



# Learner<sup>1</sup> discipline: An Australian perspective

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## Abstract

Learner discipline: An Australian perspective

*Australian schools by and large are safe schools. Nonetheless discipline problems do exist – including bullying behaviour. For this kind of problem schools should have management policies in place. As traditional behaviour-management practices – including corporal punishment – are largely prohibited in Australian schools, contemporary practices centre on management through supportive school programmes, including appropriate curricula and school-support structures. This article supports the belief that measures such as the exclusion of misbehaving learners should be treated with caution. Measures such as this might not reflect accepted international principles and practices and should only be exercised in the most extreme circumstances. The article also supports the view that it is part of the school's role to ensure that all learners are aware of the reality that while they have rights, they also have corresponding responsibilities. This awareness is more likely to be achieved in a supportive school culture where each learner is recognised as having unique qualities that can mature and grow in an appropriate learning environment.*

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1 In this article the word “learner” is used in accordance with its connotation within the South African context. In Australia, however, the word “student” is more commonly used.

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## Opsomming

Leerderdissipline: 'n Australiese perspektief

*Skole in Australië word grotendeels as veilig beskou. Daar bestaan nietemin dissiplinêre probleme, insluitende afknouende gedrag. Vir hierdie tipe probleme wat voorkom, moet skole die regte beleidsdokumente hê waarvolgens die verskynsel bestuur word. Aangesien die tradisionele gedragsbestuursmodelle soos lyfstraf tans in die meeste skole in Australië verbied word, wentel hedendaagse gebruike rondom ondersteuningsprogramme, wat geskikte kurrikula in die skool se ondersteuningstruktuur insluit.*

*Hierdie artikel ondersteun die oortuiging dat metodes soos die uitsetting van leerders wat skuldig is aan wangedrag met omsigtigheid toegepas moet word. Dit mag waarskynlik teen aanvaarde internasionale beginsels en gebruike wees en behoort slegs in uiterste gevalle toegepas te word.*

*Die artikel onderskryf egter ook die standpunt dat leerders moet aanvaar dat hulle nie net oor regte beskik nie, maar ook die ooreenstemmende verpligtinge en verantwoordelikhede moet aanvaar. Skole moet dit as deel van hulle taak beskou om 'n bewuswording hiervan te kweek. Dit kan waarskynlik die maklikste bereik word deur die daarstelling van 'n ondersteunende skoolkultuur waar elke leerder gesien word as 'n persoon met unieke eienskappe wat in 'n geskikte leeromgewing en deur groei tot rypheid kan kom.*

## 1. Some background comments

In Australian schools learner misbehaviour is largely associated with such matters as a failure to pay attention in class, disrespect for other learners or staff or their property as well as flagrant breaches of school regulations, including for example, wearing inappropriate clothing or items of jewellery. Although bullying in its various forms – including verbal and psychological bullying – does exist on a frequent basis in every school, violence as a form of learner indiscipline, although on the increase, is comparatively rare.

Maintaining discipline is, however, seen to be a major problem and is a source of considerable stress to teachers and, consequently, a major cause of resignations from the profession. Most worrying in this regard as the Federal Minister for Education recently commented, is the fact that around one quarter of teacher graduates were no longer teaching within three to four years after graduating. One of the major reasons advanced for the exodus was a lack of learner discipline and related high levels of teacher stress. The comments support preliminary results of a study currently under way in the state of Queensland showing novice teachers, those in the

first year of teaching, suffer high levels of burnout. Burnout in this article is defined as including emotional exhaustion, depersonalisation and reduced personal accomplishment. One of the major causes of burnout is associated with the problem of learner discipline. What is most worrying from the early findings of the study underlying this article, is that within their first year of teaching just under one third of this group of teachers indicated that they were seriously considering resigning. Additionally, a quarter of those surveyed indicated they would not, if given the choice and on the basis of what they knew at that later stage, select teaching as a career (Goddard & O'Brien, 2003).

