

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

Organisation: Office of the Advocate for Children and Young People

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Inquiry into the provision of education to students with a disability or special needs in government and non-government schools in New South Wales

About ACYP

The Advocate for Children and Young People (ACYP) is an independent statutory appointment overseen by the Parliamentary Joint Committee on Children and Young People. ACYP advocates for and promotes the safety, welfare, well-being and voice of all children and young people aged 0-24 years, with a focus on the needs of those who are vulnerable or disadvantaged.

Under the *Advocate for Children and Young People Act 2014*, our activities include:

- making recommendations to Parliament, and government and non-government agencies on legislation, policies, practices and services that affect children and young people;
- promoting children and young people's participation in activities and decision-making about issues that affect their lives;
- conducting research into children's issues and monitoring children's well-being;
- holding inquiries into important issues relating to children and young people;
- providing information to help children and young people; and
- preparing, in consultation with the Minister responsible for youth, a three-year, whole-of-government Strategic Plan for Children and Young People (Plan). The inaugural Plan was launched in July 2016.

Further information about ACYP's work can be found at: www.acyp.nsw.gov.au.

Introduction

ACYP welcomes the opportunity to comment on the provision of education to students with a disability or special needs in New South Wales (NSW). We note that all children have the right to a quality education,¹ and all schools have responsibilities to ensure that students with disability can access and participate in education on the same basis as other students.² We also recognise that children and young people with a disability are a very diverse group, encompassing high achieving students, those with significant difficulties, and everyone in between.

ACYP wishes to acknowledge the developments since the 2010 inquiry by General Purpose Standing Committee No. 2, and the efforts of Government agencies, NGOs and communities to ensure that the rights of children with a disability are realised. This submission will focus on what children, young people and those who work with them have told us about education; the relevant commitments that the NSW Government has made, as outlined in the Plan; and some of ACYP's upcoming work in the course of monitoring, evaluating and learning from the Plan.

¹ *Education Act 1990* (NSW) s 4(a); *United Nations Convention on the Rights of the Child* art 28.

² *Disability Standards for Education* (Cth) 2005 s 4.2(1), 5.2(1); *United Nations Convention on the Rights of Persons with Disabilities* art 24.

Central to ACYP's work is the principle that all children and young people are entitled to have a voice. While we place great emphasis on hearing from children and young people who have a diverse range of life experiences, including those with a disability, we also recognise that we still have a great deal of work to do. This will be a priority for us in 2017 and we will continue to work with children and young people with a disability and the organisations that support and advocate for them to promote their safety, wellbeing, welfare and voice. Some of our upcoming projects, including the development of participation guidelines and an advisory group of children and young people with a disability, are outlined at the end of this submission.

While some within this group may have specific needs in order to access education on an equal basis as other students, they all share the general needs common to children and young people as a whole. As outlined in the Plan, these include the needs to be safe, connected and respected; to have access to meaningful opportunities; to be healthy and well; and to have a voice—not only in education, but in all aspects of their lives.

In the course of promoting children and young people's participation in activities and decision-making about issues that affect their lives, as part of our mandate, we have received feedback from around 9,000 children and young people, and of course this includes children and young people with a disability. We also consulted with over 500 people who work with and for children and young people in co-design forums around NSW which included NGOs and government representatives from Departments and local government.

Given that broad scale consultations do not always capture the full range of children and young people with a disability, it is important to take further steps and actions to ensure that their right to have a voice is realised. For example, as part of developing the Plan, ACYP undertook targeted engagement, including conducting playgroup-based consultations with parents and carers of children aged 0-4 years; working with disability service providers conducting consultations on site; and locating school-based programs catering specifically for children with a disability. These approaches require working directly with disability workers and educators and adapting the consulting methodologies in consultation with those experts.

Consultation Findings

In our consultations, ACYP asks children and young people what is working well for them, what is not working well for them and what the Government should be prioritising. Education is consistently the top response to all three of these questions. The children and young people with a disability we have listened to have also raised some issues specific to their life experience, as described below.

