

# **STANDING COMMITTEE ON LEGISLATION**

## **PARENTAL SUPPORT AND RESPONSIBILITY BILL 2005**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
WEDNESDAY, 5 APRIL 2006**

### **SESSION ONE**

#### **Members**

**Hon Graham Giffard (Chair)**  
**Hon Giz Watson (Deputy Chair)**  
**Hon Ken Baston**  
**Hon Peter Collier**  
**Hon Sally Talbot**

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**Hearing commenced at 10.05 am****HESKETH, MR JOHN**

**Area Manager, Student Services, Department of Education and Training,  
Sevenoaks Business Centre, examined:**

**CHAIR:** On behalf of the committee, I welcome you to the meeting. Thank you for attending to assist the committee with its inquiries. There are a few formalities that I would quickly like to address before our discussions commence. To begin with, would you please state the capacity in which you appear before the committee?

**Mr Hesketh:** I am area manager for student services in the south east metropolitan area. I also look after Albany, Kalgoorlie and Esperance; that is, I oversee the student services there. Basically, 50 per cent of my job is in central office. I look after policy, and I wrote the original response of the department to the parenting orders discussion paper in 2004.

**CHAIR:** You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

**Mr Hesketh:** I have.

**CHAIR:** Today's discussions are public. They are being recorded, and a copy of the transcript will be provided to you. Please note that until such time as the transcript of your public evidence is finalised, the transcript should not be made public. I advise you that premature publication of the transcript or inaccurate disclosure of public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

If you wish to make a confidential statement, you can ask that the committee consider taking your statement in private. If the committee agrees, the public will be asked to leave the room before we continue. I invite you to make an opening statement. I say to you that the committee is in possession of the DET submission that was prepared for the Office of Crime Prevention in 2004, to which you referred a minute ago. We would be quite happy to hear any opening statement that you want to make, particularly in relation to that and any variations or changes that you may want to draw to our attention.

**Mr Hesketh:** Okay. After talking to the secretary earlier in the week, I did produce an answer to some of the questions and statements that we made in the 2004 paper to ensure that my answers were in line with the rest of the department. Also in this document I was asked to produce a flow diagram of the procedures for the department in terms of attendance. Within the document also I have put a local attendance procedure chart. That is from the Canning education district. At the back, which I will not refer to, is the student tracking system for those students who are sort of lost interstate and also within the state; that is, when they disappear from schools and we have to track them. That is information for the panel. Do you wish me to give these out? I do not know what the procedure is.

**CHAIR:** Yes, I think so. Do we have those?

**The Advisory Officer:** Are you talking about appendix 1?

**Mr Hesketh:** No. I was asked to produce a flow diagram. When we wrote that, they were just suggestions for how we would in fact use the orders. Since that time, we have been looking at

attendance procedures only, and I was asked on the phone the other day to produce any attendance procedures that we have.

**CHAIR:** All right. You table them, and we will take a copy of them. We will need some time to look at those. Perhaps I will go to some questions that I have for you.

**Mr Hesketh:** Certainly, although, hopefully, some of the answers will be in the text of the document.

**CHAIR:** We are happy for you to draw that to our attention, if you want to, as I ask the questions.

**Mr Hesketh:** Yes.

**CHAIR:** On page 1, at the beginning, you refer to the great concern that DET had at a lack of access to appropriate parenting support services and programs across the age groups. That was in 2004. Were you suggesting then that increased service provision was the preferred solution, rather than a legislative proposal for parenting agreements and orders?

**Mr Hesketh:** Yes, we were. The provision of services is uneven; it is in pockets throughout the state. Therefore, sometimes it is extremely difficult for parents to access services, and legislation itself does not actually solve that problem.

**CHAIR:** You also state in the third paragraph of those general comments that DET was worried that staff might be placed in the position of reporting on parenting skills. Maybe you could explain that statement to us. What particularly are you talking about when you refer to staff being concerned, particularly in rural or remote areas?

