



**INQUIRY INTO CHILDREN AND YOUNG PEOPLE WITH DISABILITY IN NEW SOUTH WALES EDUCATIONAL SETTINGS**

**HEARING – 22 April 2024**

**SUPPLEMENTARY QUESTIONS**

**Family Advocacy**

- 1. Some opponents of inclusive education argue that it is not possible for every single child with a disability to be accommodated in a mainstream school because of the extent of the adjustments required to meet the differing needs of each student with a disability. Would a ‘single classroom’ model intended to include all children regardless of their disability exclude the possibility of exceptions in certain circumstances? If so, what do you say to those people who argue that we cannot end segregated education on the basis that not all children can in their view be accommodated into inclusive education environments, even if they are well-resourced?**

We often hear this argument but it's essential to recognise that inclusive education is not about fitting every child into a one-size-fits-all model but rather about creating environments that are flexible, adaptable, and responsive to the needs of all students. A more enabling model is one where the system is expected to guarantee participation in the regular class and all those involved ask “what will it take” to enable the child’s full participation. This can only happen if the option to segregate is not available.

We would respond to those who argue against ending segregated education based on concerns about the feasibility of inclusive education for all children, in this way:

**Individualised Approach:** Inclusive education is fundamentally about recognising the unique needs and strengths of each child and providing individualised support and accommodations to help them succeed. It's crucial to adopt a flexible approach, such as the Universal Design for Learning, that allows for a range of educational options based on the needs of each student. It can be done and it is being done in a number of jurisdictions including in Australia and around the world.

**Continuum of Support:** Inclusive education does not mean abandoning specialised support and services for students with disabilities. Instead, it involves providing a continuum of support that can ultimately lead to full inclusion in mainstream classrooms. This ensures that every child receives the level of support that best meets their needs while also promoting opportunities for interaction and inclusion with their peers.

**Resource Allocation:** Arguments against inclusive education based on concerns about resource allocation overlook the fact that segregation itself is extremely resource intensive and can perpetuate inequalities and limit opportunities for students with disabilities. Instead of investing resources in maintaining segregated systems, efforts should be focused on providing the necessary support and accommodations to promote full participation and inclusion in mainstream education settings.

As recommended in the Gonski reports, resources need to be allocated in a way which encourages inclusive school enrolment and fairly reflects the needs in each school.<sup>1</sup>

It is also about prioritising resources for continuous development for qualified practitioners. Teachers need to be afforded the time and space to reflect on their experiences with other teachers, and learn from parents. In Canada, one method that works well is a “solution circle” which offers practical and efficient ways in which small groups of teachers can help each other find practical solutions to challenges arising in the classroom.

Another example is where an Inclusive Schools Community of Practice was established<sup>2</sup>. School leaders and mentors who live with disability form a Community of Practice. They work together to make schools more inclusive and develop a toolkit for other schools to use. They create a new Community of Practice with more schools to share what they have learned.

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<sup>1</sup> Gonski, D, (2011) Review of Funding for Schooling – Final Report Dec 2011; Gonski, D, (2018) Review to Achieve Educational Excellence in Australian Schools, 2018

<sup>2</sup> We have seen positive inclusive outcomes from a pilot project in South Australia (JPA Purple Orange) <https://www.inclusiveschoolcommunities.org.au/>.

**Benefits of Inclusion:** Research consistently demonstrates the numerous benefits of inclusive education for all students, including improved academic outcomes, increased social skills, and enhanced self-esteem. By fostering a culture of diversity and inclusion within schools, we create environments where all children can learn from and with each other, regardless of their differences.

**Legal and Ethical Imperatives:** From a legal and ethical standpoint, inclusive education is a fundamental human right for all children, as enshrined in international conventions such as the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Denying children with disabilities access to inclusive education based on assumptions about their abilities or the challenges involved is discriminatory and unjust.

There are a few considerations when attempting to understand why the concept of inclusive education is very difficult for some people to understand or why a person or group can hold a strong view around the unworkable nature of this being able to occur. In many respects it starts with the individual student and for many educators the way in which an individual student has presented within a special education placement can reinforce for that educator the unlikelihood of that particular child ever being supported to flourish in the regular class. This can also extend to a student cohort within special education placements. What we know about behaviour, and expectancies around behaviour, may shed some light on the current stronghold some individuals have with this position. The developmental model is not a new concept, nor is the understanding of modelling of behaviour. Layer this with low expectations, reinforcement of negative behaviours, a detrimental assumption base around a student, constraints with structures and adjustments and at times ill equipped skill set and mindsets, and you have a recipe for reinforcing the status quo that some people will never fit in.

