

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

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Lifestart Submission to the Inquiry by the NSW Legislative Council General Purpose Standing Committee No 3 into the provision of education to students with a disability or special needs in government and non-government schools in New South Wales

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A Introduction

Lifestart welcomes this opportunity to comment on the provision of education to students with disability or special needs in across the education sector in New South Wales.

About Lifestart

Lifestart supports children and young people living with disability or delay aged 0-24 years, their families and carers through:

- early intervention
- school age years support
- specialised therapy
- inclusion in the community
- family information and support
- helping communities and services to build capacity.

Our Vision

All children and young people are able to participate inclusively and meaningfully in their community.

Lifestart covers Greater Sydney, Blue Mountains out to Lithgow, Southern Highlands, Illawarra and Shoalhaven regions. Over the last twelve months Lifestart has supported in excess of 2,500 families. Lifestart has now been operating some services within the National Disability Insurance Scheme (NDIS) since July 2015 and by June 2018 will have transitioned most services to the NDIS.

Lifestart supports children, young people and families / carers in a range of settings, including early childhood education, primary and high school settings across the full scope of the public, private systemic and independent school systems. This scope covers mainstream schools and schools for specific purposes (SSPs). At present we are supporting approximately 1,640 students of school age, and their families. A number of school age children are being supported by Lifestart are receiving services within the NDIS system. Lifestart offers capacity building to staff working with children and young people in their natural settings and mainstream environments. For the purposes of this document 'family/families' also refers to carers of a child or young person. Lifestart also supports young people post school education.

B Summary

Many children and young people and their families still face huge barriers in accessing an education of their choice in New South Wales. The significant impact of this on a child's, young person's and their family's wellbeing, and economic and social participation is well documented in both Australian and international literature and the lived experience of students and families.

This issue continues to be the biggest area of concern which families report to Lifestart on a regular basis.

Significant improvements have been made in funding and the access of students with disability to schools over the last twenty years. While there are success stories, there are many shocking stories of how child or young people, and their family, are treated in either seeking access to an education or being maintained in an education system in the same manner as their peers. The barriers that students and their families encounter should not exist in a state where education is the right of all children of school age.

The introduction of the *Disability Standards for Education 2005* (the 2005 Standards) and the subsequent review processes have highlighted that there have been some positive changes for children in the education system, and for their families. The advances are not significant enough though to ensure that the standards are meeting their objectives. Lifestart receives many positive stories about a family's experience as they transition their child through the education system from the early years to post school. There is, however, significant anecdotal reporting of individual circumstances where children are discriminated against, at times with subtlety and at other times quite openly.

Lifestart's experience is that education providers are not fully conversant with the *Disability Standards for Education 2005* or at times refuse to abide by the standards. Families are often too fearful to make a complaint to the individual education provider, the school principal, for fear of their child losing his or her placement.

Families can experience a range of barriers from education providers. For example families are unaware of their rights under the standards, they may feel

intimidated about seeking information, making a complaint about treatment or lack of access, or the work involved in having their child's needs met or rights recognised. Some families report a sense of an adversarial relationship rather than the provider and family working together constructively in achieving the best educational outcomes for their child.

A flyer ¹ recently distributed by NSW Government Education at the National Disability Services Conference on 23 / 24 February 2017 states *Schools have obligations to all students under education legislation and specific legal obligations to students with disability under the 2005 Standards.*

The same flyer states *the principal of the school holds responsibility for managing these obligations. The transition to the NDIS does not change these obligations and schools will continue to meet the learning and support needs of students with disability, irrespective of whether or not they are NDIS participants.*

Under the Standards, schools make reasonable adjustments for students with disability to access and participate in education on the same basis as other students. School staff work closely with parents and carers to plan and provide personalised learning and support for students with disability according to their individual needs. Schools value the input of a range of professionals when planning how best to meet the individual education needs of their students.

In addition to considering some systemic issues, this submission will provide examples of how the above statements are in many instances more aspirational than fact. The submission reflects the experience of our own staff members, as well as the reports we hear from families. In many instances, Lifestart staff witness some of the treatment accorded families and students.

In preparing this submission, Lifestart has considered a range of documents in terms both the disability and education contexts, and the interface between these. Along with a range of published papers, a number of major reports have been considered, including:

- McRae Report – *The integration/inclusion feasibility study* ²
- Vinson Inquiry into *Provision into Public Education* in NSW 2001 ³
- 2010 Upper House Inquiry into the provision of education to students with a disability or special needs ⁴
- Australian Government *Review of Funding for Schooling Final Report* 2011⁵

¹ <https://education.nsw.gov.au/disability-learning-and-support/>

² D. McRae, *The integration/inclusion feasibility study* NSW Department of Education and Training 1996

³ T Vinson, *Inquiry into Public Education* Commissioned by NSW Teachers Federation and Federation of Parents and Citizens Associations

⁴ NSW Legislative Council General Purpose Standing Committee No 2 **The provision of education to students with a disability or special needs** 2010

⁵ Australian Government Expert Panel David Gonski AC, Chair, Ken Boston AO, Kathryn Greiner AO, Carmen Lawrence, Bill Scales AO, Peter Tannock AM, *Review of Funding for Schooling Final Report* 2011

- 2012 Report on the Review of the *Disability Standards for Education 2005*⁶
- Report by the Senate Education and Employment Reference Committee on its Inquiry into *Access to real learning: the Impact of policy, funding and culture on students with disability*⁷
- NSW Department of Education *Disability Inclusion Action Plan 2016 – 2020*⁸
- COAG *Principles to Determine the Responsibilities of the NDIS and other Service Systems*⁹.