[10.10 am]

**Mr Hesketh:** It actually places schools in a rather invidious position because the child is the client of the school. There are two points to this: first, the point at which the child is absent and there is action, is not part of the school. To ask the education system to report on parenting ability is an intrusion into the family. It is very difficult to get into the family. That is not our role. Our role is to get a child to school and be part of the school community. In order for a school in, for example, a rural area to do that, it has to be quite intrusive. We would go into the family to gather information, basically without consent, and then we would use that information against the family. It is a very difficult position to put the school in. If the school became a reporting agency, it would destroy the relationship between the school and the community.

**Hon SALLY TALBOT:** Which agency is appropriately responsible for that kind of intervention?

**Mr Hesketh:** The flow diagram indicates that generally we do a lot of things in following things through. By the time we reach the point where we get into the family, we usually find other agencies have become involved. Attendance or non-attendance is not simplistic. There are lots of other problems. It is not a cause on its own. The issue is a symptom of lots of other things. In most cases of chronic attendance issues, other agencies are already involved. It is like a joint agency response.

**Hon SALLY TALBOT:** It has been suggested to us that that is one of the great strengths of the bill that is under consideration.

**Mr Hesketh:** Information sharing?

**Hon SALLY TALBOT:** That it facilitates interagency response. Do you agree with that?

**Mr Hesketh:** In cases in which information sharing is possible we already have procedures in place whereby parents can actually agree to that happening. The difficulty is on the other side; that is, when the parents have not agreed to information sharing. We are still left in the position of gathering information and then using that information against the parents without them knowing that we have gathered that information.

**CHAIR:** It is interesting that you used the expression “using that information against the parent”.

**Mr Hesketh:** When a child is absent from school because of chronic attendance issues, I would send social workers into the home. In order to gain entry we have to say that we are working on the child's behalf and not the parents' behalf and that we are trying to get the child back to school. We try to work out contracts with the parent to get the child back into school. That is our main purpose. If we are placed in the position of making judgments on parenting issues, it would be very difficult for us because we are not involved inside the home - other agencies have that responsibility.

**Hon PETER COLLIER:** In a lot of the rural schools, particularly regional high schools, the difficulty would be that a number of the staff would be young teachers or first and second year out teachers.

**Mr Hesketh:** That is correct.

**Hon PETER COLLIER:** Is that problematic with regard to associations with families?

**Mr Hesketh:** It is problematic. Apart from schools like Halls Creek, the spin-off in rural towns is that the attendance rates can be very high because the kids have nowhere to go. In cases where the school has a positive culture, the attendance rates are extremely high and they can be better than any metropolitan school. We do have the reverse, like Halls Creek.

**Hon PETER COLLIER:** In some rural areas the response could be poor.

**Mr Hesketh:** Yes, in cases where the relationship between the school and the community has broken down. It is incredibly difficult for the school to report child abuse and neglect. The relationship breaks down. Even though morally and ethically it is the correct thing to do, it makes life very difficult when the parents go to the school. Day-to-day life has to go on. The teachers face that every day.

**Hon SALLY TALBOT:** I would like you to clarify a point for me: I may be misunderstanding what you are saying. You said you have two problems. One is that you need an interagency approach because there are problematic areas in which the Department of Education and Training does not have the expertise to be involved.

**Mr Hesketh:** Or probably the mandate.

**Hon SALLY TALBOT:** You also said that you think parenting orders may be problematic because they venture into areas to do with parental responsibility, whereas education is to do with the child. Is not the whole nature of the parenting orders bill to try to intervene at that problematic level of interagency cooperation and facilitate an outcome that serves the interests of the child?

**Mr Hesketh:** At the moment the flow would be that where the child becomes a chronic attendance issue we would send in social workers and then we would put to the parents various things that could occur to return the child to school. At that point, if it is a mental health problem, drug related etc, we would find other agencies are involved. At that point we would get information sharing. It is not normally the case that parents are not cooperative. Most parents want their children to go to school. It is a social thing and generally the kids want to do that. The issue then focuses on the needs of the parents. So long as we negotiate to get the child back to school and can support that, it goes outside our bailiwick at that point.