Children and Young People with Disability

Children and young people with a disability were both aware of and worried about the cost involved in ensuring that they have the tools to partake in everyday activities, including those related to their education. All children and young people with a disability who participated in the consultation process highlighted their desire to be treated similarly to everyone else. Most children and young people with a disability felt that some opportunities are not afforded to them as a result of their disability. This is consistent with the findings of the 2012 review of the *Disability Standards for*

Education, which included examples of students with disability being excluded from sports activities, excursions, school camps, work experience placements, and the like.³

They also raised the need for extra support at school. They spoke often about the need for programs that specifically show that those with a disability can build a career.

Many young people also reported that they were unsure about what they could and could not speak to a counsellor, doctor or other professional about in confidence. Support for those with mental health issues came up quite strongly through the consultation process, as did the need for better recognition of those with a disability.

Some children and young people raised the need for better disability access in their community, and others suggested that there should be more teachers' aids in schools. They also expressed that more support is needed in mainstream schools for disadvantaged students generally. They reported that many students end up disengaged from school and not attending because schools are not equipped to deal with students who are out of the "ordinary".

Alongside these face-to-face consultations, ACYP commissioned Galaxy Research to undertake online polling among children and young people aged 12-24 years to test the themes arising from the consultations and to gauge attitudes on related issues, such as the settings in which children and young people felt safe, connected and respected.

Nine per cent of the 1,000 survey respondents had a disability. Those with a disability were less likely to say that they feel safe at school all or most of the time (76%) than those without a disability (94%). They were also less likely to say that they feel connected at school all or most of the time (65% compared to 81%) or respected at school all or most of the time (54% compared to 79%). Only 13% of children and young people with a disability reported that they are able to have a say on matters that affect them all of the time at school, compared to 25% of those without a disability. They were also far more likely to say that they never have a say at school (24% compared to 6%).

ACYP's targeted consultations with children and young people with a disability confirm that what they want most is to be treated with respect, given responsibility and included. They told us that they enjoy the subjects offered at school and learning new things, but they would like to have better school facilities and to be more connected with mainstream students. They also told us that aspects of transport need to be improved, especially late buses and trains and people's behaviour while travelling on public transport.

Many of these opinions were echoed in our broader consultations, as outlined below.

Education

a. How Education is Working

In our wide-ranging consultations for the Plan, education was overwhelmingly the most frequently mentioned area that children and young people felt was going well for them, with almost three-quarters (73%) of the total sample raising this. In particular, children and young people commented that the following aspects of education were working well:

³ Department of Education, Employment and Workplace Relations, *Report on the Review of Disability Standards for Education 2005*, June 2012, http://auspeld.org.au/wp-content/uploads/2012/08/Report_on_the_Review_of_DSE.pdf.

- the variety of sports and extra-curricular activities from which to choose;
- access to high quality education;
- the opportunity to receive free education;
- the quality of subjects available;
- good teacher-student relations;
- good resources and facilities; and
- extra support for students.

“School and education is working well for children and young people in NSW. There are good teachers who teach with passion and what the best results for us.” Female, 11-17 yrs

b. How Education is Not Working

Conversely, education was also most frequently raised as an area that is not working well for children and young people (53%). Children and young people raised the following issues within education:

- insufficient resources for public schools, rural schools and schools in disadvantaged areas;
- too few schools and too many students in classes;
- too much pressure through homework, assignments and the HSC;
- a lack of subjects that prepare students for real life;
- inequity between private and public education;
- insufficient tutoring/mentoring for students needing extra support;
- a feeling of being disrespected at school; and
- the need for more flexible school hours (eg later start, longer days to have a three day weekend, etc.).

