

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

Name: Name suppressed

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Partially
Confidential

Submission to the NSW parliamentary inquiry
"INQUIRY INTO STUDENTS WITH DISABILITY OR
SPECIAL NEEDS IN SCHOOLS"

Dear Committee Members

We are parents of a child with multiple disabilities, namely: severe autism, moderate intellectual disability and Attention Deficit Hyperactivity Disorder, (ADHD) who has until November of 2016, attended a Support Unit in a NSW Government High School.

Several changes at the school, some of which include:

- secondment and retirement of key executive staff,
- the appointment of a head teacher who, according to the exiting head, "lacked confidence" and
- appointment of a head teacher who was, according to a witness, was regularly not only absent from the school but also from the classroom when she did come to work,
- the appointment of an acting head teacher who was observed by several; witnesses to employ sporting equipment to physically manhandle and intimidate our son, even employing students to do so instead of her staff
- the appointment of a principal and deputy principal who failed in their duties to
 - report abuse to FACS
 - successfully reprimand and monitor staff regarding alleged and ongoing emotional abuse and intimidation to our son

This in turn, resulted in our child no longer being protected from abuse and, being subject to neglect by several staff. Moreover, prior to the replacement of a new head teacher, the acting head knowingly subjected him to physical abuse using sporting equipment, (She was previously a sports teacher prior to undertaking a masters in Special Education), and in addition, enlisted the involvement of up to four other children, using the same equipment, to do so too. Prior to this abuse, our son was a happy, engaged and loving child who did not display survival strategies of fight, flight or freeze, to protect himself.

We make this submission on behalf of our son and on behalf of other students with disability who are allegedly at risk of harm by certain NSW Department of Education Staff now and in the future. We hope it, along with many other submissions from parents and the community already received, will result in a Royal Commission into this unlawful, inhumane and abhorrent treatment of the most vulnerable members of our society, namely, children with disability. Furthermore, despite NSW Education employees being held to a higher standard of behaviour by the General Community and Schools assumed to be "safe environments", they are clearly failing miserably in their duty to students, to those people who care about them and to Australian constituents if, as we contend and witnesses have observed, they are not fulfilling their mandated duty to report their colleagues to Family and Community Services when they see abuse and neglect to students.

As a direct result of the alleged untenable and unprovoked physical and emotional abuse and, neglect by as many as nine (9) staff, (consisting of both teachers and teacher's aids), our child has been the victim of:

1. Severe and bloody injury to multiple sites on his body, on multiple occasions, for prolonged periods,

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2. Permanent scarring to multiple body sites, including but not limited to his face, head and hands
3. emotional and psychological traumatising resulting in foetal position behaviour, self-harm and aggression
4. loss of placement in any alternative local or nearby out of area NSW public school, (unless we chose to have him back at the same school but without public scrutiny of independent support staff such as a psychologist, AAC therapist, Speech Therapist, Occupational Therapist or therapy support implementers. Both the clinicians and the implementor staff have ongoing fears for our son's safety if he were to return to school in the absence of independent monitoring, among other concerns.
5. loss of least three community participation and support staff as a result of his changed anxiety level
6. loss of peer friendships, with at least two (2) students,
7. loss of quality time and interactions with his family, peers and support staff such as respite staff, transport staff, therapists etc
8. loss of quality time and interactions with his local community
9. Loss of scheduled medical appointments
10. Loss of continence
11. Loss of kind and gentle staff due the damage in his reputation
12. The loss of funding, clinical and support staff
13. Damage to his property and that of his family and other people
14. Damage to relationships with his family, support staff and community
15. Damage to his reputation now and in the future

The severe anxiety brought on by the treatment allegedly inflicted also, caused our son to be triggered and /or provoked into a *hitherto unprecedented continual, daily level of extreme self-harm often escalating to aggression to certain school staff, escape behaviour.*

The self-harm included but was not limited to: picking at his shins, waist, back, wrists and thighs until they bleed, head punching with double fists or on hard surfaces until his shirt, face and hand and sometimes floor, door jambs and drink bottle were liberally splatted in blood, massive bruising to the face involving the distortion to his cheek bones and chin with accompanying black eyes. He also ripped his school clothing off, attempted to get into parked cars into to escape the maltreatment he was subjected to. These new behaviours are directly associated with activities surrounding 'going to school' activities such as getting into his school uniform, having his back pack on, leaving the house et cetra but also with "being taught" by certain Special Learning Support Officers and Teachers allegedly brutalizing our son.

Aggression to others, prior to the introduction of physical assault at school by staff upon him but also involving the use of other school children to also assault him, had been a last resort for our son, choosing 99 per cent of the time to self-harm when distressed and only rarely to attack others. We feel he was forced to engage. In short certain staff at the school, succeeded in turning our son into a monster and when aggression towards others failed to secure peace from abuse and neglect, he resorted to other survival instincts such as flight and freezing.