In relation to the forms of discipline used in Australian schools, Slee (1995:3) maintains that "... changes to school discipline policies in Australian public education represent incremental adaptations to traditional imperatives of organizational and social control". He goes on to argue that the removal of corporal punishment in Australian schools has been "... replaced by more pervasive and intrusive patterns of surveillance and regulation which have little to do with discipline as an educational concept" (Slee, 1995:3). Most worrying, Slee (1995:3) has argued that these policies are "behaviourist in conception and practice" and contribute to marginalising learners and are a leading cause of increased disruption in the classroom. As a consequence he maintains that the policies are putting larger numbers of learners at risk of educational failure.

In his research Slee (1997; 1992) has argued consistently for discipline policies to reflect consistency between pedagogical, curriculum and school governance objectives. In other words, school behaviour programmes need to promote the growth of individual learners and not their subservience. It would appear, however, that Australian schools by and large continue to draw on policies that ensure the submissiveness of learners and do not necessarily contribute to their intellectual and social growth.

It is argued in this article that learner behaviour is enhanced in a supportive school environment where all members of the school community feel safe and valued. My belief is that when learning objectives – both social and academic – are embedded in the various curriculum programmes, and in interpersonal relationships and where the school organisation is relevant to the needs of learners, discipline problems will be minimal and more readily overcome. In this regard it is important for teachers to set high standards of personal behaviour and to act as role models – aims

that can be achieved through the use of non-violent, non-coercive and non-discriminatory practices and language.

It is a basic tenet of this article that effective behaviour will be realised when principles of fairness and justice are implemented in relevant school policies and procedures and accorded all persons in a school community. In this regard it is also argued that, while there is no absolute legal right to an education in Australia, international treaties such as the United Nations Convention on the Rights of the Child, which this country is a party to, impose an expectation that all learners have a right to attend school and that they have a right to be educated in a non-threatening, hostility-free learning environment. In this environment misbehaving learners, as well as the better behaved, have a right to be treated in accordance with accepted international principles based on justice and fairness. It is axiomatic that such principles prohibit certain practices such as that of suspending and excluding learners for inappropriate behaviour in all but the most extreme of situations, and only for the most serious of misdemeanours.

With this understanding in mind this article provides a discussion of a number of issues related to learner discipline in Australian schools. Forms of learner misbehaviour as well as consequences are addressed, and measures taken to redress discipline problems, are explored.

## **2. Aggression by learners in Australian schools**

Although a widespread agreement exists in Australia that schools are generally safe places for learners to learn in and for teachers to work in, on occasions there have been incidents, including those to do with bullying, arising from some lack of discipline on the part of learners that have had serious consequences.

Bullying is a problem in schools all over the world and in Australia it is a problem that affects elite independent schools (Dulhunty, 2002) as well as government schools. Research by Rigby and Slee (1998), carried out in sixty co-educational schools across Australia found that just under 21% of boys and 16% of girls reported being the victim of some form of bullying at least once a week. The research indicates that the problem is worst in the 8 to 13 year old age group and that it decreases somewhat after that. Interestingly, the research results indicate that verbal bullying is the most common form and physical bullying the least common. Nonetheless, Rigby (1996) found that nearly 6% of boys and 3% of girls in a sample of

8 500 learners reported being assaulted (hit or kicked) often during the school year. Rigby concluded that it could be expected on average one or two learners in each class would receive some form of physical abuse from their learner peers.

While the popular media tends to emphasise physical forms of bullying, several forms occur, including physical, verbal, extortion and exclusion. Although physical bullying has serious consequences for learner victims, research carried out by Rigby (1996) and Rigby and Slee (1998), demonstrates the serious effects of all forms of bullying including physical and psychological harm. More specifically, however, bullying may result in low self-esteem, truancy, illness, stress, tiredness, disruptive behaviour, lack of concentration and an inability to form social relationships. As a result bullied learners are likely to suffer academic and social harms that will impede, if not destroy their career ambitions. Of great concern, moreover, is the reality that some victims of bullying are so traumatised that they consider self-harm and in some instance even suicide (Hasan, 1995). It has also been demonstrated that many learners who are bullies at school go on to become bullies in the workplace. Similarly many victims of school bullying remain victims of bullying once they leave school (Rigby, 2001:4-5).