On visiting New Brunswick's Department of Education, advocacy organisations and schools where one system for learnings has been in place since 2013, it was evident that the same barriers of "could this work?", or 'this cannot work' had been present and then overcome. Many, if not all, of the same things that some grapple with currently were present. They took us through their systems learning of this and how they laid the first steps to work towards the objective of inclusive education. For many, it was clear that the directive from government had taken the argument off the table. Like any change, there are fierce resisters who will refuse to be part of the change. Then there were adopters and then champions of change.

All examples were applied to their experience. Expertise on the change were enlisted to support the systems transformation. Their education system took steps to filter in what expertise were not present and it was the work of this group that began the process.

At the school level, all schools visited held a strong presumption that this was the system in place and it was refreshing experiencing this debate removed and the work focused on including everyone within one system. We heard many examples of students that were deemed not able to be educated in the one system and how the objective of inclusion had been achieved.

One Principal we met stopped to say hello to a young man in the school corridor. After the young student left us, the Principal explained that this student had transferred from another state. In that state the student was educated in an equivalent of a special school. The Principal explained that the student had a very large file transferred with him with a rap sheet of many suspensions, expulsions, dangerous behaviour etc. This student, after careful planning and consideration had settled in really well to his new school and they had not had the same issues experienced by the student. This Principal was very passionate in reinforcing the point that this happens quite a lot, and if the school has the will, skill and structure in place then students such as these are not only supported but supported to flourish.

Another example was of a young student who grappled with crippling anxiety (connected with his Autism diagnosis). It was explained that for this student it was not possible to attend the regular class and adjustments had been made initially for all classes to be online. Over time and with strategies of the team, the student was slowly immersed into the class. There was a clear objective to gradually move towards the student coming to class. Small steps were taken with this with incremental positive outcomes. The student had gone from no school attendance to now attending several half-days a week. This was a work in progress with really clear objectives on where the efforts need to be to work towards full-time attendance.

Another great insight obtained on visiting schools was the way in which students with sensory considerations were naturally accommodated. Some classrooms had students wearing headphones, others with desks in different styles and heights, chairs with tennis balls on the feet to minimise the noise, and bouncy balls or even a stationary bike for those that required movement in order to regulate; places where any student could step out for a moment to regulate (for short periods), teachers adapting the curriculum without fuss to accommodate the different learners. It was really evident that this system was more evolved and versed in strategies as this became an essential component of education the student cohort.

This is one example of an education system and there are many who have gone before that the NSW Education system could learn and build from.

**a. Are you concerned that a move to end segregated education could lead to the isolation of specifically children with more complex disabilities, in home schooling or in settings with a more limited group of peers?**

Yes, there is a valid concern that a move to end segregated education could inadvertently lead to the isolation of children with more complex disabilities. Segregated education settings, such as specialised schools or classes, often claim to provide tailored support and resources for students with complex needs. In the absence of these specialised settings, families may opt for home-schooling or seek out alternative educational settings with a more limited group of peers due to their fears or from past experiences. But let's not pretend that this is not already happening. Home-schooling rates have dramatically increased, especially since the Covid-19 pandemic along with a large spike in School Can't children (school refusal).

The success of this will be measured on the considerations to the strategies applied at the time of change. This question talks to a failed process that has not begun and we would strongly assert that the question should be changed to "What do we need to consider in the change process so that students with more complex disabilities are not left behind?"

Further to address these concerns, it's important to ensure that efforts to promote inclusive education are accompanied by adequate support and resources for students with complex disabilities. This may include:

- Providing additional funding and resources to mainstream schools to support the inclusion of students with complex needs.
- Offering specialised training and professional development for educators to better meet the diverse needs of all students.
- Implementing individualised support plans and accommodations to ensure that students with complex disabilities can access the curriculum and participate fully in school activities.
- Promoting peer support and inclusive practices within mainstream schools to foster a sense of belonging and community for all students.

Again, learning from more sophisticated systems that are more advanced than NSW.