**Hon SALLY TALBOT:** I am getting there.

**Mr Hesketh:** A lot has been done. It is seldom that parents do not wish the best for their children. Usually the parents who are having the greatest difficulty are the ones least able to accept that sort of punishment. Basically, the negative impact of parent orders can be disruptive to the family at that point. In the first place, they do not have the skills and they are struggling. They need support and are usually willing to accept support. It is finding the support.

[10.20 am]

**Hon SALLY TALBOT:** The negative impact being the mandatory nature of the order?

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**Mr Hesketh:** Yes. One of the things we run in the district is the triple P, which is the positive parenting program. We run it with parents as an early intervention scheme in approximately 20 schools each year. Where parents have been forced or asked to come in - basically told to come in - it seldom works. The resentment is not good.

**Hon SALLY TALBOT:** Thanks.

**CHAIR:** I refer you to appendix 1 of the paper. Halfway down it indicates that parental responsibility contracts are used to support school attendance. Are you familiar with that?

**Mr Hesketh:** I do not have a copy of the document.

**CHAIR:** Halfway down it refers to continued absences. The principal of the school liaises with the family and an individual student attendance plan is formulated. After the attendance rate falls below 90 per cent over 10 weeks, a parental attendance contract is used and case management occurs. Is that what currently occurs now? How do parental contracts work? If they are in use now, how successful are they?

**Mr Hesketh:** I sigh because there is obviously a spectrum of responses. In general, three to five days is the stated rule through the education act; the school will contact the parent. You do not always know that it is an unacceptable absence in the first place, of course.

**CHAIR:** That is the first problem - identifying it.

**Mr Hesketh:** Yes, identifying it. On a day-to-day basis in a district like mine there would probably be 3 000 absences in any one day, which is approximately eight per cent of the population.

**Hon SALLY TALBOT:** Without an explanation?

**Mr Hesketh:** Just absences.

**Hon SALLY TALBOT:** Some of them would have notes?

**Mr Hesketh:** A tracking system is entered into the computer. We can track back to see whether the child was absent the day before. We would then know whether there was an explanation. There is also a leeway of three to five days in order to provide an explanation. With children who are sick, there can be difficulty in getting doctors notes and all that sort of thing. There is always a leeway of knowing what is acceptable and what is not acceptable. In general, we have tried to put more schools online to use a ring back system to a mobile phone to tell parents that their child is absent and ask whether there is a reasonable excuse. That is the spectrum. You can imagine that, in a large high school, it is quite a tall order to chase up all those students. In a high school we have a period by period check. In a primary school it is a twice a day check; a half-day check to see whether students are at school. That is the sort of recording mechanism. It is followed up either the following day or within the three-day period. As far as schools are concerned, that is basically what we would expect. There should be a check within three to five days. If an absence is unacceptable, we would still contact the parent and try to make a plan in terms of getting the child back to school.

**Hon PETER COLLIER:** Is the attendance check you referred to mandatory in all schools?

**Mr Hesketh:** It is mandatory through the act itself.

**Hon PETER COLLIER:** Is it enforced?

**Mr Hesketh:** That is one of the reportable things they have within schools: do they have an attendance policy? Whether they actually check by ringing up the parent is a bit more difficult to follow through.

**CHAIR:** And the parental contracts?

**Mr Hesketh:** That is usually through a delegated authority to a deputy or a year leader or teacher. Initially, the three to five-day check would be through the form teacher or whoever was marking the

register. At the end of the three days, if the child is still absent the matter would be passed to the front office and further contact would be made.

**CHAIR:** And that is when they start to enter into these contracts?

**Mr Hesketh:** If there is a problem, yes.

**CHAIR:** I suppose that is really the point of the question about the successfulness of those contracts.

**Mr Hesketh:** There is a spectrum. For most families that is fine. It may be unacceptable but, when it is brought to the parents, the child may return to school and it is sorted out. For some groups and families it is much more difficult and it becomes a chronic problem.