### **3. Legal consequences of learner misbehaviour**

In relation to matters concerning learners' physical welfare, schools are required to implement management systems to protect learners from harm including incidents of bullying (Stewart & Knott, 1999). Moreover, in relation to bullying it is expected that such systems will contain measures that contribute to changing the behaviour of bullies. In this regard it is necessary for schools in carrying out their legal duty of care for learners' welfare, to ensure that known bullies are controlled and managed in all school settings. The standard of care expected of teachers in carrying out this duty is that of a similarly qualified and experienced teacher; it is not a duty to guarantee the safety of learners but one to exercise reasonable care for their safety and well being.

Learners should not have to experience a hostile learning environment. Whenever a school fails to implement and enforce an appropriate behaviour management plan, a learner may bring a legal action – under the tort of negligence – should they be harmed as a result of a peer's aggression. It is worrying that some schools appear to ignore the enforcement of provisions of their behaviour-

management plan that would impose disciplinary measures sufficient to restrict the actions of known school bullies. In this regard there are two decisions that are relevant: *Haines v Warren* (1987) Australian Torts Reports 80-115 and *Lisa Eskinazi v State of Victoria*, Unreported, No 06471 of 1999. In the first case a fifteen year-old male learner who was known to be a bully picked up and then dumped a female learner on to a block of concrete severely injuring her spine. In this case the school was held to be in breach of its duty of care to the female plaintiff as it had failed to ensure that an adequate system was in place to protect learners from harm. Although the duty is only one to ensure reasonable care for a learner's safety, in this instance the behaviour of the male learner was reasonably predictable and more stringent supervision of his activities would likely have prevented the incident from occurring.

In the decision in *Eskinazi* handed down in June of 2003, the court held two teachers and the school principal of a government secondary school in the state of Victoria negligent for failing to take appropriate action to prevent bullying by several female learners against another female learner. As a consequence of the bullying the plaintiff became seriously traumatised and the court awarded compensation to the injured learner. The important message from this incident is that school staff must become involved when they have knowledge of learner aggression. In this case they knew about it but failed to take the requisite measures needed to protect the plaintiff from both physical and mental injury. What was most deplorable about this incident was the failure of the school principal to accept responsibility for the learner's welfare, stating that this was the duty of the teaching staff. These and other cases serve to illustrate the point that failure to maintain adequate discipline in classrooms or on school grounds can have far-reaching effects on learners' lives. This is appropriately exemplified in one particular case (*Richards v State of Victoria* [1969] VR 136) in which a learner was paralysed as a consequence of a fight during a classroom lesson which the teacher did nothing to prevent.

In addition to having a duty to care for the physical welfare of learners in situations involving aggressive or bullying behaviour, the duty extends to being responsible for their general safety while under the care of the school. As a consequence of a failure to exercise an appropriate standard of care, Australian courts have upheld claims of learners where they have been injured in school settings. Generally such situations have arisen where there has been a lack of effective behaviour management, including among many others incidents like the following: the failure of a teacher to

confiscate paper pellets that were fired with the use of rubber bands (*State of Victoria v Bryar & Another* [1970] 44ALJR 174), toy gliders thrown in a classroom (*Syme and Syme v Minister for Education* unreported, Supreme Court of Western Australia 83/1969), an extended metal pointer wielded in a confined school playground area (*Harvey v Pennell* (1987) 46 SASR 158); a learner injured when she fell while tilting her chair backwards (*Barker v The State of South Australia* (1978) 19 SASR 83). As a result of incidents such as these, it is possible for a teacher to face allegations of negligence and although they have always been protected as happened in *Richard's* case, under the principle of vicarious liability – a legal principle that simply means the faults of employees become those of the employer – there is always considerable personal stress and anxiety for everyone involved. It is also worth noting that all the Australian education authorities have reserved the right to refuse to vicariously cover a member of staff where their actions are not up to the standards expected.

