

**Submission
No 105**

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

Organisation: Carers NSW

Date received: 20 February 2017

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The Director
General Purpose Standing Committee No. 3
Parliament House
Macquarie St
Sydney NSW 2000

Inquiry into students with disability or special needs in NSW schools

Carers NSW would like to thank the General Purpose Standing Committee No. 3 for the opportunity to respond to this inquiry. Our submission is informed by the experiences of carers of children in the NSW school system, as relayed to Carers NSW staff. In particular, this submission will focus on recurrent suspensions, the difficulties of enrolling children with disability and disability-specific school transport. It is clear that despite various policies and inquiries there continue to be insufficient services and resources for students with a disability in NSW public schools. These inefficiencies are having significant negative flow-on effects on carers.

A carer is anyone who provides informal care and support to a family member or friend who has a disability, mental illness, drug or alcohol dependency, chronic condition, terminal illness or who is frail aged. Carers NSW is the peak non-government organisation for carers in NSW and a member of the National Network of Carers Associations. Our vision is an Australia that values and supports all carers, and our goals are to work with carers to improve their health, wellbeing, resilience and financial security; and to have caring recognised as a shared responsibility of family, community, and government.

Thank you for accepting our submission. For further information regarding this submission, please contact Freya Saich, Policy and Development Officer

Yours sincerely

Elena Katrakis
CEO
Carers NSW



Carers NSW submission: Inquiry into students with disability or special needs in NSW schools.

20 February 2017

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Background

According to the 2015 Survey of Disability, Ageing and Carers there are more than 120,000 school-aged children with a disability in NSW.ⁱ Quality school education is known to be a key determinant of both a child's socio-economic future and their sense of identity.ⁱⁱ It is therefore vital that education is inclusive for children with disability and takes into consideration their specific educational requirements.

The participation of children with disability in education is also important for many carers, as it can provide them with a break from their caring role, during which they can invest in their own health and wellbeing, attend to other family and household responsibilities or pursue work or study. Education also provides children with disability with skills, opportunities and networks that are likely to reduce their dependence on carers, both in the shorter and longer term. However, people with disability continue to have lower overall levels of educational attainment than the general population.ⁱⁱⁱ

More than 56% of children with disability in NSW have an intellectual disability, autism spectrum disorder and/or mental health disorder.^{iv} While some can learn well with minimal support, many of these children have learning and/or behavioural needs that require a modified educational environment or teaching approach. Carers NSW is concerned that some schools are not adequately equipped to address these needs, and that as a result students with disability are receiving inadequate support, sometimes to the point of experiencing discrimination.

Suspension and social exclusion

Some carers have told Carers NSW that their child's school has resorted to suspension as a response to difficult behaviour. Suspension, however, is neither effective nor sustainable as a behaviour management strategy,^v with research indicating that it is often used recurrently^{vi}, exacerbating learning difficulties in children with special needs.^{vii} It also represents a punitive rather than supportive solution, and results in further exclusion for children who are already likely to have difficulty fitting in and keeping up. Engaging students and dealing with the root issues is a more beneficial approach; however many teachers do not have the time, skills and resources to respond in this way.^{viii}

Jodie's* daughter has an intellectual disability and a sensory processing disorder and has been suspended from school on multiple occasions. When Jodie called us, her child had been suspended for 20 days. Jodie believes that, rather than working with children with disabilities to enable them to participate in school, teachers are using punitive action to manage problem behaviours.

** Name changed*

Furthermore, all that suspension achieves is shifting the responsibility for managing a child's behaviour to their family, for whom school sometimes provides a much needed break. As it is difficult to find formal respite care at short notice, working families may have to call on family members and friends to step in, or take time off. Caring families are often isolated, without support from family and friends. If this is the case, recurrent suspension may take a serious toll on a carer's leave balance, income and employer relationship.

Recommendation 1: Carers NSW recommends that the NSW Department of Education increase the resources and training available to school teachers working with students with disability.

Recommendation 2: Carers NSW recommends that the NSW Department of Education investigate the prevalence of suspension as a method used by teachers to manage challenging behaviour, and produce a statewide strategy to prevent this occurring.

Enrolling a child with disability

A 2016 inquiry found that enrolling a child with disability was a significant and primary barrier to education.^{ix} Despite directly contravening the *Disability Discrimination Act 1992* and the Disability Standards for Education 2005, carers have reported that some schools continue to refuse to enrol students with disabilities.^x While evidence suggests that this may be more common in private schools^{xi}, Carers NSW has also heard of cases in the public system. Refusing to enrol students with disabilities can place significant stress on a carer to explore other options, some of which may be unaffordable.

