

**INQUIRY INTO STUDENTS WITH A DISABILITY OR
SPECIAL NEEDS IN NEW SOUTH WALES SCHOOLS**

Name: Name suppressed (PC)

Date received: 24 January 2017

Partially
Confidential

Submission to Inquiry: Students with a disability or special needs in New South Wales school

We are make this submission on behalf of our son _____, who passed away suddenly in December 2016. _____ had suffered a stroke when he was 2 weeks old. As a result he suffered from Cerebral Palsy. He required a lot of assistance with daily activities. He used a walking frame and a wheelchair to mobilise, and was becoming stronger and more independent as he grew. He was limited in his verbal communication, but he was an excellent reader, and had admirable general knowledge. His family, and those who knew him well, never limited their expectations, as we knew his potential was limitless.

_____ started his schooling at _____ in 2015. While he loved the school and was thriving, it was clear he would still need significant 1:1 support, and this was more accessible within the Government School system. We chose _____ as he had attended the Early Intervention Program there prior to starting school and we had been very happy with the school. We also chose this school the terrain is flatter than our neighbourhood school, _____, and we felt this would give _____ the best chance of using his wheelchair independently and his walking frame frequently as he had done at _____, and as he did at home.

In August last year, _____ was banned from using his walking frame at _____ unless we agreed to have a handle fitted to the frame. We did not agree to this. We argued that a handle would restrict _____ independence and be detrimental to him physically, socially and emotionally. _____ had used the same walking frame at 2 other educational settings, and never had the need for a handle been mentioned. We felt that the handle would be used as a physical means of control, and we were advised by our therapists that a fitting a handle was 'Restrictive Practice' and we were well within our rights to refuse such a limitation being placed on our child.

Below is an extract from a letter sent to our local member Troy Grant regarding this, and various other issues _____ had experienced at _____ during 2016. We were angered and outraged by some of the decisions made regarding _____ and by the unwillingness of the school to collaborate with us in this decision making.

_____ was to return to _____ in 2017. We did not feel _____ wanted to develop him to his full potential. We had planned to make a formal complaint to the Department of Education, and lodge a complaint with the

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Disability Discrimination Board. However, _____ passed away on December 16, due to an unexpected and sudden cerebral haemorrhage.

Letter Extract:

- During a Support meeting on 28/8/16 _____ use of his walking frame in the playground was identified as a WHS concern. The concerns were for other students' safety and for the safety of the staff supervising. At this meeting it was decided _____ would be in his wheelchair during class time, recess and lunch and would not be permitted to use his walking frame until a handle was provided for support staff to hold and direct his movement.
- This was notified to us by means of a copy of the meeting minutes placed in _____ communication book (this book is for the exchange of daily information between the class teacher and us.)
- Multiple requests for reasons regarding this decision were made by email and phone. None, however, were responded to until 7/9/16. The response was general, uninformative, merely stating that it was for everyone's safety, but did not offer any particular reasons.
- On the 30/8/16 _____ communication book describes him as being unsettled. "He kept asking for his walker."
- On 31/8/16 _____ communication book stated 'He went in his walker at recess in the Hall today.' We question whether this was away from all other students, by himself.
- At a meeting on 14/9/16 when questioned about the reasons for _____ not being allowed to use his frame, we were informed that there was a possibility that _____ could, but had not, run into other students.
- The main reason given was that staff supporting _____ had to bend down, in a forward flexed position, to guide his walker. At the meeting on 14/9/16, _____ demonstrated an alternative position to the side of the walker, where staff could guide _____ with limited need for forward flexed position. This was immediately dismissed as a solution.
- In this meeting, _____ suggested slowing down the wheels of the walking frame (they can be altered to give the user slower or faster movement). The response from _____ was 'That won't help.' The Principal made comments including 'other students are scared of him, they don't want to be near him.'
- When questioned about the appropriateness of informing us of the decision to ban _____ use of the walking frame via the communication book, we were told that

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we were given this information as a 'courtesy' as we had not attended the meeting. We were not asked to attend this meeting.