#### 4. Causes of learner misbehaviour

There is no doubt that teaching learners in Australian schools is becoming more difficult as learners bring new and different sets of values to school with them and many of these values are very different from those of their teachers. For example, while teachers generally have a love of learning and of their particular subject areas, many learners do not and become lethargic and bored in the classroom and other school settings. It is well recognised that in Australian schools many learners are, on the one hand more assertive and openly aggressive or, on the other hand, more apathetic than might have been the case in earlier decades (Cope, 2002). Either way, poor discipline and classroom misbehaviour may well be the consequence. In essence schools have to confront a radically changing youth culture and this is a culture which is largely in strong contrast to the work ethic existing in the schools they attend.

There are likely many reasons for such differences in values and attitudes emerging at this time in our history. It is possible that learner apathy and poor discipline in school are a result of the different life that learners lead outside the school with access to computers, television, and the exhilarating pace of life in their communities compared to what they frequently see as the drudgery of schooling. In relation to assertive, challenging or even aggressive behaviour, it can be argued that learners now demand a range of rights not formerly accorded them including the right to be heard or

the right to freedom of speech, whether written or oral. When these demands are not met learners become more strident and vociferous in their approach.

A further cause of discipline problems in schools may be traced to the poor example set by some of the “heroes” and some of the leaders in our community. In sporting events around the country too many “heroes” of our learners provide poor role models as they abuse both codes of practice as well as opposition players. In addition learners are too often subjected to examples of political, business and church leaders engaging in unethical and at times criminal activities. These, among other examples, transfer in some learners’ minds to such behaviour being the norm and, in schools they behave accordingly.

There are also wider social and economic reasons as to why a learner may have become a discipline problem including home conditions, personality disorders, and drug and alcohol problems. Researchers, including Slee (1992; 1995) and Cope (2002) perceive many of the problems to revolve around inappropriate curricula which are put in place but which do not reflect the needs of learners. Furthermore, school organisations are, in many instances, outdated and do not match contemporary learning and organisational theories. Interestingly in the 1970s Justice Murphy of the High Court of Australia in one particular court case (*Geyer v Downs & Another* (1977) 138 CLR 91) likened schools to factories and this is to a very large extent reflected in some practices still extant in schools today and which do not meet the needs of learners.

## 5. Management of learner misbehaviour

### 5.1 Corporal punishment

It has to be recognised that learner misbehaviour has always been, and likely always will be, a reality in the life of schools, and teachers have to work out strategies that will alleviate the problem as much as is possible. Corporal punishment as a means of controlling learner misbehaviour is largely prohibited in government schools by State and Territory legislation. For example, in the state of Queensland, an amendment to the Education (General Provisions) Act of 1989 prohibits the use of corporal punishment in government schools. Similarly non-government schools have implemented regulations to make the practice unlawful. Nonetheless, in some jurisdictions corporal punishment is still permissible, always provided excessive force is not used. The overwhelming evidence is,



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however, that corporal punishment is seldom used as a means of addressing learner discipline in the nation's schools.

In line with the belief advanced in this article, historically, corporal punishment of school learners has been regarded with considerable suspicion and disdain. Indeed, although writing in a different century and for a different social mix, no less a person than Erasmus in 1529 was led to question the practice when he wrote:

... how many promising minds are destroyed [by those] who flog their pupils only in order to gratify their own instincts and who obviously possess that monstrous mentality which finds pleasure in the pain of another person. Men of this sort should be butchers or executioners, not teachers of the young (Erasmus, 1529:329).

