

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

**Name:** Name suppressed (PC)

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Partially  
Confidential

## **Inquiry into the provision of education to students with a disability or special needs in**

### **Government and non-government schools in New South Wales**

Thank you for the opportunity to make a submission into the provision of education to students with a disability.

#### **My Background**

I am the mother of 5 children. Our youngest child was born 17 years ago and has Down syndrome. From the very onset of his life we were presented with low expectations of what people, mostly professionals, told us we could anticipate our son's life would be like. While we were still in the hospital we were even told how long we could expect our son to live for. It seemed we were bombarded with so much negativity and given no hope that our beautiful son would have any life at all. This is when my husband and I decided that that sort of thinking was not going to be part of our vision for our son's life and he was going to be treated the same as all our children had been – he would be exposed to all the ordinary things of life and 'special' was not a word we would use or think about in regard to our son and his life experiences.

We were fortunate at the same time we were enrolling our son in our small local rural school to come across an organisation called Family Advocacy who ran a weekend workshop about education and children with a disability. It was at this workshop that I found likeminded people who wanted to have an ordinary life for their sons and daughters. We realised then that there were going to be conflicts arise because of our decision to have our son enrolled in our local school.

The enrolment into our local school did go ahead but only after having to involve Department of Education personnel at a high level and the advice of a Discrimination Lawyer. We look back now and see that all the things that were put forward to stop our sons' enrolment never eventuated and had come from a place of ignorance and a history of 'what had always been done'. As parents we were seen as living in denial about the realities of our son's disability, this sentiment even being voiced to us by teachers at the school.

#### **(a) Equitable access to resources for students with a disability or special needs in regional and metropolitan areas**

Living in a small rural town it has been my experience that resources for a student with a disability have been very lacking. I personally had to buy many resources for my son to use while attending school because there simply was not enough funding to purchase the ones that were needed.

#### **(d) Complaint and review mechanisms within the school systems in New South Wales for parents and carers**

The complaint and review mechanisms within the school system in my experience with a student with a disability has not and currently is not acceptable.

I have had to put in complaints on a number of occasions and have never to this point in time been satisfied with the outcome of the complaint. It appears to me that the major concern of EPAC (Employment Performance and Conduct Directorate) is to make sure that the complaint is seen as of no consequence and the time restraints for how long the complaint should be resolved are never

followed. Some complaints that I had to submit took over 12 months to come to a decision even though the complaints were serious issues.

I would like to give you an example of a complaint I made in 2015 when my son went to Sydney on a Careers Excursion organised by the school Careers Advisor.

Below is a complaint I wrote to the Principal at the High School my son currently attends.

I received a letter back from the Principal on the 12<sup>th</sup> June with an apology for the first complaint and a decision from EPAC on the second complaint not being upheld because and I quote, 'contact

made with                      was reasonable for his management and safety, and was in no way excessive or unnecessary.'

I had a meeting with the Principal about my concerns and he again contacted EPAC and then I received another letter from the Principal on the 23<sup>rd</sup> June. EPAC had again given this advice and I quote, '**Other witness statements were obtained** (school teachers and no statements from the students who witnessed the event) **and these witness statements were seen as unbiased or impartial to any party, their view was that the child was unharmed/injured and that the child did not present as upset and their views corroborated. The Employee Performance And Conduct Directorate goes on the balance of probabilities when assessing the issues that are brought to them.**'

I was directed that if I was unhappy to contact the Director of Public Schools which I did. Below is the letter I sent to                      on the 26<sup>th</sup> June.

I had no more correspondence from                      but did have a conversation with him about our issues with the outcome of the complaint. He did not concur that our son had been put in danger or that he had suffered any humiliation at being pushed off the train which was witnessed by 39 of his

school mates. I can only conclude from his apparent lack of insight on this matter was that his concern was that the teachers involved were protected from any scrutiny. The complaint went nowhere and my concern was; if a teacher would push someone from a train in full view of 5 other teachers and 39 students what would be possible when that teacher was alone with our son?

Because of this I made a personal request to the Principal that this particular teacher never be alone with our son at school, which to my knowledge has been actioned. This action taken by the Principal supports my thoughts that he could see the seriousness of the situation but was bound by the ruling by EPAC sitting in their offices in Sydney far removed from the realities of what it is like to be in the school system when you are a person with a disability and have no voice to defend yourself.

Over the 12 years our son has been at school I again and again have seen evidence that what is recognized as acceptable behaviour and treatment towards a student with a disability by the teaching profession would not be tolerated or done to a student without a disability.

I am sorry this is such a long submission but I felt that without the background knowledge to an example of the sort of things that happen when a complaint is submitted you perhaps would not understand why I have said in the beginning why there needs to be change.

### **Recommendation**

My recommendation would be that part of the complaints process needs to sit outside of the Dept. of Education and Communities. This would ensure that there is no conflict of interest when it comes to the conduct of teachers being investigated. I have seen evidence in the complaints that have been handled on my behalf that the teacher's interests are put before the student even when there is clear evidence of misconduct.

The current system where you can go to the Ombudsman is clearly not sufficient to ensure the person with a disability is respected and protected. It has been my experience that they will look into the procedures of the complaint i.e. the time taken to resolve the complaint, but not the outcome.

### **Any Other Related Matters**

I acknowledge that the idea of inclusion in the school system is much more widely discussed and in some areas Principals can see the benefits of having all students learning together. One of my chief concerns is that while the Education System continues to segregate children into special schools and support units within the school we are going to have the issues that give rise to complaints made by parents.

By segregating our children from ordinary life experiences we are setting them up for a life of missed opportunities that they will only have in the regular setting at school. It is in normal life that our kids with a disability learn the social complexities that are needed in order to navigate life in the world after school. Getting employment, having a social life and independence are all benefits of being embedded in the fabric of life and learning from your peers. This is an experience that we all have had as adults as a right and more so for a person with a disability.

We all need to stop thinking 'special' and think 'ordinary'.