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None of these extreme behaviours were exhibited in such degree and frequency by our son prior to being allegedly subjected to physical and emotional abuse perpetrated by certain school staff. Moreover, our son has also suffered, as a direct result of the alleged abuse by certain school staff at this suburban Sydney school, lasting physical scars as well as emotional ramifications of the above alleged unlawful, immoral and abhorrent treatment.

Once the team of independent therapists and implementors realised what was going on at the school, they told us and I took their contemporaneous notes from the school to our son's Child and Adolescent Psychiatrist asking for advice. She immediately told me that she had an obligation to report the school, not long after that her report was joined by that of the psychologist and then also my own report to Family and Community Services. The psychiatrist and myself had the opportunity to read the reports of the implementors who, along with the psychologist, observed many of the incidents of emotional and physical abuse and/or neglect by certain of the staff in the classroom. Abuses ranged from:

- physically pushing him with four 1m x 1m square boxing pads (sometimes enlisting children to do so) to
- preventing him from accessing the toilet
- preventing him from accessing his sandwiches from his lunch box,
- removing him from group work with his peers for no apparent reason,
- preventing him access to his communication tools and methods
- instilling fear in peers by shouting "Clear the room, clear the room!!" when he tried to communicate gently with another peers
- segregating him from his peers at various times, including lunch times
- deliberately and boastfully stating they would be ignoring his Individual Support Plan
- ordering birthday cakes for a nephew and shopping for holidays on their mobile phone during one to one desk work with our son,
- one large and tall teacher storming and "arm pumping" across an approximately 7m room and standing toe to toe with our son and screaming "Shut Up!!"
- the same teacher repeating the screaming even after the principal purportedly told her to not scream at our son,
- being physically forced and emotionally badgered into engaging in activities such as those involving an ipad, drawing and reading equipment when he was showing clear signs of distress
- emotionally badgering our son so much that he was triggered into resorting to serious self-harm and aggression. According to the implementors. Even when they asked school staff to refrain, they continued on with their badgering of our son.
- Refusing to act on recommendations of the trained implementors as to when and how to engage with our son in a positive, gentle and respectful way.
- physically and verbally preventing our son from engaging in hand flapping behaviour that is stereotypical and inherent to his disability
- emotionally abusing him via ostracising him, tone of voice, gesture, and word and
- ignoring his distress and basic human needs for comfort, pleasant or at least neutral interactions, education, water, toileting and sustenance.

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- Actively preventing our son's peers from having friendly interactions with him and separating him from his peers
- Etc.

Abuse of other students, such as a student with Down Syndrome was also reported by an implementor surrounding her being laughed at and humiliated when she experienced an accident with her monthly period.

Despite the independent corroboration of 5 witnesses, the reporting to FACS by our child's Child and Adolescent Psychiatrist and his Clinical Psychologist and ourselves, the most frustrating part and the most damnable indictment of the NSW Education Department's is the total disregard for the health, safety and well-being of son by staff of the Employee Performance and Conduct Unit and the Principal of the school. We feel that at best, they set the tone of mediocrity and disdain about what was happening to our child and in fact behaved disgracefully. Namely, they:

1. made it extremely difficult to make a complaint,
2. they postponed phone appointments for months on end
3. they failed to keep us abreast of at first their assurance to investigate
4. after waiting months, denied any such assurances to investigate,
5. asked to repeat our complaint on numerous occasions to multiple people and in multiple formats
6. did not once get back to us when they said they would,
7. made us chase them for a response
8. never did anything to resolve such a serious matter
9. left us high and dry, and so we never heard from them again.
10. After a 5 hour meeting with several welfare staff, the principal, two of the witnesses and myself the principal failed to act, refused to remove two of the most intimidating and abusive perpetrators or speak to the teacher in public about her behaviour or that of the head of the support unit or to remove the 1m x 1m boxing pads from the classroom. Needless to say, their alleged abuse and neglect continued.
11. After a 5 hour meeting the principal stated that "he had not been informed of any issues"
12. After purportedly speaking to the teacher involved in intimidation and emotional abuse, the same teacher was viewed again by a witness to still be maltreating our son in the same way
13. The principal, head teacher and the deputy teachers and, staff in the classroom not directly involved in the abuse, failed to do their duty as mandatory reporters to report the perpetrators to FACS
14. The principal took a witness aside to question her about her opinion of his actions in respect of his staff's treatment of our son but when she expressed her view that she did not think he did the right thing, he tried to convince her to change that view and she was prevented from going to the classroom where she support the classroom staff.

