

Submission
No 64

**INQUIRY INTO SERVICES PROVIDED OR FUNDED BY
THE DEPARTMENT OF AGEING, DISABILITY AND
HOME CARE**

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LEGISLATIVE COUNCIL INQUIRY INTO SERVICES PROVIDED OR FUNDED BY
THE NSW DEPARTMENT OF HUMAN SERVICES, AGEING, DISABILITY AND
HOME CARE

Introduction

In 2010, the NSW Department of Education and Training provides education services to close to 750,000 students - around two thirds of all school students in the State. This includes a significant proportion of students who have a disability - more than 76 per cent of students with a disability or special needs in NSW are supported in government schools (Productivity Commission, 2010).

The Commonwealth *Disability Discrimination Act 1992* and the *Disability Standards for Education (2005)* set out the specific rights of students with a disability to access and participate in education and obligations for education providers regarding the provision of education services for students with a disability. This legislation requires all education providers, among other things, to take reasonable steps to:

allow a prospective student with a disability to enrol and participate in a school on the same basis as a prospective student without a disability and without experiencing discrimination;

enable the student to use existing support services or to arrange for the support service to be provided by another agency; and

consult with the student or their associate about any adjustments provided for the student to enable their access and participation.

The Department is strongly committed to its obligations for supporting students with a disability to access and participate in education. This is demonstrated through a comprehensive range of services and programs that support students with a disability and their teachers.

More than 30,000 students with a confirmed disability¹ are supported by the Department in its regular or mainstream classes in regular schools, in specialist or 'support' classes in regular schools, and in special schools. In addition, around a further 50,000 students in regular classes who experience difficulties in learning are supported by specialist teachers across the State. This includes students with mild intellectual disability.

¹ 'Confirmed disability' means that the student meets DET formal disability criteria as confirmed by the school counsellor service. DET disability criteria categories include language disorder, physical disability, intellectual disability, hearing impairment, vision impairment, deaf/blind, mental health problems and autism. The criteria reflect internationally accepted standards. For more detail about DET disability criteria, see: <http://www.schools.nsw.edu.au/media/downloads/schoolsweb/studentsupport/programs/disabilitypgrms/disabcriteria.doc>

A range of specialist education services also support the work of teachers. This includes itinerant support teachers with specialist expertise in areas such as autism, transition, vision, hearing and behaviour, who provide practical support to students with a disability and their teachers.

Regional student services support schools in meeting the needs of all students and the ongoing implementation of programs that support students with a disability. These teams include specialist personnel who provide advice and support to schools in areas such as appropriate support for students with a disability to access the curriculum, welfare issues, school counsellors, and specialist personnel in areas such as literacy, numeracy, multicultural and English as a Second Language (ESL) education.

To support access and participation in education for students with a disability, the Department of Education and Training works closely with a range of other services and agencies, including Ageing, Disability and Home Care (ADHC), around the provision of specialist disability services that support children and young people and their families.

This submission addresses key areas of service activity provided or funded by ADHC that are relevant to support the education of students with a disability. This includes:

- therapy services for children and young people with a disability;
- provision of transport for students with a disability;
- early childhood intervention services;
- post school transition and support for young people with a disability; and
- support for Aboriginal students with a disability.

In providing this submission, the Department acknowledges that issues underpinning the delivery of services for children and young people with a disability and their families are complex. The Department also acknowledges its collaborative working relationship with ADHC in a range of areas of service provision, including those addressed in this submission.

Therapy Services

Therapy aims to improve and/or maintain the wellbeing of individuals by providing interventions that minimise the impact of disability, and promote independence and participation in a range of activities and life areas. It plays a critical role in supporting growth and development and in access to learning, recreation and work.

Access to therapy services for those children with a disability who need them, is important for maximising their potential to achieve successful long term social, educational, vocational and economic outcomes. Similarly, the parameters for assessing, planning and implementing therapy and other professional services for individual children is likely to be more effective in this regard when it focuses on how any planned intervention will support the achievement of educational outcomes.

The Department of Education and Training is not a direct provider of disability therapy services. It does not have the organisational structures for the professional supervision or career development required for therapists. The Department plays a key role in facilitating access to therapy services for students who need it through supporting the delivery of therapy services in its public school settings across the State.

Timely access to therapy services is vital to support the individual student and assist staff in the delivery of teaching and learning programs. School staff plays a critical role in surveillance and in the identification and referral of students to services for diagnosis and/or disability therapy interventions.