By addressing these challenges and ensuring that inclusive education efforts are inclusive of all students, including those with complex disabilities, we can work towards creating learning environments where every child has the opportunity to thrive.

**b. As we transition to an inclusive education model, is there a danger that those children who are ‘easier’ to include will be brought into the mainstream, relieving some of the pressure to end segregated schooling but exacerbating discrimination felt by children with disability left behind?**

Yes, there is a risk that as we transition to an inclusive education model, children who are perceived as “easier” to include may be prioritized for inclusion in mainstream settings, while those with more complex disabilities may be left behind in segregated schooling. This phenomenon, known as “cream-skimming” or “cherry-picking,” can exacerbate discrimination and inequality for children with disabilities who are not afforded the same opportunities for inclusion. This has been already happening for decades and the reason why Disability Royal Commission Recommendation 7.15 is not desirable, and will not be effective. The “othering” of certain cohorts of disability is the greatest danger in the change process and the greatest risk to the potential of many thousands of children and young people with disability and has the potential of significantly impacting the larger change that needs to happen.

To address these concerns and ensure that the transition to inclusive education is truly equitable and inclusive for all children with disabilities, it’s essential to:

- Prioritise the inclusion of children with a wide range of disabilities, including those with more complex support needs, in mainstream educational settings.
- Provide adequate support, resources, and training to educators to enable them to meet the diverse needs of all students in inclusive classrooms.
- Challenge stereotypes and biases surrounding disability and promote a culture of inclusion and acceptance within schools and communities.
- Advocate for policies and practices that promote full participation and equal opportunities for children with disabilities in all aspects of school life.

Whilst transitioning from a dual track system to one inclusive education system, the New Brunswick Department of Education explained to us that this did not happen overnight, but rather through a gradual, considered process, such as is being recommended by Disability Royal Commission Recommendation 7.14. They started transitioning one student at a time over a series of years.

By taking a proactive and inclusive approach to the transition to inclusive education, we can work towards creating educational environments that celebrate diversity, promote equity, and empower all children to reach their full potential.

**c. How do we plan to ensure that this doesn't happen?**

If we continue to retrofit rather than transform the education, this “othering” will continue to happen even if an Inclusive Education Policy exists. We know what needs to be done. As a means to go forward, the only assurance is to have a clear vision and direction to progressively realise inclusive education is the starting point. After this, adoption of an Inclusive Education Roadmap by not just the Department of Education, but we need buy in from the whole school community. In our submission, we have drawn the Parliamentary Education Committee's attention to the adoption of Australian Coalition's for Inclusive Education's [‘Driving change: A roadmap for achieving inclusive education in Australia’](#), outlining a 10-year Roadmap. It is underpinned by six key pillars to help realise inclusive education in Australia and prevent the violence, abuse, neglect and exploitation of students with disability. We acknowledge this was written at the start of the Disability Royal Commission and requires some refreshment and updating and needs to be tweaked to be NSW centric; but the Roadmap is an excellent starting point.

**d. How can children from the Deaf community be fully included in mainstream education while respecting and encouraging their bilingual language needs?**

This response comes from collaboration with the Parents of Deaf Children and we strongly encourage the Committee to incorporate the knowledge of the Deaf Community in the considerations for change.

In a nutshell, the current position remains that mainstream systems need to be inclusive of all students including Deaf students, that segregation needs to be phased out, but there is a role for

inclusive bilingual sign language schools where the curriculum is taught and which don't exclude students who aren't Deaf (i.e siblings and other community members should be able to attend too).

Inclusive bilingual sign language schools have a place in the system, but the general education system also needs to be accessible and inclusive of Deaf students.

At the core of the distinction made for the Deaf community is that they are not only people with disability but in effect a CALD group too and one of the big problems Deaf children face is the impact of deprivation of language, which can affect students from a number of culturally and linguistically diverse backgrounds, including First Nations students. However, as the World Federation of the Deaf has sought to make clear, their position on Deaf education should not be misunderstood as legitimating segregated 'special education'. This was explicitly stated by the World Deaf Federation (WDF) representative Markku Jokinen in his 2015 speech at the Day of General Discussion held in Geneva in April 2015 for the purposes of developing General Comment No. 4, that "from the beginning, the WDF has neither demanded special or segregated education nor regard bilingual and bicultural education as special education" (Jokinen 2015, 2).

