

Children and young people with disability in New South Wales educational settings
Questions on Notice response

In response to the Question on notice to **Dr David Roy** as the sort of independent body NSW should consider looking into (Children and young people with disability in New South Wales educational settings Hearing 4, Wednesday 12th June).

The Hon. TANIA MIHAILUK: Dr Roy, I want to follow on from your submission to the inquiry and what you have said this morning. You've already touched on the issue around where families and students can go in relation to how they handle any concerns they might have in the classroom and how they are being treated by a particular school or educational setting. I note in your submission you've made the point—and I think it's quite valid—that the public school system appears to investigate itself. You've also separately stated that we should be looking at resourcing an independent complaints body and fully supporting the Ombudsman's office and their oversight of education and disability. I want to flag a couple of points.

What you've said throughout the hearing—we are definitely receiving very similar thoughts and views from others, both advocate groups and individuals, who are letting us know that there's very little opportunity to seek assistance within the department itself, when the department is completely designed to protect its own authority and its own teachers and staff. That's natural. I think every department has the same cultural values and so forth. However, it becomes a real problem here because there's nowhere for families and students to go. You mentioned this independent body. To me, personally, the Ombudsman is not enough. It's too bureaucratic; it's too high level. It requires an incredible amount of paperwork and that higher level of formal conversing with that department creates quite a big burden for some of the students and families that are struggling to communicate at all. Did you have any ideas as to what sort of an independent body might be something that New South Wales should consider looking into, other than having an Ombudsman?

DAVID ROY: I think the way that we support aged care and have an overseeing body for that would be useful to have for disability, particularly for children with a disability, and to look at all the areas within that and work closely with the Ombudsman. I don't think you can separate; I think there needs to be a close link to that. But, yes, it's as simple as, as a Parliament, they need to look at how children with a disability are being supported—

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not just in education as well but within other areas, rather than leaving it to very good advocacy organisations, such as family advocacy and others, who do step in there. Again, they are independent from even government, and I think that is a concern as well because of their funding being limited. I think there is a need. I probably need to sit down with a bit of paper and work out the details of how that would be organised and look at exemplars of other groupings that have some form of oversight independently and which ones work well before I could tell you, "This is how you do it." I feel there needs to be a different investigative body that is separate to the department itself. The Ombudsman's report in 2017 actually indicated that as a potential that should be happening as well.

I, Dr David Roy, propose an equivalent body for Education and Disability as that to Aging and Disability that is already present.

Below I set out more details.

An Education and Disability commission.

Whom they would be

The NSW Ageing and Disability Commission would be an independent agency of the NSW government.

The role is to better protect children (and their family) and adults with disability in education from discrimination, abuse, neglect and exploitation in their family, home and community.

The EDC would fill a critical gap that was not previously addressed by other complaint and investigative bodies in NSW. They would work closely with other government and non-government organisations to support information sharing and referral pathways in order to ensure a child (and their family) or adult with disability in education is protected from discrimination, abuse, neglect and exploitation.

What they would do

The purpose of the NSW Education and Disability Commission would be to:

- raise community awareness to reduce and prevent discrimination, abuse, neglect and exploitation of a child (and their family) and adult with disability in education.
- receive and respond to reports or allegations of discrimination, abuse, neglect and exploitation of a child (and their family) and adult with disability in education.
- provide support and information to those at need
- run an investigation (if required)
- report and advise the government on related systemic issues.

Context

Individuals whom are aging with a disability have had a full review and a commission set up. There is no such support for children (and their family) and adults with disability in education.

In 2022/23, an independent review of the [Ageing and Disability Commissioner Act 2019 \(the Act\)](#) was conducted by Alan Cameron AO to determine whether the policy objectives of the Act were still valid and whether the terms of the Act were appropriate to meet those objectives.

The review was informed by information received through a public consultation process, submissions, an online survey and focus groups. The final report with proposed changes to the Act was tabled in NSW Parliament in May 2023.

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Following the independent review, amendments were made to the Act in April 2024. The changes to the Act will help to improve the operation of the Ageing and Disability Commission (ADC) and strengthen safeguards for adults with disability and older people in NSW

The intention was always to improve the safety of the adult, and uphold their rights. Children and those with a disability in education need similar rights upheld.

Advisory Board

I would recommend there to be an advisory board created to support the proposed EDC

The purpose of the Education and Disability Advisory Board (Board) would be to advise the Commissioner on issues relating to discrimination, abuse, neglect and exploitation of children (and their family) and adults with disability in education, and can explore any topic that can improve the lives and outcomes for children and adults with disability in education, their families and informal carers.

Members of the Board would include the Commissioner and people appointed by the Commissioner who have knowledge and experience in relevant matters, and reflect the diversity of the community.

Values and Guiding Principles

The Education and Disability Commission's work would be underpinned and reflected through the following values and principles.

Values

- Service
- Integrity
- Accountability
- Person-Centred
- Respect
- Collaboration

Guiding Principles

- Be person-centred
- Be effective
- Be accessible and inclusive
- Be accountable and transparent
- Promote individual and community rights