When one considers the two decades between the first report referenced above until now, there have been acknowledged and substantial gains for students with disability in New South Wales, including increased funding, but there is a long way to go before it could be said that education provision in the state is a strong example of inclusive education from a rights based perspective.

C Recommendations

The following are recommendations put forward by Lifestart to work towards much more inclusive education outcomes for students and more confidence about their child's education for parents and families.

- 1 That all students are able to access education in New South Wales and that each student is recognised as a unique individual with the same entitlements to education, including application of reasonable adjustments principles.
- 2 All children are supported in an inclusive way in the education setting so they develop a sense of belonging within their school community.
- 3 That those recommendations, not yet implemented and remaining outstanding, of the 2010 Upper House in Inquiry into the *provision of education to students with disability or special needs* be implemented as soon as possible.
- 4 That the NSW Government seek to petition other State, Territory and Commonwealth governments to ensure that *Disability Standards in Education* provide clarity for all stakeholders to understand the obligations of education providers and so families have a clearer understanding of what they can seek for their child in an education setting and that the NSW

⁶ Australian Government Department of Education, Employment and Workplace Relations ***Report on the Review of the Disability Standards for Education 2005*** June 2012

⁷ Australian Senate, Education and Employment Reference Committee ***Access to real learning: the impact of policy, funding and culture on students with disability*** 2016

⁸ NSW Government Education ***Disability Inclusion Action Plan***

⁹ Council of Australian Governments ***Principles to Determine the Responsibilities of the NDIS and Other Service Systems*** Revised November 2015

Government leads by example in ensuring that there is a clearer understanding of the Standards in the education sector in this state.

- 5 That those recommendations, not yet implemented, of the Report by the Senate Education and Employment Reference Committee on its Inquiry into *Access to real learning: the Impact of policy, funding and culture on students with disability* be implemented in NSW as soon as possible.
- 6 Ongoing training, professional development and awareness raising about inclusive education should be offered to staff in education settings so that they are fully conversant with their obligations under the Standards.
- 7 Publish positive stories about inclusive education on the My School website.
- 8 Families are actively encouraged to participate in the school community with collaborative and active engagement with all stakeholders
- 9 Invite families, students and specialist disability and mainstream service providers to be involved in awareness raising and good practice so there is a sense of collegiality and consultancy about achieving positive educational outcomes for students living with disability or delay.
- 10 Adequate resources are provided for schools to make reasonable adjustments and provide necessary supports for each child to access the same education as their peers. This includes increased understanding of the function of behaviour and use of positive behaviour and proactive strategies.
- 11 That a common agreed set of published accessible guidelines for parents / carers (parents) and school principals be developed which address among other things:
 - (a) the legislation ensuring equal rights in education for all children,
 - (b) the rights of children and young people with disability and their Parents,
 - (c) the planning process as a matter of priority to clearly articulate the individual planning processes for each student, and ensuring that families are involved in the planning process at all stages of recognition of a need for support, development, implementation and review,
 - (d) ensuring the processes in (c) above are transparent easily communicable and training needs to be put in place for teachers and other school members so that all education staff have a clear understanding of the planning process and the accountabilities which reside in this process,
 - (e) the obligations of principals (particularly around the 'reasonable

adjustment' provision),

- (f) a simple 'how to guide',
 - (g) information on where to get help if unclear about access to education or barriers are being erected and/or maintained,
 - (h) an independent formal complaints arrangement be established to achieve systemic change within the education system which covers all sectors in New South Wales, and,
 - (i) clear appeals mechanisms that are easily accessible by families.
- 12 That clarity be established between NSW Education and the NDIA to ensure that each party can clearly articulate those services and supports each is legislatively responsible for to ensure students and families are able to receive their entitlements under each jurisdiction.
- 13 That families are invited to participate in any further reviews of the Guidelines for NSW Public Schools for externally funded service providers delivering health, disability and wellbeing services to students to ensure that their needs and views are respected in the process, especially in an NDIS service delivery environment.
- 14 That an independent formal complaints arrangement be established to achieve systemic change within the education system.

D Response to the Terms of Reference

Inquiry by the NSW Legislative Council General Purpose Standing Committee No 3 into the provision of education to students with a disability or special needs in government and non-government schools in New South Wales

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

Equitable access to resources for students with a disability or special needs remains a pipe dream for many students and their families. This is not necessarily a criticism of staff and schools but it is an issue which is inherent across many segments of the education sector.

In responding to this Term of Reference, Lifestart is articulating its response in terms of resources to mean more than the physical or teaching resources which can flow from reasonable adjustments or resources. In terms of resources here we are referring to all the rights of a student to access an education, including the wide gamut of what can constitute a resource, including physical, education support, access to information technology, access to resources using the built environment and transport. We also believe that in this context there needs to be recognition that

teachers and their support staff also have full access to resources that enable them to meet the educational needs of all their students.

