for disciplinary action. Additionally the following contexts should be considered when identifying processes, namely:</p> <ul style="list-style-type: none"> • That personality, mental illness, or previous trauma increased a student’s sensitivity towards an abrasive comment or an abrupt person and they perceived it as bullying • That the incident being addressed was not bullying but because of previous negative interactions the student perceived the behaviour as such. • The bullying behaviour is happening outside of camera view and the students engaged in the bullying behaviour are lying about their actions and witnesses are too scared to report them.
3. Follow-up and feedback	
<p>What some students “take away” from a meeting with a staff member is different from what the staff member is trying to communicate.</p>	<p>m) Check in with students to identify what message they have heard in order to remove barriers to raising concerns in future.</p>
<p>The College is not consistently following up to see if the concern has been resolved.</p>	<p>n) Review processes for following up with students and parents/caregivers after a concern has been raised or a problem encountered knowing that some people will express their satisfaction at the time but may reflect and change their mind later.</p>

* It is worth noting that the College does not follow-up explained absences where the parent/caregiver has provided a reason for the absence.

General Recommendations

The following actions are recommended in addition to the specific recommendations above for consideration by Ashburton College. Namely:

- 1) In consultation with your community investigate and create some standardised steps that are to be taken when a concern of bullying and/or harassment behaviour is brought to the College so that both staff and the student/caregivers can be aware where they are in the process, what they can

expect at each step along the process, what the next step is, and what their options are if they are still dissatisfied with the outcome, including taking things to the Ombudsman. This might include different processes for different types of bullying and harassment behaviours for example, online or face-to-face bullying, individual or group-based bullying, or two-way or one-way.

2) For management to regularly report to the Board the concerns and complaints that have come to their level in a generalised way to track trends.

3) It is difficult to know what recommendations to make for some of the instances where parents/caregivers reported various failings by the school but on investigation the College has done everything within the policy expectations and within its power to resolve the concerns including communicating thoroughly and still the families were not satisfied with the outcome. To move forward with the cases that fall into this “addressed but unresolved” category it might be beneficial to use an independent reviewer to assist in bringing cases to a resolution.

4) For the Board and management to consider what the families who have provided their information for this review might expect now and develop a plan for understanding and meeting those expectations.

5) Students are only at school for a small amount of time and unhelpful interactions are occurring outside of this time and so the College is recommended to investigate additional community-wide support to address the larger community issue because it is difficult to see how a school can resource the increased demands that more increasingly complex community-based issues present.

Report submitted: December 2022

Report written by: Suzie Sauer