**CHAIR:** Even if you try to formalise it in some way as a parental contract, you would still have that attrition rate?

**Mr Hesketh:** Sometimes parents do not fulfil the contract. During one of the latter times we ran a panel, which is the ultimate of this procedure. It then goes to district resources. I send out a social worker or a school welfare officer or whatever. You eventually try to get them to a panel. Most of the families at that point are dysfunctional. With one family it took 17 goes with two people to try to get them to a panel. It is extraordinarily time consuming. When we managed to get them there they were high on dope. It is hard work with some people. At that point the legislation does not make any difference.

**CHAIR:** Certainly not without a range of supports to underpin it.

**Mr Hesketh:** That is right.

**CHAIR:** Your proposition is not to worry about the legislation but to get the services in place?

**Mr Hesketh:** That is interesting. I originally read the stuff from Britain and New South Wales. The legislation itself is a fantastic deterrent for middle class people. Knowing that the legislation was there I would make sure that my kids got to school because I would not like to appear before a panel! For dysfunctional and some Aboriginal families it is very difficult. I do not think it would make a lot of difference.

**CHAIR:** Which is the difference between coping and neglect.

**Mr Hesketh:** Some families cannot cope and they need skills.

**CHAIR:** I now refer to appendix 3 of the document. The submission refers to existing legislation and how it is seldom used given that legal redress may only serve to worsen the situation for the child. I suppose that is following on from the answer you have just given us. Can you take us a little bit further in terms of the School Education Act and how it operates for persistent truants? You mentioned 17 attempts to get parents to a panel but the system is still breaking down. What does the School Education Act require?

**Mr Hesketh:** Would you mind turning to the paper I presented today? It is the Cannington education district procedures document. Basically that document outlines parents' responsibility, teachers' responsibility and so on. This follows the education act. After three days of an unexplained or unacceptable absence, the parent or guardian is contacted. We have a 90 per cent rule. It is not in the act itself; it is in our own procedures document. The document outlines procedures and responsibilities.

[10.30 am]

**CHAIR:** Then it goes on to the attendance processes?

**Mr Hesketh:** Yes. After a three-day absence, we contact the parents. If the cumulative effect is more than 10 per cent, it is recognised that the child is at risk. That works out to be a half-a-day absence per week, which is seen as a strong negative. The children start to fail when that occurs

over a prolonged period. The parents would be contacted again if a child's absence fell below that level.

**Hon SALLY TALBOT:** At the bottom of the page it states that if the result is a partial or irregular return to school, case management processes are enacted.

**Mr Hesketh:** If it is a serious case and it cannot be handled by the school, the district office would take it on. If it were a chronic case, I would assign a case manager to the family, who would work with the family to try to get the child back to school. If it were a parent-related problem; for example, the mother was on drugs etc, we would ask the family for permission to get help from other agencies. Usually at that point other agencies besides the department of education are involved.

**Hon SALLY TALBOT:** What practical help can be offered? I can understand that if there were a drug problem, mental health help would be provided.

**Mr Hesketh:** For the parent?

**Hon SALLY TALBOT:** Yes. Clearly the Department of Education and Training has parenting programs.

**Mr Hesketh:** Currently we use the parenting contract system, which is fantastic. The south east metropolitan area has been running it as a trial. That works as a coordination unit for other agencies. The Strong Families program brings together agencies and, with the parent's permission, information is shared and support is provided to the parent.

**Hon PETER COLLIER:** Is the south metropolitan area using it as a trial?

**Mr Hesketh:** Yes. It has had very positive results. Schools are now making direct contact with the parents through the parenting orders, which has been very positive.

**Hon PETER COLLIER:** Good.

**Mr Hesketh:** That is done on a voluntary basis. The parents are going there on their own volition; they are asking through the school whether they can attend the program.

**Hon SALLY TALBOT:** You said that they are going on their own volition. Presumably, if a DET councillor rocks up at my door, I might be offered referral to the parenting program as part of the case management program.

**Mr Hesketh:** Yes.

**Hon SALLY TALBOT:** I can imagine that nice, middle-class parents would ask the school whether there is any chance that they can enrol in a parenting course. However, the people we are talking about would be referred to it by social workers?