We have been long warned by writers of the potential educational hazards inherent in using corporal punishment as a means of solving learner misbehaviour. John Locke (cited in Garforth, 1964:111) for example, noted that excessive use of corporal punishment creates a dislike for that which is the teachers' duty to create a love of:

Nothing is more harmful than the instructor whose conduct causes his learners to take an intense dislike to their studies before they are sufficiently mature to appreciate them for their own sake ... Is it any wonder, then, that children come to hate learning? And once this hatred has been implanted in young minds the disgust with education will remain through the years of adulthood.

Slee (1995:40) has noted that one reason for the use of physical punishment of learners as being the culture of isolation that surrounds teachers in the classroom – a culture which has worked to discourage them from admitting to any inadequacies they might have in maintaining control over learners. In the past one way of overcoming this problem was the use of corporal punishment. Also as Slee (1995:40) has noted, corporal punishment at school often complements that of the home and so school leaders and classroom teachers may have felt reasonably comfortable in its use.

It is, however, the case that teachers presently work in an environment which is more litigious than that which existed in previous generations. Should there thus be unreasonable use of force in meting out corporal punishment, it is possible for a learner, or more accurately their parents, to instigate legal action on the grounds of assault against the person giving the punishment. Although such cases have been rare, one incident as far back as

1876 resulted in a teacher being fined five pounds for excessive use of force when caning a learner (*Regina v Scott*; Supreme Court of Queensland, 1876). Nonetheless, as has been pointed out by several researchers (e.g. Clarke, 1980; Pagliarino, 1977), litigation against teachers and schools in relation to corporal punishment has been the exception and where it has occurred, courts have rejected the plaintiffs' complaints. In these cases, moreover, the courts were swayed by the difficulties of determining what constituted reasonable punishment.

## 5.2 Exclusion

As corporal punishment has become unlawful in most school settings in Australia, teachers have had to look to other methods of ensuring appropriate standards of learner behaviour. Presently a range of measures exists – from preventive action by individual teachers to punitive measures such as suspension and expulsion. Most Australian education authorities have passed regulations providing principals with the power to exclude misbehaving learners from their school; this power includes suspension and, in worst case scenarios, expulsion. There are restrictions on the number of days for which a principal can suspend a learner and any expulsion is at the discretion of the education authority itself.

As with the question of the efficacy of corporal punishment, there is considerable debate over just how effective excluding a learner from the school setting really is (see Dettman, 1972; Cahoon, 1989; Pyke, 1993; Slee, 1995). Suspension from school has commonly had the major objective of removing an offending learner from the classroom and thus allowing the teacher to get on with the lesson in hand. It also provides an opportunity to require parents to be involved in any review of a learner's behaviour problems and it can be used as a mechanism for punishing unacceptable behaviour. It can be argued, however, that the major consequence for some learners is that any suspension becomes a reward and thus it serves to reinforce the form of behaviour the teacher or school was trying to eliminate. Moreover, there is also evidence that suspended learners receive support from many of their classmates (see, for example Slee, 1995).

In Australia the power to exclude a learner from a government school is established by legislative provision while that of independent or non-government schools is largely contained within the provisions of the contract existing between the school, the parents and the learner. Regardless of the ongoing debate into the

effectiveness of exclusion practices, it is a requirement that all schools have a system in place that will ensure every learner who is being considered for exclusion is given a fair hearing.

Stewart and Knott (2002:135) note that the three major issues of, “the nature of the power to exclude, procedural fairness and equal opportunity laws” need to be considered when there is a possibility of a learner being excluded. A power to exclude involves the principal actually knowing she or he has the legal power to carry out the exclusion as well as the period for which exclusion may be given. Stewart and Knott (2002:136) have also pointed out that it is necessary for the reason for any exclusion to be legally sound:

... there is a world of difference between a power to take action on the basis that the learner is guilty of ‘disobedience, misconduct or other conduct prejudicial to the code and discipline of the school’ and a power to act on the basis of ‘the learner’s gross misconduct or continual disobedience’ being ‘a harmful or dangerous example’ to others at the school.