ADHC provides and funds a range of therapy and support services for school aged children and young people with a disability and their families. This includes the provision of specialist advice to school personnel regarding the embedding of therapeutic supports within student learning support plans.

The delivery of ADHC provided or funded therapy services are more likely to contribute to education outcomes for students with a disability where the support service is planned and delivered across all environments relevant to the child, including home and school. Therapy services can effectively support education for students with a disability where delivered in collaboration with schools, for example:

working with teachers and other education staff to tailor the student's learning support plan to meet their individual support needs.

assist in enhancing access and participation in education by working with education staff to adapt lesson plans to suit individual needs of students with an intellectual disability, for example, identifying alternative tasks and with the use of technology to achieve curriculum outcomes.

providing advice and training to teachers and education support staff in relation to areas of need as identified by their student population, such as in-service training around communication, meal time management and safe transport for students with a disability.

Collaborative approaches to enhance outcomes for students with a disability

Since 2007, the Department of Education and Training has participated in interagency work led by ADHC examining a range of complex structural issues underpinning the therapy service system. A memorandum of understanding between the participating agencies has been developed, designed to complement other initiatives that are already underway to improve the coordination and delivery of therapy services. This includes the work of the therapy taskforce, an interagency group of government and non-government therapy stakeholders led by ADHC that has undertaken a range of projects to strengthen the provision of therapy by ADHC provided and funded services. The memorandum of understanding will provide a platform for progressing further work between ADHC and the Department of Education of Training and other relevant agencies to improve coordination of therapy services.

The Department of Education and Training is strongly committed to working collaboratively with ADHC and other relevant agencies to support the delivery of therapy and support services that are relevant to the education of students with a disability. Some examples include the following:

Support for implementation of a pilot case management program for young people with autism or intellectual disability and serious challenging behaviour in Years 6 to 10 who are at risk of school suspension or expulsion. The pilot program, being implemented in the Macarthur and Gosford areas, supports the development of comprehensive case plan that links behaviour strategies at home, school and in the community, referral to therapeutic, recreational of other programs, support for the family and school in implementation and review of individual programs.

The *Leisure Link* program provides access to recreation, leisure and mentoring programs during out of school hours for young people with challenging behaviours who are at risk of suspension or expulsion from school. The program focuses on supporting young people's positive behaviours, improving communication skills and expanding peer friendships through community based programs. This service model supplements supports provided through school, provides a 'respite effect' for families and emphasises the importance of consistency in curriculum approaches across settings for students with challenging behaviour.

The *Coordinated Access to Services and Support (CASS)* case management and brokerage service for young people aged 12-18 years diagnosed with autism spectrum disorder or autism related behaviours and at high risk of early exit from school has been operating in the Northern Sydney, Nepean and Cumberland/Prospect Local Planning Areas since 2007. The service involves a partnership between Aspect (through funding provided by ADHC), the Department of Education and Training, NSW Health, other non-government agencies and families. Case managers work in partnership with individual young people and their families and teachers to identify support needs and develop a plan to increase individual and family capacity.

Support for implementation of a school based consultation clinic by ADHC at a departmental special school in 2010, where it was identified that school staff needed more timely therapy services to meet the educational needs of students. The project aims to provide multi disciplinary consultation from occupational therapist, speech pathologist, psychologist and case management specialists to the students, staff and parents of the school, and provide relevant and timely training and information to school staff regarding the students through a collaborative and consultative model. The Department understands that the project will also assist ADHC in its caseload management as it will reduce the need for referrals and provide a system to monitor need for services.

The Department participates in a senior officers group of the Human Service and Justice agencies, led by ADHC, on people with an intellectual disability who are in contact with, or at risk of entering, the criminal justice system. The work of this interagency includes oversight of strategic approaches to prevention, early intervention and support for this population group.

The development and implementation of strategies that continue to develop greater capacity to embed the provision of therapeutic support for children and young people with a disability within the natural settings of the school routine and curriculum would provide a number of advantages. These include:

- increasing flexibility of service delivery to meet a range of individual needs;
- avoiding unnecessary referrals to the specialist service system;
- embedding therapeutic approaches with student's learning support plan where relevant; and
- developing models that support the development of skills through the integration of therapy goals with routine activities at school and home to enhance learning.

Strengthening ADHC's role in providing specialist training and support to school personnel would complement the specialist therapeutic and case management services already provided and funded by ADHC. The Department of Education and Training and ADHC are continuing to work together to explore options for achieving these aims through the implementation and monitoring of current interagency pilots and initiatives, and current planning for future projects.