“There are lots of kids in our classes and [the teacher] is too busy to help all of us.” Female 0-10 yrs

One in five children and young people raised bullying as a major issue. Many felt that not enough is being done in schools to stop bullying behaviour. This was a particular concern for children aged 0-10 years (48%). We note that this concern was also raised in a national education survey conducted in 2016 by Children and Young People with Disability Australia, which indicated that 52% of students with a disability had experienced bullying in school.⁴

“Despite many programs being in place to combat bullying issues etc, it is still a prominent issue for young people.” Female, 11-17 yrs

Notably, children and young people who lived outside of Sydney were more likely to say that education was working well for them (76% of those outside of Sydney compared with 71% of those in Sydney) and also more likely to say that it was not working well for them (64% of those outside of Sydney compared to 44% of those in Sydney). Of particular concern to children and young people in rural and regional areas was the lack of local opportunities for employment, work experience and apprenticeships. A 2015 report by Children with Disability Australia highlighted the disproportionate

⁴ Children with Disability Australia, *CYDA Education Survey 2016 – National Summary of Results*, August 2016, <http://www.cda.org.au/education-survey-2016-national-results>.

effect this has on young people with a disability, who experience difficult post-school transitions due to lack of future planning, low expectations and denial of work experience opportunities.⁵

c. Education as a Priority for Government

Education was also identified as the number one priority for Government by the children and young people consulted for the Plan (66%). Some of their suggestions for Government included:

- increased resources and funding to schools (particularly in rural areas);
- more life skills education in schools;
- a more flexible school schedule;
- reduced homework, pressure and stress; and
- greater support for struggling students.

Children and young people would also like to see a greater focus on the following in schools:

- fostering positive student-teacher relations;
- an engaging and interactive school curriculum;
- more opportunities for students from different schools to meet and interact;
- more individualised learning; and
- more opportunities for a voice in all aspects of school life.

Transport was the number two issue children and young people would like the NSW Government to focus on (23%), including better travel routes for school transport and improved transport in rural areas. While disability-specific transport issues were not a theme of our consultations, we recognise that people with a disability tend to experience higher levels of transport disadvantage.⁶

People Who Work with Children and Young People

ACYP shared the preliminary findings of our consultations for the Plan with 500 people who work with children and young people, and asked them to identify what they believed was working well for the children and young people in their local area and what could be improved.

The issues explored with workers included:

- the importance of schools and education in supporting a broad range of opportunities for children and young people;
- a desire for strong, joined-up services; and
- access to information for both service providers and children and young people themselves.

There was widespread, detailed discussion about the education system and the extent to which it was working (or not) for young people who did not fit the mainstream model. Workers emphasised the need to keep young people engaged with education and learning and to set them up for rewarding employment in the future. They raised the following issues:

⁵ Children with Disability Australia, *Post School Transition: The Experiences of Students with Disability*, 2015, <http://www.cda.org.au/post-school-transition>.

⁶ Kate Rosier and Myfanwy McDonald, *The relationship between transport and disadvantage in Australia*, CAFCA Resource Sheet—August 2011, Australian Institute of Family Studies: <https://aifs.gov.au/cfca/publications/relationship-between-transport-and-disadvantage-austr>.

- a need for greater support for children experiencing disadvantage or vulnerability to identify educational aspirations;
- the channelling of some students into non-academic streams and the need for robust alternatives to academic education;
- the need for alternative education opportunities, whether through school-based traineeships or different forms of schools;
- a call to make education relevant to the full array of children and young people (eg more experiential and linked to life skills) so they could build on their own strengths to learn; and
- the need for greater training for teachers to identify trauma, understand its consequences and support students to manage their behaviour rather than punishing or suspending them.

Workers also expressed a strong desire for schools to operate as community service hubs. In particular, welfare support and health services were highlighted as potentially transformational adjuncts to the educational offerings.