Importantly, recognition of a role for inclusive bilingual sign language schools does not exempt governments from the primary responsibility to ensure that Deaf students can access inclusive education in regular mainstream schools - ultimately that is the goal of Article 24. This issue also arose during the drafting of the CRPD and is discussed by Rosemary Kayess<sup>3</sup>. She wrote that the issue of Deaf schools also emerged during the drafting of the 'right to education' Article in the CRPD and became entangled in discussions about the status of "special education". Kayess noted that while some supported the "exception" approach to protect Deaf schools, there was no Deaf and deaf-blind community consensus on the issue, and no evidence that effective sign language instruction could not be provided in general education settings. Further, there was acknowledgement of "the importance of children and young people with sensory disability establishing relationships with a broad range of peers was acknowledged, relationships which could help them to function effectively within the general community as adults" (p.138). Ultimately the consensus was reached that the emphasis of the Article needed to be on inclusive education and the duty of governments to achieve this progressively.

Students with sight or hearing disability have been included for generations with several going on to university education to become lawyers and other professionals, so even in the past it was

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<sup>3</sup> Kayess, Rosemary. (2019). Drafting Article 24 of the Convention on the Rights of Persons with Disabilities. In *The Right to Inclusive Education in International Human Rights Law*, Cambridge Disability Law and Policy Series



possible. Inclusion is easily achievable in the current education environments with text-to-speech translation, Universal Design for Learning and other technology. For Deaf students, there is a push for segregated Deaf education because of the difficulty with developing social relationships when no means of communication is easily available with peers. This is being overcome with a range of developing strategies both technological and in the changing of school culture (Silvestri & Hartman 2022). A popular strategy with considerable potential is acceptance of AUSLAN as a language available in the curriculum with peers of a Deaf student gaining academic credit through study as well as learning to communicate on equal terms. The advantages of AUSLAN for communicating across a room or in noisy environments outside of school are obvious advantages for all students. Establishing peer support circles where volunteer students learn AUSLAN is one way of overcoming the communication and isolation issues for deaf or hard of hearing (DHH) students.

## CASE STUDY

Toowong State School in Queensland has garnered praise for its comprehensive approach to bilingual education, particularly in accommodating the needs of the DHH community. Their bilingual program seamlessly integrates sign language alongside spoken language instruction, ensuring that DHH students can fully participate in all aspects of the curriculum. By employing qualified teachers proficient in both sign language and spoken language, providing accessible learning materials, and fostering a supportive environment, Toowong State School demonstrates how mainstream education can embrace and celebrate linguistic diversity while promoting inclusivity. These efforts not only empower DHH students academically but also cultivate a greater understanding and appreciation for Deaf culture within the broader school community.

Furthermore, Toowong State School serves as an exemplary model of inclusive education, but it's essential to recognise that Queensland's progressive programs for Deaf and hard of hearing (DHH) students extend statewide. These initiatives are systematically rolled out across the entire state, ensuring that DHH students throughout Queensland have access to the support and resources they need to thrive in mainstream educational settings. From the comprehensive Auslan translation of the curriculum spanning kindergarten to year 12 to targeted programs addressing language deprivation effects and early intervention efforts focused on language acquisition, Queensland's commitment to empowering DHH students is evident state-wide. Additionally, ongoing support for educators and professionals, including specialized training and access to Deaf language models, further reinforces the inclusivity and effectiveness of these programs across Queensland's educational landscape.

In conclusion, a multifaceted approach is required to include children from the Deaf community into mainstream education while honouring their bilingual needs. It will involve the collaboration of educators, administrators, parents, and the Deaf community itself. Here are some strategies:

**Early Intervention and Support:** Begin supporting Deaf children and their families from an early age. Provide access to early intervention services that include support for both sign language (such as American Sign Language - ASL) and spoken language development. Early exposure to both languages is crucial for bilingual proficiency.

**Qualified Teachers and Staff:** Ensure that teachers and support staff are proficient in sign language and knowledgeable about Deaf culture and the needs of Deaf students. This may require specialised training and ongoing professional development. We see this very similar to learning any language. Everyone would benefit from knowing sign language. All children in the early years, who

are still developing their verbal language would find it useful to help them communicate their needs to their peers/ teachers/family. It would also assist those who will always be non-verbal.