We are aware that many teachers often struggle to support a class of students when insufficient resources are made available to enhance the educational outcomes for the students under their watch and to enable them to deliver quality teaching programs. We are also aware that many teachers are not provided with adequate training during their study or in terms of accessing ongoing professional development to enhance their teaching practice in supporting children with disability or delay.

Having access to the latest research, resources and training and professional development can only be of positive benefit to the teacher and student, and provide families with comfort that their child is accessing the best possible education. Lifestart is committed to hosting education students on placement and we also employ teachers in a number of our services in a range of roles.

All children in Australia have the right to full access to an education of their parent's choice. It is also mandatory for all children 6 years and over to attend school. With this right goes the assumption that adequate and reasonable resources will also be made available.

Australia is a signatory to the United Nations *Convention of the rights of a Child* 1989 and the *Convention on the Rights of Persons with Disabilities* 2006. Both these conventions set out the rights of children and adults to have access to education. These rights cascade into Australia's legislative frameworks including the National Disability Strategy and the National Disability Insurance Scheme (NDIS), as well as education legislation, yet many children are denied their right to an inclusive education. All Australian governments have legislation in place to ensure that all children and young people can receive a free education. One assumes that with this free education adequate resources would be provided to ensure that all students have equity of access to that education.

Under the Commonwealth Disability Standards in Education all education providers are required to ensure that every student with disability is able to access and participate in education on the same basis as students without disability. This includes a requirement to make or provide adjustments, including resources, for the students where needed so that they can have the same experiences and opportunities as their peers. This is not the case in practice in 2017 for many students with disability and their families. Most parents want high quality education services for all their children, regardless of which school in which they are enrolled.

Families are told that they are unable to access particular resources for their child as they are not 'suitable for use' by their child, or the school is unable to purchase particular items. The refusal to supply some resources

becomes at times an implicit way of making a student and parent to feel unwelcome in a school.

Lack of access to resources can be relevant to students in both metropolitan and regional areas. Accessing more resources in regional areas can be made more difficult because of distance from other supports which can enhance a school's environment. Lifestart uses online technology to provide a number of resources to students in rural and remote areas, including online therapeutic support. This can enable a student to access some supports for reasonable adjustment to enable their inclusion in their education setting.

Lifestart uses online technology to provide a number of resources to students in rural and remote areas, including online therapeutic support. This can enable a student to access some supports for reasonable adjustment to enable their inclusion in their education setting.

Lifestart will leave it to others to comment more fully on access to resources in regional and remote areas, apart from workforce issues which are addressed elsewhere in this submission.

- **Example of a useful resource**

There are many positive stories about improving outcomes for students with disability. One strategy developed by the NSW Department of Education is the Personalised Learning and Support Signposting Tool (PLASST). The PLASST allows teachers to *identify particular areas of student need and to support teachers in making professional judgements about personalising the learning and support provided to individual students*.¹⁰ The tool allows teachers to use their professional judgement and their understanding and knowledge of their students. It is also a useful tool for parents to work in partnership with their child's teacher to make plans for their child. It is disappointing though when we advise families to ask if the PLASST is available in their school only to be told '*we don't use that tool as we have other resources we can use*'. This is a strong example where policy makers and experts have invested in development of a useful resource, subject to review, transparent and easily understood by teachers and parents alike not being consistently implemented.

(b) The impact of the Government's 'Every Student Every School' policy on the provision of education to students with a disability or special needs in New South Wales public schools

The capacity of the principal of a school to make final decisions on a range of matters pertaining to children with disability or special needs can have dramatic consequences on students and their families. Lifestart has a number of examples where a principal has actively encouraged

¹⁰ *Personalised Learning and Support Signposting Tool* NSW Government, Education and Communities, Public Schools NSW February 2015 p.1

collaborative partnerships with their school to enhance capacity building with the school setting to build more inclusive practice. At times it is a member of the parent body who drives the charge for more inclusive practice.

- **More Support for Students with Disabilities program in NSW 2012 - 2014**

This initiative was meant to increase the skills and quality of classroom teachers and create a more inclusive culture in schools ¹¹ and was the Every Student Every School program in NSW. The program provided professional learning opportunities for teachers and this proved to have a positive impact in the education settings in NSW. A number of anecdotal reports indicated that the program enabled teachers to undertake training in the Disability Standards in Education. Another outcome was the development of functional assessments to identify students' support needs. Some innovative projects were funded under the program which could have national significance, especially in an NDIS environment.

A number of case studies were developed which could inform practice, along with useful resources still available on government websites. These resources still remain relevant today.

The extensive evaluation, conducted by Phillips KPA found a high level of demand from practitioners to engage with colleagues across sectors and a strong desire to establish effective broader communities of practice. Lifestart welcomed many of the initiatives available under the program which enhanced more inclusive and collaborative practice.

The extension of funding in 2015 for special schools does not flow through to other schools which may have benefitted from the funding in terms of enhancing their inclusive education practice.

The positive stories that students and families can tell about feeling included in a school community depends often on the school culture and the leadership team within a school.