Helen's child* has autism. She ended up having to cease her own tertiary studies in order to home school her child and now relies on the Carer Payment.

* Name changed

Recommendation 3: Carers NSW recommends that the NSW Department of Education investigate the prevalence of enrolment refusals and introduce greater accountability and penalties.

Recommendation 4: Carers NSW recommends that the NSW Department of Education produce information resources for parents and carers regarding their child's rights and how to get help or make a complaint in cases of refused enrolment.

Transport

Accessible and affordable transport is essential to a successful education.^{xii} In the transition to the NDIS in NSW, children eligible for NDIS packages will continue to be eligible for disability-specific transport assistance under the state funded NSW Assisted School Travel Program.^{xiii} However, the eligibility criteria for this program is quite specific, meaning that not all children with disability may be eligible.^{xiv} One essential criteria is that the child is enrolled in a support class or special school (if they do not have a mobility impairment). Given the identified lack of funding and resources, not all schools have the capacity to enrol a child in a support class, potentially affecting their eligibility.

Recommendation 5: Carers NSW recommends that the NSW Department of Education investigate the existing gaps to the Assisted School Travel Program in providing school transport to children with disabilities.

Recommendation 6: Carers NSW recommends that the NSW Department of Education clarify their ongoing commitment to provide the Assisted School Travel Program to eligible NDIS participants.

Conclusion

Carers NSW thanks the committee for the opportunity to comment on this inquiry. While progress has been made to enhance the inclusivity of education in NSW schools, Carers NSW believes that the lived realities of these carers and their children demonstrate that inequality continues to persist throughout the NSW school system. This inquiry presents a valuable opportunity to improve the learning environment for children with disabilities and reduce the associated distress amongst carers from recurrent suspensions, being unable to enroll their child at the school of their choice or when faced with transport difficulties.

ⁱ Australian Bureau of Statistics (2017), *Disability, Ageing and Carers, Australia: New South Wales, 2015*, Canberra, available online at:

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4430.02015?OpenDocument>, viewed 13 January 2017.

ⁱⁱ Australian Government (2009) *Shut Out: the Experience of People with Disabilities and their Families in Australia*, National Disability Strategy Consultation Report, prepared by the National People with Disabilities and Carer Council, Commonwealth of Australia, Canberra; Cologan, K. (2013) *Inclusion in education: towards equality for students with disability*, Children and Families Research Centre, Macquarie University with Children with Disability Australia.

ⁱⁱⁱ Australian Bureau of Statistics (2017)

^{iv} Ibid.

^v Sullivan, A., Johnson, B., Owens, L. and Conway, R. (2014), 'Punish Them or Engage Them? Teachers' Views of Unproductive Student Behaviours in the Classroom', *Australian Journal of Teacher Education*, vol. 39, no. 6, pp. 43-56. Beauchamp, T. (2012), 'Addressing high rates of school suspension', Policy Paper, Uniting Care, available online at:

http://apo.org.au/files/Resource/uccyvf_suspension_issues_paper_final.pdf, viewed 23 January 2017.

^{vi} Beauchamp (2012)

^{vii} Ibid.

^{viii} Ibid.

^{ix} Education and Employment References Committee (2016) *Access to real learning: the impact of policy, funding and culture on students with disability*, The Senate, Commonwealth of Australia, Canberra.

^x Cologan (2013).

^{xi} Graham, L. J., Proctor, H. and Dixon, R. (2016) *How schools avoid enrolling children with disabilities*, *The Conversation*, 28 January, 1-3, available online at: <https://theconversation.com/how-schools-avoid-enrolling-children-with-disabilities-53494>, viewed 24 January 2017.

^{xii} Australian Government (2009)

^{xiii} NSW Department of Education (2016) *National Disability Insurance Scheme: Fact Sheet for Schools 3. Frequently Asked Questions about the NDIS*, Issue 1, available online at:

http://www.schools.nsw.edu.au/media/downloads/schoolsweb/studentsupport/ndis/ndis_fact3_faq.pdf, viewed 9 February 2017.

^{xiv} NSW Department of Education (2017), *Assisted School Travel Program: Who is eligible*, available online at: <https://education.nsw.gov.au/astp/parents/eligibility>, viewed 9 February 2017.