**Bilingual Education Programs:** Implement bilingual education programs that recognise and value both sign language and the written/spoken language used in the mainstream curriculum. Provide instruction in both languages, allowing students to develop proficiency in both.

**Accessible Learning Materials:** Ensure that all learning materials are accessible to Deaf students. This may include providing captioning for videos, using visual aids, and utilising technology such as video relay services or captioning apps.

**Peer Support and Mentorship:** Facilitate opportunities for Deaf students to interact with peers who are also Deaf or fluent in sign language. Peer support and mentorship can help foster a sense of belonging and provide valuable social and emotional support.

**Cultural Competence and Awareness:** Foster a school culture that celebrates diversity and promotes understanding and respect for Deaf culture and identity. This includes educating non-Deaf students and staff about Deaf culture, history, and communication preferences.

**Collaboration with the Deaf Community:** Involve members of the Deaf community in the design and implementation of educational programs and policies. Seek their input and expertise to ensure that the needs of Deaf students are fully understood and addressed.

**Individualised Support Plans:** Develop individualised education plans (IEPs) or support plans for Deaf students that take into account their unique communication needs, learning styles, and strengths.

**Accessibility and Assistive Technology:** Provide access to assistive technology and accommodations that support communication and learning for Deaf students. This may include FM systems, visual alarms, and communication devices.

**Continuous Evaluation and Improvement:** Regularly evaluate the effectiveness of inclusion efforts and make reasonable adjustments as needed, based on feedback from students, parents, and staff. Continuously strive to improve and refine practices to better meet the needs of Deaf students.

By implementing these strategies and fostering a supportive and inclusive learning environment, children from the Deaf community can thrive in mainstream education while also embracing and celebrating their bilingual and bicultural identity.

**2. In our inquiry we have heard evidence indicating that while people with disability overwhelmingly support inclusive education, parents and educators are more split on the issue. Why do you think this is?**

Firstly, we would like to acknowledge the appropriateness of the Committee highlighting that the people themselves, people with disability, are clear on this point. So often we hear the debate amongst educators, unions and at times families with little mention on the preference of the very group we are focused on not having their voice heard. Many of whom have experienced the segregated education system personally. We commend the committee for highlight this point.

**a. How do we bring parents, educators and the broader public on board with a planned transition to inclusive education?**

Family Advocacy by the very nature of the focus of our work come into contact with many families who have experienced the negative aspect of both the mainstream classroom and the specialist setting classroom. Not surprisingly, we are contacted by families from time to time whom have shared their alarm on our intentional work concerning a transformed educational system for all. Such families have positioned themselves that segregation is required due to safety, to ensure educational needs are met, due to behavioural considerations and impacts, or for failure that has already occurred and led to the use of the specialist setting. And some, thankfully a small number have held very low expectations around the possibilities for their child. All feedback received however is utilised as an opportunity to converse on the required change we seek and the reason why we seek it. All parents have understood that the system needs to change and whole reform would be required however what remains a gap in their ability to join the efforts of thousands of other families across NSW, is the faith they have that the government will do what's required to ensure their child is catered for. We have never encountered a family who does not want their child to be welcome and belonged. This point is simple.

To take a step back it may be helpful for the committee to consider how families come to this position. It can often be the families themselves, allies and professionals in their lives that recommend this to be the best environment. This can start with the paediatrician, the allied health team, the early childhood centre, the local GP, the school principle or school admin. The list is long and reflects the notion that for this group of people we still live in a society that defines separate and specialist is the way to accommodate this group. This of course is not surprising considering our institutionalised history. We would like to be clear that this does not make those assumptions correct; but it has a potent impact of the decisions made within individual families.

From a societal level this is hard to counteract and this is partly because many of these roles have not encountered someone with disability other than as a special school student or support class student. This creates a strong feedback loop.

In our work over the last 33 years we have held information sessions and workshops for thousands of families that have required an ‘unpicking’ of this advice given to families. We have experienced a large amount of success with this strategy with the important aspect of this being presented in part by a family member that has largely experienced all of these prejudices first hand. We firmly believe that if families are supported well then the change process for adopting 7.14 can largely be reduced. We offer our expertise to assist the government in this endeavour.