Transport Services for Students with a disability and Planning for the Provision of Respite and Supported Accommodation Services

The School Student Special Transport Scheme (SSSTS) administered by the Department of Education and Training provides transport assistance for around 10,000 eligible students with disabilities to the closest appropriate government or non-government school to their place of residence. To be eligible to access the scheme (in addition to other eligibility criteria), parents and carers are required to demonstrate why they are unable to provide or arrange transport for students.

The Department provides transport between school and ADHC operated centre-based respite services as an additional service in circumstances where the travel can be accommodated on an existing special transport service with minimal impact on distance travelled and time spent in transit for the students who access the service to travel to and from school. The scope of the scheme does not allow transport services to be created for the sole purpose of transporting students to and/or from respite care services.

However, the Department recognises that respite care services provide vital support for parents and carers. To provide the best possible support for families, a joint working party comprising senior officers from ADHC and the Department of Education and Training, was established to develop a protocol to improve communications between the two agencies around transport for students with a disability.

Significant benefits have arisen from developing the protocol. The working party addressed issues including the planning and timing of offers of respite care to families, the management of short notice placements and the development of alternative strategies to cater for students accessing special transport services whose transport to respite care cannot be accommodated within an existing SSSTS transport run. Issues regarding the synergies between respite houses and transportation routes are also part of the communication strategy between the two agencies.

More direct communication lines between the Special Transport Unit in Wollongong and regional ADHC offices is ensuring greater alignment of planning cycles between the two agencies and consistency in local management of transport and respite matters.

Significant progress has been made to better support students with disabilities and their families as a result of the protocol. However, other areas remain that have the potential to impact on the wellbeing and learning of students and place additional stress on families. These areas relate to the impact of disability accommodation and respite service on access to education including transport.

Some students with a disability are placed in out-of-home care in settings that are located significant distances from their schools. As a result, these students are often required to change schools or in other circumstances (during transitional arrangements) travel long distances in order to access education. The stress for students that is associated with changing schools or travelling long distances has the potential to impact negatively on their health and wellbeing as well as their learning.

It is recognised that a range of circumstances may prohibit the placement of children and young people in accommodation and respite service settings that are located near their school, including child protection issues and availability of service vacancies. However, planning for continuity of access to education for children and young people with a disability, including transport, are important factors that should be considered not only in relation to the provision of accommodation and respite services for individual children and young people but also in planning for the establishment of new accommodation and respite services.

The Department understands that in accordance with the National Home and Community Care (HACC) guidelines that are set by the Commonwealth, HACC funding cannot be used to transport students with a disability to and/or from ADHC operated centre-based respite services.

As noted above, for students with a disability to be eligible to access transport assistance to travel to and/or from respite care through SSSTS, there must be an existing transport service that can accommodate the student's travel.

This restriction around the use of HACC funding for transport to an/or from respite to school has the potential to impact on students' access to education in circumstances where parents and carers do not have the capacity to provide or arrange transport for students with a disability to and/or from respite care where the student is not eligible for (or is not approved for) access to transport services under the SSSTS.

Addressing this apparent restriction on funding may provide respite services with the flexibility to provide transport for students with a disability to and/or from school in circumstances where their parents/carers do not have the capacity to provide transport or students have been assessed as ineligible to access transport assistance under the SSSTS.

Early Childhood Intervention

The Department of Education and Training has legislative responsibility for children beginning with kindergarten, the first formal year of schooling. Legislative responsibility for children under school age rests with other agencies.

The Department of Education and Training does however operate a small number of early childhood provisions including 47 early intervention classes and 100 preschools located in government schools across the State. These programs complement the services provided by local government, community based organisations and the private sector and are only a small component of the total provision of children's services in NSW.

Over recent years the increase in the number of young children with a diagnosed disability has meant that more families want to access specialist early intervention services. This increase has greatly stretched early intervention services.

In particular, the NSW Statewide Infant Screening – Hearing (known as SWISH) program has resulted in the increased identification of children with hearing impairment. In addition, the increased awareness of autism has resulted in many more families seeking a diagnosis and early intervention services at an earlier age.

In many instances, families seek access to these Department of Education and Training's services. The Department welcomes opportunities to continue to work with ADHC in relation to early intervention service system planning. However, because of the legislative arrangements in NSW, the Department's early intervention services are limited with no capacity or plans to expand.

Post School Transition and Support

The transition from school to adult life is a significant time for young people, including school leavers with a disability and their parents and carers.