- **Lifestart School Age Years (SAY) Inclusion Program**

Staff in this program work frequently with schools to enhance the inclusion of children of school age in a range of environments. Schools are one of the main sources of referrals for this program.

The main features are:

- Working with a child or young person 9 - 18 years, their family and carers, mainstream and community based services and programs to support inclusive practice.
- Working with the child or young person and their family to develop support options which will depend on each person's individual program

¹¹ Phillips KPA MSSD Final Evaluation Report *More Support for Students with Disabilities* Australian Government Department of Education and Training 2015

and the hopes, goals and aspirations of the child or young person and their family.

- Person centred tools are used and developed with the participants to identify and set goals, and to monitor outcomes.

In the school space it can assist with transition to school and between schools, peer support and social skills, and support for families to work positively with schools.

Case study 1

A good news story – transition to high school by a young person, H¹², to an inner west public high school

- This involved H making small group visits in Term 4 last year and then visits with the whole year cohort.
- A meeting was held in early 2017 around supports and H was included in all conversation and decisions.
- The school wellbeing officer was involved and had ideas and suggestions that had worked in the past with students and took on board H's individual needs as reported by H, her mother and the Lifestart worker.
- This young person was also travel trained by her parent and the Lifestart worker through the holidays and is now catching a train now to school successfully so far.

- **Social impact of inclusive education**

Teachers have the opportunity to work with a whole class and school community to include students with disability. Achieving positive outcomes and meaningful inclusive education for all students can have significant social impact on the whole student cohort as they grow to adulthood. A number of examples from the Every Student Every School MSSD program demonstrated the impact on the whole student cohort.

- **The social, economic and personal benefits of improving outcomes for students with disability at school and in further education and employment**

Kathy Cologon, in a comprehensive evidence review in 2013, found *unequivocally that inclusive education is better for everyone in every way. This includes positive outcomes for social, academic, cognitive and physical development in all children – regardless of whether or not the child experiences disability.*¹³

In the Australian education system some families still choose an SSP for their child's education so improved outcomes need to be an aspiration for SSPs as well.

¹² H and her mother have given permission to tell this story

¹³ Cologon, Dr Kathy 2013. *Inclusion in Education: Toward a Better Outcome for Students with Disability*
Children with Disability Australia

The social, economic and personal benefits of improving outcomes include:

- students increase their sense of feeling valued and self-esteem and are accepted as a unique person in their own right with the capacity to contribute meaningfully to their community,
- embracing and accepting diversity,
- children and young people having a stronger voice in decision making about their education,
- enhanced supports are offered in the mainstream education environment where the student spends much of their time in the context of everyday routines, experiences and activities with their peers,
- learning to relate to others in their school community and beyond, and building of informal supports thus lessening the potential to rely on specialist disability and other service system supports,
- increasing the student's sense of belonging in their community and ability to use their knowledge and skills in everyday activities,
- increased opportunities for meaningful educational and community inclusion and building social capital,
- improved opportunities to participate in training and employment options post school and reduction in low expectations of life goals, and
- increased social and economic participation in their community which has a strong impact on Australian society as a whole.

- **Use of a strengths based approach**

Staff in education settings need to be encouraged to use a strengths based approach rather than a deficits approach so that there is no inference, intended or unintended, of low expectations of the student with disability. Awareness raising as to the barriers that face students living with disability may break down some of the deficits approaches that are at times exhibited.

The following case studies demonstrate the willingness of some schools to take on board issues when raised and the positive outcomes that can result or fail to eventuate.

Case Study 2

A parent¹⁴ of a child attending an early Intervention class in a public school reported the following concerns to Lifestart:

- The windows to the classroom being blocked out so that no one can see inside the classroom.
- The demeaning tone and manner in which the teacher addresses the children, including shouting at them and using the term 'little toe rags' and 'monsters.'
- The teacher advising the parent on the 'benefits of smacking' despite the parent advising their strong preference for positive behaviour approaches.

¹⁴ This parent has given consent for her story to be included in this submission

- The teacher referring to the child sensory seeking as 'silly behaviours' and not providing movement opportunities in line with OT recommendations.
- Teacher advised that she would submit the child's support class application, but had not asked the parent for signed consent.
- The panel advised that the application had not been received, therefore the child was not being considered for a support class (as was the family preference).
- Lifestart supported the parent to approach the teacher, who initially disregarded the concerns that were raised. Lifestart then worked with the family and principal to resolve some of these issues. The principal completed an investigation in to the concerns raised by the family and Lifestart. The teacher has moved to using more appropriate language with the students and is taking into consideration Lifestart recommendations around sensory strategies.

This example demonstrates the value of a school and a disability service provider working collaboratively to resolve an issue of concern reported by a parent. The process has been respectful and a positive outcome achieved for the student and parent, and improved practices have been put in place with the support of the school principal.