- [redacted] were informed that in the opinion of the Cerebral Palsy Alliance, Family Advocacy, Vision Australia, and other Occupation Therapists, the decision to demand a handle on [redacted] frame was Restrictive Practice, violated his Human Rights, and limited his inclusion and independence.
- We requested the school reconsider their stance and notify us via email of their decision regarding [redacted] use of his walking frame. No formal notification of the decision was ever given. A phone call was made to [redacted] on the 19/9 to request a copy of the meeting minutes. During this phone call, on speaker phone, the Principal and another teacher enquired about how to slow the wheels down on the walking frame. Questions raised about the decision regarding walking frame went unanswered.
- [redacted] men with staff from the Dubbo office DET regarding concerns from meeting including the lack of response regarding his frame and the way in which they meeting minutes had been documented. Meeting minutes were missing important information raised by the parents and presented the parents to be confrontational and aggressive. Staff at the Dubbo office felt that [redacted] need coaching and were anxious when dealing with [redacted].
- At a meeting on the 26/10/16 at [redacted], the school confirmed that [redacted] was now back in his walking frame. Issues regarding a lack of communication from the school was raised. We questioned why a response regarding the walking frame decision had not been received. The Principal believed that a response had been given through conversation between [redacted] teacher aide and the parents. The Principal failed to see our concerns regarding a lack of notification in regards to the walking frame issue. We requested there be more discussion regarding significant issues to do with [redacted]. The Principal's response was that the school did not know what was significant and what was insignificant.
- At the meeting on 26/10/16, a walking frame risk assessment was presented. The procedures recommended included slowing down the wheels, and standing to the side of the walker. Both strategies had been strongly dismissed at the meeting on the 14/09/16.
- During a Personal Learning Plan (PLP) meeting on 31/10/16, it was presented in a plan that [redacted] would use his walking frame at Playtime only (a period of 20 minutes). Other break times he would be in his wheelchair. This is a continuation of Restrictive Practices. Additionally it goes against the advice given to the school in a therapy report from the Cerebral Palsy Alliance which states [redacted] should be encouraged to use his frame as frequently as possible.

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The other areas of concern this year have included:

- On the first day of school, _____ fell over backwards and cut his head. This required a trip to the Emergency department to have the laceration glued.
- In the first week _____ was seen to be difficult at toileting time. He was attempting to cooperate with staff, however, their inexperience resulted in an escalation of the issue. At a meeting, 5/2/16, regarding this, an ultimatum was issued by the school. They demanded we give them a timeframe in which we would come to the school to toilet _____ if they were unsuccessful. While insisting on a time frame from us, one of the teachers asked the Principal directly 'We need a time frame, don't we?' to which the Principal answered in the affirmative. In the 4 years _____ had attended various education and care settings, toileting had never been an issue.
- At the same meeting a teacher stated 'When we are using teach aides to change _____ we are taking aide time away from other students.'
- During the meeting _____ concerns that the parents attending to toilet _____ was not feasible option. This was disregarded. _____ suggested other options which were dismissed. None of _____ concerns or recommendations were recorded in the meeting minutes.
- During a phone conversation with a teacher from the school on Wednesday 3/2/16 with _____ the teacher said following a toileting session, _____ had laid on the floor for 45 minutes not crying or upset just saying 'Mum'. No explanation was offered as to why he was not returned to class or the playground.
- The toileting issue was resolved after a detailed plan written and suggested by the parents was put in place. This plan is still in place.
- Following morning drop off, a teacher aide assisting _____ pushed him passed a group of students who were attempting to greet him, and sat down on a bench away from other students, holding onto the wheelchair handle thus restricting his movement and his ability to interact with peers.
- A plan was made for toileting during an excursion to Taronga Western Plains Zoo. The initial plan for toileting _____ was to call a taxi at 11am (toilet time) to transport _____ to _____. There he was to be toileted before being driven back to the Zoo to re-join the excursion. _____ said there were no suitable facilities for toileting at the Zoo, despite there being multiple Disabled toileting facilities. Following our conversation with the DET Disability hotline, we suggested a standing change was an appropriate and more dignified alternative then having to transport _____ in a taxi while wet or soiled.

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Our Concerns

- Lack of communication from the school. _____ has limited communication skills, and so cannot tell us what is happening on a day to day basis. We are reliant on the staff.
- Restrictive Practices are still occurring. Limitations are being placed on use of his walking frame as he is still not able to use his frame at recess.
- Ill informed decision making. A series of ultimatums have been placed on the family, resulting from ill informed decisions made by the school.
- Lack of accountability. Despite all the issues there has not been any explanation regarding changes of decisions nor has there been any apologies for the decisions and the manner in which they were communicated.
- _____ is being set up to fail. There is an attitude of 'we tried it and it didn't work'. He is being compared to other disabled children within the school. There appears to be an inclination by staff to see the disability rather than the individual.
- The belief that the staff at _____ require 'coaching' and are 'anxious' by Dubbo District DET.
- A distinct lack of empathy.