Transition planning commences well before a student leaves school. To maximise the post school opportunities for students with a significant disability, including intellectual disability, schools focus on planning for this period with students and their families as early as possible. The Department of Education and Training and ADHC have processes in place for transitioning students with a moderate to severe disability into specialist ADHC provided or funded *Community Participation* and *Transition to Work* programs that provide a sound basis for commencing transition planning early in high school.

From January 2010, changes in the *Education Act 1990* now require that all students must complete Year 10 and participate in education or training until the age of 17. After Year 10 and until the age of 17, students must be either in school, in other approved education or training, in full time paid employment or in a combination of these.

The Department of Education and Training is working with ADHC in relation to the impact of these changes on young people with a disability. Destination surveys of students after they leave school are one of the options being examined as a means of providing a more detailed picture of the post school transitions made by students with a disability into employment or further study and the nature of support required from specialist disability support services.

In 2009, the Department of Education and Training, through TAFE NSW, and ADHC endorsed a Memorandum of Understanding (MOU) on young people attending ADHC post school programs who access Vocational Education and Training (VET). The MOU sets out an agreed position on the respective roles of the two agencies, and provides clear guidance about the way TAFE NSW, ADHC provided and funded services will work together to deliver vocational education and training to young people with disability in the *Transition to Work* and *Community Participation* programs.

TAFE NSW and ADHC will review the MOU in December 2010 and thereafter every two years. This review will take account of the Consumer Price Index to determine whether TAFE NSW is being recompensed at the appropriate rate per hour for providing education and training services.

Aboriginal students with a disability

The Department of Education and Training gives priority to the education and training needs of all Aboriginal learners in NSW, including those with a disability, through the implementation of the *Aboriginal Education and Training Policy* and the *Aboriginal Education and Training Strategy 2009-2012*. Both the policy and the strategy aim to build community capacity and positively impact on the socio-economic profile and overall wellbeing of Aboriginal children, their families and communities.

In addition to the programs in NSW government schools that support students with a disability, the Department provides services and programs specifically designed for Aboriginal students, including those who have a disability or additional learning needs. These include Aboriginal education officers who work with teachers to support Aboriginal students and parents, targeted support for Aboriginal children K-4 whose speech and language development has been affected due to health related issues such as otitis media, funding to schools to provide learning assistance for Aboriginal students, and the development of personalised learning plans for Aboriginal students, including those who have a disability, in consultation with students and their parents or carers.

Each year, there are increased enrolments of Aboriginal students in NSW public schools and an increasing number of Aboriginal students with a disability who require support. This needs to be understood in the context of the current mortality rate for Aboriginal people in NSW. Not only are there increasing numbers of younger children, but there are less older people to care for them.

The Department recognises that there are few specialist disability services for Aboriginal people with a disability, and that Aboriginal families are sometimes reluctant to access 'mainstream' support services, although this is changing. In the Department's experience, other factors that impact on access to disability services for Aboriginal families include issues around program design and the cultural needs and expectations of Aboriginal people, access to information about the disability service system, access to transport and accommodation, issues of affordability and financial support for additional services, equipment and home modifications, historical issues around the relationship of Aboriginal people with the formal service system, and cultural and family expectations and responsibilities that may limit use of formal disability support services.

The Department acknowledges that whole-of-government approaches are considered the most effective when addressing the multiple disadvantages facing Aboriginal people. Furthermore, working in partnership with Aboriginal people and communities is of paramount importance for ensuring that real and lasting improved outcomes are achieved across the full range of social and economic indicators.

The Department recognises the NSW Aboriginal Education Consultative Group Inc as its principal source of advice on behalf of Aboriginal communities on issues relating to education and training in NSW. The NSW Aboriginal Education Consultative Group Inc has an extensive statewide community network at local and regional level, providing a valuable source of local knowledge. Incorporating this knowledge into the design of services and programs can help to ensure that services are appropriate and meet the needs of Aboriginal people.

The Department values its working relationship with Ageing, Disability and Home Care in areas of support for Aboriginal people with disability and is supportive of measures which foster cross-agency collaboration in order to enhance and expand service delivery to Aboriginal learners with a disability. For example, the Department's Aboriginal Education and Training Directorate is working closely with Ageing, Disability and Home Care and other agency partners to support implementation of the Commonwealth funded *Positive Partnerships* program supporting school aged students with autism and their families.

There is a continuing need for a strong partnership approach between Ageing, Disability and Home Care and other agencies, including the Department of Education and Training, families and carers of Aboriginal students with a disability to inform the provision of the multiple supports which are needed by Aboriginal students with a disability so that they can succeed educationally.