Case Study 3

- **Background**

- A boy aged 8 years, lives with his mother ¹⁵ and two younger siblings. He attends a special school and has a diagnosis of Autism Spectrum Disorder (ASD) anxiety, Oppositional Defiance Disorder (ODD), Attention Deficit Hyperactivity Disorder (ADHD). The child has a trauma background.
- At the time of referral, the child had been attending school on restricted hours (2 hours per day) for over 12 months. There was no plan in place to increase his attendance, and the decision to have restricted hours had not been approved by the Department of Education (DoE) Child Wellbeing Unit.
- On one occasion the child was suspended from school after an incident involving destruction of school property and danger to other students. The staff phoned the carer but failed to convey the seriousness of the incident and urgency of collecting the child from school. When the carer was not able to pick the child up from school, the police and ambulance were phoned. The staff regularly phoned the carer to pick up the child from school early due to inappropriate behaviour. Emergency contacts were not contacted. This incident

¹⁵ This mother has given consent for her story to be included in this submission

caused further distress to this child due to a history of domestic violence with police and FACS involvement.

- **Main issues arising from this case**

- Inconsistent communication / lack of communication with carer regarding changes to school/class routine including change in teachers (a known trigger for this child)
- The school failed to follow DoE guidelines - lack of documentation regarding restricted hours and a total lack of a plan to increase hours for this child at school (Lifestart requested input from DoE)
- Discussion of changing school environment (new school placement) without consulting the student's mother and subsequently holding a meeting at the school in which the mother was notified her child would be given a new placement (due to the mother's' refusal, this is not occurring)
- The school failed to contact all listed emergency contacts before phoning emergency services
- There was a lack of learning and support staff at school to provide support to this student as required, due to staff requiring breaks i.e. No support staff available at recess and lunch time therefore the client was unable to attend school past 11.00 am.
- Staff requiring carers to be available every school day to pick the child up as required. This is a regular occurrence meaning the carer is unable to work.
- Lack of information provision to mother.
- Exclusion of child from main areas of the school due to perceived risk to other students, without a plan to increase inclusion.
- Failure to adhere to, or contribute to, positive behaviour support recommendations from Lifestart and mother.

There is an expectation that out of all school systems, a special school would have the expertise to manage this child appropriately. At the time of writing, there has been no resolution to the issues raised above.

- **Lifestart examples of capacity building in a mainstream school communities – positive experiences**

(i) Lifestart has developed strategies around supporting a whole class and school community to be more inclusive of children living with disability. This includes capacity building for teachers, support staff and parents of the child's peers. One example of this in action was a series of workshops conducted for all staff at a mainstream public school in Sydney with a focus on inclusive practice and how best to support children with disability in the mainstream school environment. A whole staff development day was given over to focusing on inclusive education. The project was originally developed as a result of a parent wanting the school community to be more aware of including a child with disability meaningfully in the school. The partnership is continuing with a range of resources being developed to enhance practice.

(ii) A local Catholic systemic school in the Eastern Sydney region had identified a number of children with developmental and language delays who were experiencing difficulty communicating with their friends and participating in classroom activities and discussions. A number of these children were from Aboriginal backgrounds. The children and teachers completed a simple reflection at the beginning of the program. The program involved a weekly small group where children were encouraged to find things they were interested in talking about and increased their vocabulary during fun activities. The sessions were linked to the classroom and home through the use of weekly reporting and tip sheets. The innovative oral language program was developed as a collaborative effort by the school and Lifestart. The school principal reported positive outcomes from the program.

In both these examples there have been effective and collaborative partnerships between a school and a NGO. Both programs will be replicated in other schools.

Local schools should be required to enrol all children who fall into the school's catchment area. A frequent complaint from parents is that their closest local school refuses to enrol their child. Families are then forced into a situation where they have to make decisions based on a sense of rejection. Where families may have children already attending that school, additional problems may arise as their child with disability is excluded and set apart from their siblings.

On occasions families report that they make a decision to send their child to an SSP as they are told that a mainstream school does not have the infrastructure and resources to support their child with disability. Lifestart has worked in an advocacy role with parents as they battle schools that come up with a range of reasons as to why their child is not welcome in the school which they had chosen.

(c) Developments since the 2010 Upper House Inquiry into the provision of education to students with a disability or special needs and the implementation of its recommendations

The Chair of this Inquiry, the Hon. Robyn Parker MLC, states in the foreword to this report ¹⁶ that *the overwhelming view among inquiry participants is that there are significant inadequacies in the NSW education system for children with disabilities and special needs. The Committee believes that the NSW Government needs to take immediate action to address these inadequacies if it is to meet its legal obligations to ensure equal access to the education system for all children.*

All reports and papers considered, as well as reports from families and observations of Lifestart management and staff, continue to demonstrate

¹⁶ NSW Upper House 2010 Inquiry Op cit p. xii

that there is overwhelming evidence that many barriers are faced often on a daily basis by students and their families. While there are pockets of good news stories we support families regularly as they try to navigate access to an education system that is meant to be each student's right and entitlement.

Lifestart's experience of exclusion of children from pre-school and school includes:

- refusal to enrol a child because of their disability or delay,
- only offering part-time hours,
- calling parents to pick their child up early or take their child late,
- suspending / expelling a child from school,
- having a child spend extended periods of time outside the classroom,
- not including a child on excursions, in assemblies or other school activities,
- a child being ostracised in the playground, and
- the use of restrictive / restricted practices.