**Mr Hesketh:** A school can make that suggestion during the three or five-day consultation period. Many parents say that they cannot control their children and need assistance. Often it has been left too long and has got out of hand, especially with adolescent children. The parents lose confidence in how to deal with their children. Basically that is occurring much earlier. The early intervention seems to be working.

**Hon SALLY TALBOT:** If the raft of resources that is currently being rolled out and trialled in the south metropolitan area was rolled out across the state, would that have a positive benefit?

**Mr Hesketh:** Yes, in combination with the other resources that are provided to support families. One of the problems at the moment is that the bill points out that there is an uneven spread of resources. People who live in Halls Creek will find it much more difficult to access certain services. That is the problem with the legislation. We can legislate for these things, but no services are provided. No-one would bother with a parenting order if no services were provided. Before the legislation is put in place, we must pre-empt where the services will be required.

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**Hon SALLY TALBOT:** There is a service in the south metropolitan area?

**Mr Hesketh:** Yes, there are quite a lot of services there, many of which are complementary. Often the parenting team does not deal with it, but it will organise for the parents to go somewhere else to get the support that is required. That was the case in Britain also. Provided that all the necessary services are in place, it works reasonably well.

**CHAIR:** You seem to be talking about a distinction between enacting legislation, by which I assume you mean the coercive elements.

**Mr Hesketh:** That is correct.

**CHAIR:** And of providing alternative support services to assist parents. I ask you to think about the third regime, which is in line with what I understand to be the direction of the policy; that is, to provide for parents those support services that are needed. We have acknowledged that the trials in Rockingham and in the south west areas, for example, are doing well.

**Mr Hesketh:** They are being trialled in Armadale, Cannington and Gosnells.

**CHAIR:** Yes. In the event that parents, for whatever reason, are reluctant to access the services that are provided to them, the bill provides a remedy. Ultimately, parents must use the services. We can provide the services. If parents do not want to use them, they can resist it, but the bill ultimately says we will insist that they make use of the services. Is that not better than providing extra services and if, ultimately, parents do not want to use them, they do not have to use them? What is the solution for the small proportion of parents and children who will not access the services? The bill says that ultimately people must use them. What do you think of not saying it is a case of either the services or the coercive elements of the bill, but what about the situation in which there are both? Would that not be the most appropriate response?

**Mr Hesketh:** Looking at the problem from this side, it sounds like a good solution. For those parents who will not accept any services, and assuming that the services would improve their problem, it is okay.

**CHAIR:** We know from the trial that it is obviously having a beneficial impact.

**Mr Hesketh:** The problem in this case as far as the Department of Education and Training is concerned is that a child is not attending school. The outcome the department wants is for children to attend school. Changing the parents' parenting skills is a side issue. We must get the children to school. The Strong Families program has noted that sometimes 15 to 17 agencies are involved in a family's case. It is not a case of the parents not accessing different agencies and different skills; they do not have the ability to use that information because they are basically dysfunctional. The agencies take over the role of being a strong parent and do things for the family. Dealing with the family is a separate issue from dealing with the problem of a child not attending school. My resources go into getting children back to school. We meet very few families that refuse carte blanche to not be involved with any agency. Aboriginal families want to be involved with Aboriginal agencies, and we make sure that the Derbarl Yerrigan Committee, for example, would become involved. My social workers ask what else they can do when every agency that can possibly be involved is involved. If a family flatly refuses to join in with these programs and get the child back to school, of course, the legislation will assist. On the other hand, if that were the case, I could still go through it; this is a parallel process to what we have already. Sorry, I did not finish off the original one, where, at the end of the line, you would take the family to a panel. They could refuse to come to the panel. We can take them to a second panel, and then, in fact, we apply to the court. Whichever way you go, you would still get to the court, and the judge can give a parenting order at that point. That does not happen very often. In fact, it seems to be too difficult to get to that point.