The second issue is of considerable importance for schools’ legal well-being as it concerns adherence to procedural requirements that are necessary to ensure that any decision taken is a valid one. In essence this necessitates schools ensuring that principles of natural justice are followed in any procedure or decision affecting a learner. Failure to heed these principles may result in claims of bias and unfairness that can have serious consequences for the reputation of staff and schools alike.

The final issue concerning where a decision to exclude might be challenged, is in relation to anti-discrimination legislation under which it is potentially possible for an excluded learner to allege discrimination on some specific ground. This is particularly important where misbehaviour is the result of a medical condition that a learner has and this is not considered, or considered sufficiently, when exclusion for misbehaviour is carried out. While incidents of this nature are not common they do occur and, indeed, one such case was recently determined in the High Court of Australia (*Purvis v State of NSW (Dept of Education and Training) & Another* S423/2002, 29 April 2003). In *Purvis* a young secondary school learner who has a medical condition that allegedly results in frequent outbursts of violence, was suspended and eventually expelled as a result of his misbehaviour towards other learners and staff. He successfully challenged his suspension in the Equal Opportunity Commission in the State of New South Wales on the grounds that he had been excluded from school on the basis of misbehaviour

which was a result of his medical condition and that this was contrary to the provisions of the anti-discrimination legislation. The Commission decision was, however, overturned on appeal to the Federal Court in a decision that was upheld by the full bench of that court and eventually upheld also by the High Court of Australia.

Although incidents of learner aggression usually receive the greatest attention, the reality is that the majority of incidents of learner misbehaviour are due to less serious infringements such as insulting language or behaviour, pushing other learners, throwing objects at each other, swinging on chairs, failing to listen to or heed a teacher's instructions. In these instances it is necessary for teachers to take adequate measures to prevent the infringements escalating into more serious infractions. Typical of the measures that might be used are reprimands, detention, loss of privilege and sending a learner from the classroom. It should be noted, however, that there are dangers in sending a learner from the classroom, particularly where the learner is well known for exhibiting poor personal behaviour skills and this is, therefore, an option that should only be rarely used and only then when safeguards, such as making the school administration aware that the learner has been removed from the room, are in place.

### **5.3 Detention**

In relation to detention certain restrictions are imposed on schools as to when this might be exercised – before school, during morning tea or lunch recess or after school. Some schools, mainly in the independent sector even have learners carry out detention at weekends. While this has disadvantages such as a teacher having to be present, it also has the distinct advantage of emphasising to parents that their child has not been behaving appropriately and the detention serves to involve the parents in the reformatory process.

## **6. Teacher knowledge**

There is considerable variation in the level of knowledge of teachers concerning how they might cope with the problem of misbehaving learners. Recent research, moreover, indicates that even where there is a satisfactory understanding of how to manage discipline problems many teachers and schools do not have satisfactory systems in place to do so, and this is particularly noticeable in the smaller independent Catholic schools (Cope, 2002). Furthermore, discipline problems tend to be exacerbated by many schools having behaviour programmes that are outdated and which fail to take

account of modern discipline approaches. As an illustration Cope (2002) has pointed out that some teachers continue to believe it is acceptable for them to get angry with learners as it is a means of “letting off steam” although such an approach was fully discredited as a behaviour management process many years ago.

## 6.1 Knowledge of coping strategies

It is evident, as Cope (2002) has noted, and was also evident in interviews with school principals carried out by the present writer in twenty Brisbane schools in November, 2002, that there is considerable variation in the extent of teachers’ knowledge concerning strategies to manage learner behaviour. In many instances schools, for instance, continue to implement plans based on behaviour management models, such as Glasser’s non-coercive discipline strategies or Canter’s Assertive Discipline, among others, that have been surpassed by more recent programmes. Many schools also appear to use behaviour management strategies that are not based on a whole-school approach and are, therefore, less effective than is generally the result of strategies where all the major stakeholders are involved. What is very clear is that a proactive and positive whole-school approach to managing learner behaviour and, consequently preventing learner misbehaviour, is needed in Australian schools. Such an approach is needed as the basis for teaching and learning. It is a truism that learners will not learn when a class is out of control even though a teacher might still be going through the motions of teaching the lesson.