All of the above examples preclude a child from achieving their educational outcomes, set them apart from their peers, lead to a sense of social isolation and low self-esteem. Most students want to belong and link with their peers. Robinson and Truscott describe school as a *centrally important place to young people – not only where they learn fundamental academic knowledge, but also where skills in making and keeping friends, relating to peers, and social justice principles are learnt and practised.*¹⁷

Lifestart staff frequently advocate on behalf of a family and child or young person who may be experiencing difficulty in navigating the school system.

The following are actual examples outlined in a submission to the 2015 Senate Inquiry¹⁸ as reported by families to or observed by Lifestart staff. There has been little or no change in these types of reports since that submission was made in August 2015.

- A girl aged 5 years in kindergarten in a mainstream school had been suspended once and given another warning of suspension. Despite being given results of assessments showing her severe receptive and expressive speech delays staff still insisted that she knew what she is doing and understood what they say. They seem to show little understanding of how her speech delays could impact on behaviour.
- A boy aged 5 years attends an SSP. His mother reported that she had observed him repetitively digging in the dirt with his hands with no one trying to engage him in constructive or social play activities.

¹⁷ Robinson, Dr Sally & Truscott, Julia 2014 *Belonging and Connection of School Students with Disability* Centre for Children and Young People Issues paper for Children with Disability Australia, p. 5.

¹⁸ Lifestart submission to the Senate Inquiry into education 2015 Op cit

- A boy aged 7 attends an SSP. Staff find his behaviour difficult to control. He was not allowed into the playground at break times but is left on the enclosed veranda (supervised but unable to join his peers in the playground). He could see his peers and the equipment and was becoming quite distressed. This was because the staff found it difficult to get him back into the classroom after recess / lunch.
- A boy aged 7 was at risk of being suspended from his mainstream school. His mother reported to Lifestart staff that she was very upset with the school as she had no warning of misbehaviour from her son leading up to the letter. She stated that she had left her job in order to support her son and stay at home in case he had a 'meltdown' at school. The boy then attended school on a voluntary partial attendance basis for two hours every day.
- A family reported that they had applied to home school their son due to concerns regarding the support he was receiving at school.
- A family reported that they had tried to access a mainstream Catholic systemic school for their daughter to begin kindergarten at the beginning of the year. However they were not made to feel welcome or accepted. During the meeting, the school redirected the family to go to a Catholic SSP as the mainstream school said they would not be able to offer her support at their school and said they would not accept her. The Lifestart worker made them aware of their rights and offered to support the family in advocating for their child. The family did not want to push to place their daughter in a school that was not welcoming or accepting of her as they believed this would not be a pleasant environment for her.
- Parents frequently report that they have been advised that their child cannot participate in a class excursion as the school is unable to provide transport or support more challenging behaviours. Parents have been advised that the only way their child can participate is if the parents bring their child and provide support.
- Staff reported that a mainstream public school was not receptive/supportive of a parent's mental health issues and the school would not adapt its implementation of policies and procedures to assist the family. The mother stated she did not feel like her needs were being listened to.
- Parents have reported being unclear about how the funding is being used to support their child in a mainstream school, because it does not appear to be used towards having time with a support person or aide. Parents report that that they are uneasy about asking questions.

- Lifestart staff will support families in meetings with school personnel and witness firsthand some of the breaches of the Disability Standards in Education.

The above experiences concur with the results of an online Education Survey of 1,396 participants conducted by Children with Disability Australia in 2016.¹⁹ The survey assessed the direct education experiences of students with disability and reported that *the majority of participants reported that the level of support the student receives at school is inadequate. And high rates of bullying, exclusion, restraint and seclusion are also reported.*

The impact on families and carers when a child is denied access to an inclusive education can include:

- a decrease in sense of well-being
- increase in sense of isolation and episodes of mental illness
- decrease in opportunities to develop supportive relationships
- lost opportunities to increase resilience
- decreased capacity to advocate for their child, and their child's rights
- a decrease in economic and social participation
- increase in demands on the health, community services and disability systems.

The negative effects flowing from the above can then impede the ability of the child to participate fully in their educational experience.

All reports and papers considered, as well as reports from families and observations of Lifestart management and staff, continue to demonstrate that there is overwhelming evidence that many barriers are faced often on a daily basis by students and their families.

- **Nationally Consistent Collection of Data (NCCD) on School Students with Disability**

Education Council of Australia recently published its report²⁰ on the NCCD, Improving Educational Outcomes and Emerging Data on students and disability in Australian Schools. This consistent data over time should be used to develop a needs-based funding system for students with disability. It should also be enabling government and other stakeholders to *gain a more complete understanding of students with disability in schools in Australia and how to best support them. This in turn will assist in future*

¹⁹ Children with Disability Australia, National CYDA Education Survey. 2016

²⁰ Australian Government Education Council and Education Services Australia Nationally Consistent Collection of Data School Students with a Disability: *Improving Educational Outcomes and Emerging Data on students with disability in Australian Schools.* 2016

*efforts to target resources and inform policy development for students with disability*²¹.