The remedy we are looking for is fourfold:

1. It appears that people in hospital cafeterias, in banks, in school foyers (to protect the staff), shopping centre car parks and pets at dog grooming parlours have a greater right to protection from abuse and neglect than highly vulnerable children with

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disability. In fact, our son's speech pathologist can live-stream video content, via his smart phone, to that his house is safe when he is out and about and there are dog grooming services in the Sydney CBD that provide a log-in live stream to see what stage your pets' grooming is up to and how they are faring yet no such precautions for children in NSW Government schools. We believe the safety of our children is equally if not more important than that of peoples' money, house and pets. Therefore, we suggest that all classrooms have video cameras and the facility for parents to view their children via live stream. This would both ensure that children of all abilities are being treated appropriately but also prevent videos being edited or doctored by school staff. In short, all schools need public scrutiny and transparency because the risk that certain members of staff not only chose to abuse and neglect vulnerable and isolated children in their care but actively seek out employment opportunities that allow them easy, unsupervised and often solitary access to them. Staff who are not paedophiles per se are equally dangerous because they are not managing their own behaviour and emotions effectively and appropriately and /or because they lack the skills and knowledge to teach children with disability, allowing them to resort to victim blaming and assault with free reign. Especially if they are teachers and especially if the head of the school and other executive staff fail in their duty to protect students. Video data can also be used to improve classroom teaching and management

2. Staff who are seen by independent witnesses to have abused or neglected a child with disability, or who have a complaint upheld by the EPCU AND a fully independent monitoring body, must be sacked ALONG WITH THEIR IMMEDIATE SUPERVISOR. We feel this is a much fairer and more appropriate response than just providing "re-education" as it is generally an attitudinal issue that requires long term and intensive supports to change. Children cannot be subjected to further abuses whilst staff attitudes are re-set, assuming this is possible in all cases even
3. Attitudinal change needs to be given the highest priority in TAFE sector courses for SLSO's and in teacher training schools. Moreover, strategies to teach and have people adopt positive attitudinal mores must be evidence based and thus shown to significantly lessen the incidence of staff exhibiting abusive, neglectful and de-humanising actions or omission towards students with disabilities. In addition, attitudes being facilitated and language used to inform and describe children with disabilities must be in line with and support what the Human Rights, United Nations Conventions and Society expects in regard to how student with disabilities must and must not be treated. For example, instead of saying that a child is "just "attention seeking" or "acting out" and thereby victimising the student they must instead acknowledge that a student is expressing frustration in a physical way because his or her needs are not being met or cannot be expressed adequately. Similarly, executive staff must support class teachers and SLSO's to manage their own inability to cope with a student's physical expression of frustration or with behaviours integral to their diagnosis, via a number of professional, humane and appropriate methods. For example by: spending less time with a student, learning more about the student's needs and how to meet them, taking a short break, speaking to more experienced

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colleagues and regularly consulting and inviting parents to observe any issues in situ so that effective and appropriate resources and supports can be found or shared, analysing video and live data to find the root of a frustration for a student or how to better support them, instead of resorting to abusive, neglectful and de-humanising actions.

4. The above remedies must firstly be enforceable, secondly, form policy and not guideline, and thirdly come at a significant cost to the NSW Education Department and to the staff involved at a personal level as after all it is the State taxpayer and the families and loved ones of the victims will suffer at a personal level if they are allowed to persist in their alleged abuse and neglect. Consequences should be both monetary and public. In the USA a public report by the Federal Education department has been released naming the sexual abuses by education department staff. The general community need to be made aware that this happens and what strategies are in place to eliminate and/or reduce the likelihood of re-occurrence.

Why haven't we gone to the Ombudsman? Because we trusted that office once before and they let us down greatly. It seems the only way to get the NSW education department to treat our children with severe disability with kindness and basic humanity is to sue, sue, sue as unless it hits their hip pocket, they are not interested in their obligations or our children's human rights let alone providing them with a safe and happy environment and skilled staff with the appropriate attitudes to facilitate safe, happy and effective learning and learning environments.

We are extremely grateful to you for giving us this opportunity to be heard. We expect, along with many other constituent members of the General Public that this committee must recommend a full Royal Commission with powers to prevent such alleged abuses from occurring ever again to any students in a NSW Government school, let alone to such vulnerable ones. Proactive, protection of children with special needs and disabilities must be multi-pronged, independently monitored, immediate and sustainable in to the future to prevent and drastically minimise the likelihood of abuse and neglect of these children by certain unscrupulous, unethical and predatory staff within the NSW Department of Education ranks. Moreover, such staff must be swiftly weeded out with full and public knowledge of the General Community so that they are kept informed of the standard expected of our educationalists and so they can support such consequences for those who chose to abuse and neglect the most vulnerable in our society.

Yours Faithfully,

24 February, 2017