Behaviour management needs to reflect positive strategies and should be structured so as to establish an ordered system of concepts about behaviour that allows teachers to practise effectively across all teaching situations. This system requires a tiered plan that makes use of preventive, maintenance, supportive and reactive tactics.

*Preventive strategies* imply ways in which classroom culture can be utilised to ensure acceptable learner behaviour, including:

- setting of rules that emphasise the rights and responsibilities of all learners as well as of the staff;
- teachers modelling appropriate behaviour themselves;
- involving learners in decision making and
- clear policies and procedures.

*Maintenance tactics* are those that enable learners to be kept on task or for getting them back on task and include the use of redirections, efficient help (praise, prompt) and the use of non-verbal language.

*Supportive strategies* are the measures teachers use to keep a positive working atmosphere including sound communication methods; use of encouragement, and not engaging in hostile or embarrassing exchanges with learners.

Finally, *reactive tactics* are those that teachers use when things go wrong and involve strategies such as: sending a misbehaving learner from the classroom and giving a learner a choice of acceptable behaviours. It should not include negative strategies like outbursts of a teacher's anger or overreacting to problems or dwelling longer than necessary on the misbehaviour incident.

It should be noted, though, that there is "no quick fix" or any single solution to incidents of misbehaviour. What is required is a logical well planned policy and clear easily followed procedures. In a nutshell: teachers need to know and routinely apply a range of strategies within a coherent, structured discipline plan. In terms of contemporary planning the following are accepted strategies being increasingly utilised in Australian schools (Cope, 2002). In the first place the major thrust is towards whole-of-school approaches that supplement and support those of the classroom. While seldom attained, there should be seamless continuity in behaviour development in all aspects of strategy, but especially in the reactive phase, from the classroom to administrative procedures for dealing with serious problems and difficulties. Teachers need to accept responsibility for a list of matters that are within their power to control involving:

- *uncooperative behaviour* including *inter alia* homework that is not completed, learners leaving class early, eating in class and chewing gum; wearing incorrect uniform; dropping litter; throwing objects;
- *power-seeking behaviour* including discourtesy to other learners or staff as well as insolence to staff; disobeying a reasonable instruction or request; discriminative behaviour such as racist or sexist comments; pushing and shoving;
- *attention-seeking behaviour* including – constant talking; disruption; body noises.

The second major trend in behaviour development is the use of strategies associated with rules, rights and responsibilities. As noted

previously, Australian learners are increasingly recognising that they have rights and are demanding that these be recognised across a spectrum of circumstances. It is axiomatic, however, that learners must be led to recognise that rights are not absolute and, in addition, that they carry a commensurate responsibility. In this regard it is possible for learners to develop a sound balance between rights and responsibilities by teaching them principles contained in such documents as the United Nations Convention on the Rights of the Child. In the Australian context this is particularly important as there is no Bill of Rights that gives recognition to rights or responsibilities that are contained in the fifty or so articles of the Convention or similar documents. In addition to their behaviour development plan, many schools have specific programmes devoted to a special area of need like combatting bullying. These programmes have the positive effect of emphasising the overall school plan and allowing for revisions and redefinitions.

Regardless of the plan or system used to maintain discipline, it is necessary for teachers to ensure that they do not discriminate unfairly against a learner or learners. Furthermore any behaviour management plan that is implemented must be non-discriminatory and one that takes account of the age, skills and life-experiences of the learner. It is important in terms of anti-discrimination legislation (for example the Queensland Anti Discrimination Act, 1991) that learners are not discriminated against on attributes or characteristics such as age, religion or gender.