The progress in the data collection is interesting and it is hoped that the learnings will generate appropriate levels of needs based funding which will enable truly inclusive education opportunities for students with disability. The introduction of adequate loadings for children with disability will enable more access to inclusive education in mainstream settings with peers. The development of national schooling standards will assist in planning for education services at a local level as well as a national agenda. It should also inform the interface between the education and disability sectors.

The data collected from individual teachers in terms of what they see as supports each child needs in the classroom hopefully will provide a significant body of knowledge for the use of parents, schools, and education planners. Of particular importance will be the use of the data to increase the targeting of funding for students with disability to ensure that reasonable adjustments are made to promote their access to inclusive education on the same basis as their peers.

What is needed is clarity of information that both teachers and parents have about expectations for a child's learning outcomes and education experiences and the reasonable educational adjustments which need to be made. The school stories on the Nationally Consistent Collection of Data website provide an insight into the impact that the data collection can have on teachers and school principals in terms of awareness raising and planning for inclusive education. Additional case studies also can enhance teachers' professional practice.

The additional resources available on the Nationally Consistent Collection of Data website developed in conjunction with the Education Council and the University of Canberra and the case studies on the site are very useful in terms of providing teachers and families with information that can lead to more effective partnerships between them to assist students with disability to enhance their capacity to achieve their educational outcomes. Lifestart has used a number of the resources in supporting families in conversation with teachers and school principals.

While these resources are available it still remains up to the individual school principal to show leadership and commitment to encourage their teaching staff to avail themselves of the learning and practice tools. This remains a vexed question for families and other stakeholders who do not always witness a commitment to inclusive education for all students

It remains to be seen as to whether there will be significant change in schools meeting their obligations under the *Disability Discrimination Act*

²¹ Ibid p. 6

1992 and the *Disability Standards for Education* 2005 leading to a more inclusive schooling system.

- **Roll out of the NDIS and its interface with education**

The major development since the 2010 Upper House Inquiry has been the establishment of the NDIS and the impact that its implementation has on the lives of people with disability or delay and their families. There is a natural interface between various government jurisdictions and the NDIA and a clear understanding of the roles and responsibilities of each party has been flawed to say the least. Lifestart is dealing on a daily basis with concerns raised by families about their child's entitlements under the NDIS and how plans can be implemented. We acknowledge that this implementation has also had an effect on the school system and there has been a lack of clarity about each party's responsibilities under the scheme.

The NDIS implementation has brought about extra demands on the school system and a lack of clarity about the responsibility of each jurisdiction in supporting a student in school. Lifestart is receiving feedback regularly from families of NDIS participants about confusion at the school level about what is allowable under their NDIS package and what remains the responsibility of the education system. There needs to be clarity around the interface between the NDIS system and the education system.

Families will require a clear understanding of the role of the education sector in an NDIS environment, particularly for those students who may not receive individualised funding. Children who will be supported in the Information, Linkages and Capacity Building (ILC) (formerly Tier 2 of the NDIS) may require some innovative supports from their education providers to achieve their educational outcomes.

A recent paper, the policy problem: the National Disability Insurance Scheme (NDIS) and implications for access to education²² highlights some of the issues around the conflict between the interface of the NDIS and other jurisdictions, and in particular education.

The NDIS also brings some exciting opportunities for collaborative partnerships between the education and disability sectors. Each brings unique knowledge and experience and should be able to complement each other in supporting students living with disability and their families.

- **Service provider planning contact with schools**

Disability service providers and specialist professional staff such as allied health practitioners need to be respectful of demands on a school, for example not having a situation whereby a school is overloaded with a range of practitioners involved in supporting students with disability.

²² Ben Whitburn, Julianne Moss & Jo O'Mara The *policy problem: the national Disability Insurance Scheme (NDIS) and implications for access to education* Journal of Education Policy 2017

Careful planning needs to be put in place so that there is clear understanding of support arrangements.

- **Removal from classrooms for therapy intervention**

No child should be removed from a classroom to participate in segregated therapy or other intervention sessions. Specialist disability professional staff should be working with school staff to increase their skills and strengths to work with a child.

- **Guidelines for NSW Public Schools for Externally Funded Service Providers**

The Department has put in place some strategies to manage changes in service delivery and the interface between external service providers and schools.

Lifestart looks forward to the imminent release of the Guidelines for NSW Public Schools for externally funded service providers delivering health, disability and wellbeing services to students. There has been a consultation process in place during 2016 with external stakeholders, including Lifestart. We hope for the sake of consistency that the guidelines will be implemented across all schools within the NSW public system. While these guidelines primarily provide protection to the school Principal and school community around legal and policy responsibilities, they at least provide some clarity around the processes for schools and external providers when third parties are invited into schools to provide disability supports. Our major concern with these guidelines is that they are not used as a blocker to limit access to disability supports for some student and their families.

We understand that the guidelines will be reviewed again after implementation and, in the next review process, we would assume students and families and external service providers will be included in the review process.

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

Lifestart believes that there should be a formal complaints system should be established to cover the entire education system and which fits within a harmonised national system.

While the standard practice of trying to resolve an issue at the local level should always be the first step, there are many occasions when students and families feel disempowered by the education system, either in their local school setting or the education bureaucracy.

Reports on complaint and review mechanisms within the school system are mixed. The complaint may range from a concern about a particular

teacher as per Case Study 2 above or a whole of school approach to an issue.