[10.40 am]



**Hon PETER COLLIER:** I am sure you will not be able to give a definitive response to this, but judging from what you have been saying for the past five or ten minutes, that would constitute a minuscule proportion of parents and students?

**Mr Hesketh:** It is minuscule. It is actually too difficult to get to that point, and by the time you have got to the point where you are taking people to court, you are many weeks down the track, and the kids are missing a lot of school, because the process itself just takes too long.

**CHAIR:** I suppose the reason I asked that question is that my understanding of the bill is that, if a family is accessing services but it is just not working, I do not see any punishment in the bill for the parents. If they are trying and it is not working, then I suppose you just have to try different things and keep trying. I understand that the point of this bill is where you have recalcitrant parents who are, for some reason, neglecting their responsibilities, and that is where the coercive elements of the bill kick in. That is why I am having difficulty understanding why you would not want to say to parents, ultimately, that they are not concentrating on their responsibilities, and at that point the bill intervenes to say that it is ultimately their responsibility, so they have to do it.

**Mr Hesketh:** One cannot argue that that is not nice and logical. From the point of view of the Department of Education and Training, however, the problem we are dealing with basically is the child's non-attendance. It is very difficult then to make judgments on the parenting skills and abilities of parents without bringing in all kinds of other issues. To get into the family and use that information is actually extremely difficult. I can still take them through our own processes, but to actually say that these parents are bad parents is extraordinarily difficult. I do not have that information; they are not my clients, whereas they could be clients of another agency.

**Hon PETER COLLIER:** I agree with that. If we are talking about that small group of parents, their resiliency skills are not ultimately the responsibility of the schools.

**Mr Hesketh:** That is correct.

**CHAIR:** I will take you to the last page of the document you have. Appendix 3 refers to the problems facing Aboriginal people, in terms of shame and literacy. What do you anticipate will happen in remote and regional schools when the concept of the parenting agreement and order as contained in the bill is applied in those communities?

**Mr Hesketh:** I have always had the great fear that they would be more punitive for Aboriginal families than for everybody else. I do not know what we offer Aboriginal families, because there is a difference. At the moment, we are trying to run the PPP for Aboriginal people, run by Aboriginal people. In general, they find it difficult, culturally; it is too wordy and not practical enough. At the moment, I do not think we can provide the service. Is that what you were looking for?

**CHAIR:** I am just interested to hear your view on it. As you said at the beginning, your response takes in regional areas. How do you anticipate it would affect those areas?

**Mr Hesketh:** These discussion points were from across the state. They were not necessarily the views of the department.

**Hon SALLY TALBOT:** What proportion of the students you would put in this troubling category -

**Mr Hesketh:** Which category?

**Hon SALLY TALBOT:** I refer to non-attendance as an ongoing problem. What proportion of them in your area - the south metropolitan area - would be Aboriginal?

**Mr Hesketh:** We are running at about six per cent Aboriginal, in the total population. I would probably have to take this one on notice. Our attendance figures for Aboriginal students are about 10 per cent less than those of non-indigenous students. We do not get the replies from parents as

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easily. I actually do not know the figure. We are talking about 85 per cent attendance rate, approximately - 80 to 90 per cent.

**Hon SALLY TALBOT:** I am leading into another question, because obviously you are in a unique position of being able to monitor an area where you have all the services in place without the mandatory element. I am wondering whether, when you use those services to try to assist Aboriginal families, you notice any difference in either the acceptance levels of that kind of assistance or the end result of having been through, for example, a parenting course, with Aboriginal and non-Aboriginal families. I am happy if you want to take that on notice.

**Mr Hesketh:** I will take that on notice. We have not been running it long enough to separate out ethnicity from the people going in there. In general, our Aboriginal families do not turn up to those sorts of courses.

**Hon SALLY TALBOT:** That is what I would like to know: if you have any documentation that would support that. That has been suggested to us by other witnesses. You are in the unique position of actually having some services in place.

**CHAIR:** We do not have any further questions for you. Thank you very much for your attendance today. You will be receiving the Hansard transcript, and you will be able to make corrections to that.

**Hearing concluded at 10.48 am**

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