In relation to educators, we would like to point out that there are a growing population of teachers who are passionate about learning and applying inclusive educational practices. Many are frustrated with the systems that don’t support this in the most proactive manner. This community is continuing to grow. Once again reflecting on the deinstitutionalised movement whereby staff and families were strongly opposed to the concept of community living. Family Advocacy attempted to work with unions at the time, and there were very strong convictions that this could not happen within the union movement. The interests of the staff of course trumped the institutionalised resident as you would expect. If the government of the day had sided with the push of the unions representing the staff we would still have operational institutions in NSW. Thankfully this was not the case and the persistent work of parent groups and advocacy organisations and others ensured that movement away from this occurred.

Recommendation 7.14 is a paradigm shift for many educators and although all evidence of transformational change at this level requires the enlisting of these same educators there will also be some that are left behind. This can only be controlled to a certain point by government. For the many however who are clear on the direction of change and the offer of upskilling to provide education in the mainstream system you have a workforce to assist in this process. Such educators need to have faith in the government’s intention to follow through. This is critical. It’s important to also understand that many of these educational leaders have invested their whole career in special education and its required approach. There might also be some good examples of this exclusionary approach. In these instances, there is a lot at stake for the individual and particularly when there is clear evidence that this approach is ultimately harmful to the child and over the long-term. This needs to be addressed with care and consideration and we envisage that many such professionals can be enlisted to be the best advocate for change within the education system.

**3. Were NSW to establish an independent complaints mechanism for families to raise issues within a school, what should this look like?**

**a. Would NSW benefit from establishing an office similar to Victoria's Independent Office for School Dispute Resolution?**

Firstly, we would like to commend the Committee for considering the structural logistics of an independent complaints system. This has been a call to government from the advocacy sector and now from the Disability Royal Commission Recommendation 7.10 Complaint Management.

It important to mention that although this is an essential step to take its function must act as a remediation to change over the whole system. Evidence has been presented over the course of this Inquiry on the lack of flow through of good inclusive practice and the impacts on individual students as a consequence.

As an advocacy organisation that receives many calls concerning education matters there are multiple things for the committee to consider. Often formal complaints through schools are not lodged by a family member. This is due to several reasons including concerns on retribution from schools, families taking a collaboration approach alongside the school, families lack of energy to see this through and other varying reasons. The point being that formal complaints is the pointy end of the stick after attempts have been made to resolve the issue.

Whilst we do not know the exactly how the Victorian system works, we do know they have dramatically reduced the number of suspensions/expulsions according the data released. We know the Department of Education has had some dealings with this particular office so they may be able to share further information or a connection.

Establishing an office similar to Victoria's Independent Office for School Dispute Resolution (IOSDR) in New South Wales (NSW) could potentially benefit the education system by providing an impartial avenue for resolving disputes between schools and stakeholders. Here are some potential benefits and considerations:

- 1. Improved Resolution of Disputes:** An independent office dedicated to resolving school-related disputes can provide a structured and impartial process for addressing complaints. This can lead to more timely and effective resolution of issues, reducing the burden on schools, families, and the legal system.

2. **Increased Transparency and Accountability:** Having an independent body oversee dispute resolution can enhance transparency and accountability within the education system. This can help build trust among stakeholders and ensure that decisions are made fairly and consistently.
3. **Support for Stakeholders:** The existence of an independent office can provide support and guidance to schools, parents, and students navigating complex disputes. It can offer resources, information, and mediation services to help parties reach mutually acceptable resolutions.
4. **Reduction of Litigation Costs:** By providing an alternative to litigation, an independent dispute resolution office can help reduce the financial and emotional costs associated with legal disputes. This can free up resources that can be directed towards improving educational outcomes for students.
5. **Promotion of Collaboration and Communication:** A dedicated office focused on dispute resolution can foster a culture of collaboration and communication within the education system. By encouraging dialogue and problem-solving, it can help prevent conflicts from escalating and promote positive relationships among stakeholders.

However, there are also potential challenges and considerations to establishing such an office:

1. **Resource Allocation:** Establishing and maintaining an independent dispute resolution office requires dedicated resources, including funding, staff, and infrastructure. NSW would need to carefully consider the costs and benefits of creating such an office and ensure that it is adequately resourced to fulfill its mandate effectively.
2. **Jurisdictional Issues:** NSW would need to navigate jurisdictional issues and ensure that the powers and responsibilities of the independent office are clearly defined within the existing legal framework. This may require legislative changes or coordination with other government agencies.
3. **Cultural and Regional Differences:** NSW is a diverse state with varying cultural, social, and educational contexts. Any dispute resolution mechanisms implemented would need to take into account these differences and be responsive to the needs of different communities.