Anecdotally we hear that families are often fearful to lodge complaints about their or their child's experience at school. In some instances Lifestart will support a family to raise an issue of concern with a teacher or the school principal. If the issue remains unresolved, families are supported to take the matter up with the Department of Education. Families are made aware of their right to contact the Human Rights Commission or the NSW Ombudsman's Office.

The parent appeal process can only be accessed when parents or carers are not satisfied with the outcome of a review of funding. The principal will be required to provide information about the support provided by the school. This will assist in the consideration of the appeal. Families also tell of situations where they do not receive any support from the school if they are seeking a review for funding for their child or an alternative placement. On other occasions a family will report that a principal has been very supportive when seeking reviews.

Parents are often at a loss as to what to do about their child, fearful of making a complaint for fear they lose their child's permanent placement and their economic loss if they have to resign from employment because of reduced school participation hours.

(e) Any other related matters

1 Consultation and collaboration

Schools need to be more consultative and willing to work collaboratively with families and specialist and mainstream service providers who have the relevant knowledge and expertise to assist in identifying adjustments for a student with disability.

2 Communications with families

Schools need to be more proactive in communicating formally and informally with families and carers in a timely fashion. Families report concerns that they are unable to seek information about their child or that communication is almost non-existent. Families have told of their experiences where an individual education plan has been drafted for their child but without any parent consultation. In other cases schools work extremely collaboratively

with families to ensure the best possible outcomes for their child.

The Education Institute and the University of Canberra, in conjunction with the Australian Government Department of Education and Training, has developed excellent toolkits and resources for teachers to enhance their awareness of working with students with disability and developing collaborative relationships with parents and carers and other stakeholders or persons important in the educational life of the child. The website aims to *increase awareness and understanding of the Disability Standards for*

*Education among individuals, families and communities throughout Australia.*²³ A question that could be asked is how often these and other quality resources are accessed by schools as part of their staff development processes?

3 Use of appropriate language

Some staff in school communities need to be more mindful of the language used when communicating in the context of teaching and supporting a student with disability. Lifestart staff have reported staff in an SSP using the term 'chairs' to describe children who are wheelchair users. This use of language demonstrates a lack of respect for the individual person and the use of limiting rather than enabling language. A child is going to have far more opportunities to develop strong relationships with their peers if they are treated inclusively and respectfully by the adults around them.

4 The early education of children with disability or delay and preparation for school transition

There is ample Australian and international evidence that participation in early childhood education opportunities is of great benefit for a child with disability. They are an important part of helping a child to get ready for transitioning to school by enabling families to plan for a positive transition. Early childhood education settings can assist with identifying children who may have learning difficulties, developmental delay or being at a point of diagnosis of a disability. Early childhood intervention (ECI) specialist services can work with mainstream early childhood education settings and the family to support the child in their natural environments where they spend more time. The ECI staff can work with the early childhood education staff to build their capacity in understanding the needs of the child and the goals and aspirations of the family. Through increasing their knowledge and skills the early childhood education staff are able to engage with the child and family to work on achieving positive outcomes for the individual child.

The introduction of the Early Childhood Early Intervention Approach by the National Disability Insurance Agency has resulted in a well-defined approach which will result in a number of children being supported in mainstream settings rather than receiving an NDIS package. This approach is going to require the education system to have a fully funded, robust and standardised transition to school process in place to ensure that the benefits gained in the early years can be maintained. Such a formalised transition to school process will enable all children to maximise their education opportunities during their school years.

²³ *Disability Standards for Education: A Practical Guide for Individuals, Families and Communities* University of Canberra 2014 accessed at <http://resouce.dse.theeducationinstitute.edu.au/>

5 Behavioural Issues

Behavioural issues appear to be one of the main causes of student placement breakdown in education settings. Lifestart is receiving many referrals weekly from schools seeking assistance with children in mainstream schools on a broad range of support needs. Many of those requests relate to positive approaches to managing behaviours of concern. Children and young people with disability are 2-3 times more likely to have behaviours of concern than their peers. There needs to be some strategies in place to manage this area of need. It remains unclear how this will be addressed under the NDIS for people in the ILC space. These behaviours are a barrier to participating in and contributing to their education community. This includes both active and passive behaviours. These are also the greatest cause of placement breakdown in school settings.

6 Workforce Capacity

Embedding disability-specific content and/or practical learning experiences in teaching degrees, coupled with positive student placement opportunities is one way in which students can become more aware of an inclusive education approach. It is essential that appropriate subjects are included in curricula so that all teachers have understanding of the concept of inclusive education.

All staff should be provided with ongoing professional development to ensure that good practice is in place at all times such as that previously provided under *Every Student, Every School Learning and Support*.

Staff working in both educator and support roles within an education system need to be provided with adequate training and clear understanding of the appropriate demarcation between adjustments and supports. A common question raised by parents in discussions with Lifestart is around appropriate strategies to make reasonable adjustments in curriculum to achieve an educational outcome for a child. This is contrasted with what are the reasonable supports that need to be put in place for the student to participate meaningfully and inclusively in their education setting. This is an aspiration that all parents want for their child at school.

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