In terms of meeting the school's legal requirements it is necessary that any behaviour management plan meets the following objectives: promoting an atmosphere conducive to effective teaching and learning; ensuring a hostility-free learning environment – one where learners feel, and are, safe and secure; developing a culture of mutual trust for the values and rights of others – as well as their property; developing in all learners the necessity to accept the responsibility for, and the consequences of their own behaviour.

## 7. Moral development

An important aspect of behaviour is that it needs to be taught to learners as it cannot be taken for granted they will automatically behave as a teacher might wish. Seen in this light schools need to think in terms of *behaviour development* of learners and not simply in terms of *behaviour management*. In terms of Kohlberg's theory of moral development teachers should aim to assist learners' progression from the pre-conventional stage of moral development –

with its concentration on the self and punitive authoritarian discipline strategies – to the conventional where empathy for, and the rights of others are emphasised. In the conventional stage of moral development class and school rules are worked out collaboratively so as to enhance the learning environment. At this level of moral development working together serves the purpose of emphasising the point that others have rights and needs and that these can be met in classrooms and community settings.

Ideally behaviour strategies should have the objective of developing learners' moral behaviour to Kohlberg's post-conventional level that is based on principled behaviour and abstract principles. It is a level, seldom reached, that emphasises universally applied principles and values rather than mechanically following rules without necessarily realising the underlying purpose for them.

In essence moral development is achieved in schools by teachers modelling appropriate behaviour and by having school-behaviour management plans based on similar principles. In reality most schools exhibit values and beliefs that are a mix of conventional behavioural patterns and it would be inconsistent, in terms of Kohlberg's theories of moral development, for teachers to exhibit pre-conventional behaviour such as anger, humiliation, embarrassment, "put downs" and arbitrary or illogical punishment.

## **8. Judicious behaviour management**

The original concept of judicious behaviour management was based on the rights accorded citizens of the United States that are enshrined in amendments to their Constitution and which together form their Bill of Rights (Gathercoal, 1991). In essence the Bill of Rights provides for principles of democratic process, ethical behaviour, rights and responsibilities of all persons, self-discipline and lawful dealings. It will be readily evident that these principles are equally appropriate for schools as for the general population. In relation to schools, judicious behaviour management is, as Stewart and Cope (1997) have noted, different from earlier democratic learner-centred models of behaviour management in that it has a legal underpinning. Stewart and Cope (1997:37) maintain that:

At a time when administrators and teachers alike are feeling threatened, albeit often misguidedly, by the possibility of litigation, it is important that school personnel become literate in school law and that proactive legal risk management policies and practices are adopted. The use of the law as a basis for behaviour management means that there is a legally reasoned starting point



for school policies and practices. It is important however that the model is not implemented in some legalistic manner but that learners are dealt with in such a way that their needs are recognised and protected.

It is emphasised that judicious behaviour management is not a stand-alone strategy but needs to be implemented along with other behaviour-management programmes. It is a preventative guide and a teaching model that utilises proactive strategies based on legal rights to ensure that democratic, equitable and just processes are followed in schools.

## 9. Conclusion

This article has provided an overview of current thinking in relation to discipline issues in an Australian context. It has been argued that while learner misbehaviour is common in Australian schools it is largely related to minor infringements and not so much to serious acts of aggression. It is the case, nonetheless, that various forms of bullying behaviour are present in all schools and that this creates stress for teachers. Where available, court cases dealing with misbehaviour have been identified and discussed. Contemporary measures to manage learner behaviour were addressed and, in particular, the importance of a whole-school approach to learner discipline was proposed. Finally the article briefly examined the need for moral development to be the basis of any learner-behaviour programme and that schools would be well advised to consider the benefits of judicious management approaches.

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### **Statutes**

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Anti-Discrimination Act (1991) (Queensland)

### **Key concepts:**

Behaviour-management programmes

bullying

discipline in Australian schools

### **Kernbegrippe:**

afknouery

gedragsbestuurprogramme

skoordissipline: Australië