4. **Integration with Existing Structures:** NSW already has mechanisms in place for resolving disputes within the education system, such as internal grievance procedures and external appeals processes. Any new office would need to complement and integrate with these existing structures rather than duplicating efforts or creating confusion.

Overall, while establishing an independent office for school dispute resolution in NSW could offer significant benefits in terms of improving conflict resolution processes and supporting stakeholders, careful planning, resourcing, and consideration of jurisdictional and contextual factors would be essential to its success.

- b. **Should the NSW Ageing and Disability Commissioner be resourced to proactively act to prevent discrimination against children with disability in our education system and ensure all children have an equal opportunity to learn in our schools?**

As we have stated in our submission, there could be a role for the Ageing and Disability Commissioner (ADC) to provide oversight mechanism provided the Commissioner is adequately funded with wide reaching investigative and enforcement powers to ensure a parent has a genuine remedy as well as the capacity to address systemic issues.

Whichever body is ultimately taking on this role, it will need to be independent, consult with the stakeholders such as disability advocacy sector and the Department of Education for a coordinated approach in its setup, implementation, data collection, and review. In this way, we can all be working together to understand the complaints coming forth with a view to improve systemically.

With the current system, too often there is a focus on individual complaints and the onus for resolution is unfairly placed on the parent of the child with disability, who is already disempowered and vulnerable. There needs to be some consideration of how flip this imbalance and provide the opportunity for these individual complaints that advocacy organisations receive to be passed on to this independent body in a feedback loop, in order to have a more proactive approach at a systemic level.

Many of the calls we get will not be taken to an independent body so in many respects this why disability advocacy needs to be front and centre in dealing with the independent complaints system, there needs to be a strong link, to understand systemic issues and that need to be filtered in to the

Department of Education at a broader systemic level. We note this independent body should remain exactly that, and so not be funded within the Department of Education, so there is no conflict of interest. This body could also have its own feedback from the parents involved in making the complaint, such as assessing whether the parent feels satisfied the independent body and has it resolved the issue.

#### **4. Which recommendations from the Disability Royal Commission does Family Advocacy support?**

The Disability Royal Commission heard overwhelming evidence that people living in segregated settings are more likely to experience violence, abuse, neglect and exploitation. All Commissioners agreed that “Education is the starting point for an inclusive society”, that mainstream schools need major reforms to overcome the barriers to safe, equal and inclusive education plus reforms are required to ensure that no one is forced to participate in settings designed exclusively for people with disability.

We feel strongly about inclusive education and encourage the Parliamentary Education Committee to:

1. Accept Recommendations 7.1 – 7.13 which address the major reforms needed to overcome barriers to safe, equal and inclusive education.
2. Accept Recommendation 7.14 to gradually phase out and end segregated education.

These reforms need to have clear timelines, transparent processes, and co-design of individuals with lived experience of disability (their families and representative organisations).

We strongly encourage to give significant weight to the three Commissioners Galbally, McEwin and Bennett who made Recommendation 7.14 as they have lived experience of disability, it aligns with Australia’s international human rights obligations under the Convention on the Rights of Persons with Disabilities (CRPD), Australia's Disability Strategy 2021-2031, the NDIS Review recommendations (Action 2.5), NSW Inclusive Education Policy, and the research/evidence. It acknowledges the legitimacy of disabled people's perspectives, and the potential concerns of parents and teachers.



This recommendation proposes a phased and responsible transition, complete with practical, time-bound targets and budgets. Whilst we understand the longer timeframe of ending segregation by 2051 is intended to ensure sufficient time for implementing reforms in mainstream education, the suggested timeframe is unduly conservative and risks leaving two more generations of children behind. We strongly recommend that the government tightens this timeframe, such the 10-year Roadmap, so less children are impacted negatively by continued segregation.

It's important to note, these recommendations are backed up by the recent NDIS Review which recommends:

Action 2.5: All Australian governments should take steps to protect the right to inclusive education for children with disability and developmental concerns in early childhood education and care and schools.