The importance of times of transition was a common theme in most of the consultations. All children and young people undergo significant transitions—when they enter preschool; move from preschool to school; progress from junior school to high school; and when they leave high school to further study, training or employment. Participants were clear that they would like these transitions to be as seamless and supported as possible. When badly managed, transition points are when lively and engaged children can become overwhelmed and disengage, as highlighted in Children with Disability Australia’s research on post-school transitions.⁷

Children who were vulnerable or disadvantaged were also singled out as needing particular attention during transitions—particularly young people leaving out of home care, who are disproportionately represented in statistics on the criminal justice system, homelessness, drug and alcohol abuse and mental health.

Participants proposed a range of initiatives to support children and young people through transition periods, including:

- literacy and numeracy preparation for those moving from preschool to junior school;
- focus on retaining interest, tailoring to need and connecting to community for those moving between years 6 and 7; and
- introducing skills training and life skills for those moving from high school to work or further study.

Participants also spoke about the particular needs of children and young people with a disability. Workers discussed a lack of work opportunities, limited schooling access and the need for those with disability to be heard. Some raised concerns about inadequate resourcing for the National Disability Insurance Scheme to support individuals with mild to moderate needs. They also raised the need for better all-around support for children and young people with disability.

⁷ Children with Disability Australia, *Post School Transition: The Experiences of Students with Disability*, 2015, <http://www.cda.org.au/post-school-transition>.

Government Initiatives and Indicators in the Plan

The results of the consultations with children and young people were sorted into the six themes which provide the framework for the Plan—safe, connect, respect, opportunity, wellbeing and voice. This framework was endorsed by an Interdepartmental Advisory Group (IDAG) of representatives from all state government cluster agencies. The IDAG also provided information on the activities underway and in development across NSW in relation to the themes, enabling the NSW Government's work for children and young people to be brought together in one place under a rubric developed by children and young people themselves and subsequently endorsed by Cabinet.

Initiatives

The Plan presents many programs and initiatives that Government is currently undertaking to improve the lives of children and young people, including those with a disability. The Every Student Every School initiative, highlighted in the terms of reference, is presented in the Plan under the theme of 'respect'. Every Student Every School is a learning and support framework aimed at improving the capacity of schools and teachers to meet the diverse educational needs of students with disability through five elements:

- Teaching and learning – high expectations for every student;
- Curriculum – rigorous, meaningful and dignified learning for every student;
- Collaboration – working with parents and other agencies to develop and implement personalised adjustments;
- Teacher quality – high quality professional learning and support for teachers to address the diverse learning needs of students; and
- Accountability – meeting obligations to students under the *Disability Standards for Education 2005*.

The elements of Every Student Every School are mutually reinforced through other Government initiatives for children and young people with a disability highlighted in the Plan, including:

- Safe –
 - Providing information and support about work, health and safety and workers compensation regulation to young people with disabilities transitioning from school, with NSW Disability Employment Services and Transition to Work Providers. [Department of Finance, Services and Innovation]
- Connect –
 - Committing an additional \$15 million in 2016-17 to support the Assisted School Travel Program to assist students with disability travel to and from school. [Department of Education]
 - Working with the NSW Department of Family and Community Services, the National Disability Insurance Agency and other key stakeholders to identify suitable indicators of the level of participation of children and young people with disability in social, community and civic life in NSW. [Advocate for Children and Young People and Department of Family and Community Services]

- Respect –
 - Providing a range of training options for staff to support students with disability, including training to understand obligations to students under the Disability Standards for Education 2005 and professional learning courses which extend teachers' knowledge and skills in responding to diverse learning and support needs of students with disability. [Department of Education]
 - Building relationships and establish effective engagement systems for the future in the NSW disability sector by bringing together key influencers in the sector. [Department of Finance, Services and Innovation]
 - Improving the way services are provided for children and young people with disability (and their families). [Department of Family and Community Services]

- Opportunity –
 - Committing \$100 million over two years to the new Smart, Skilled and Hired initiative that will target the State's highest areas of youth unemployment and respond to the high demands for skilled workers in the construction and disability sectors through mentoring and incentives for early school leavers and at-risk groups. [Department of Industry, Skills and Regional Development]
 - Providing supports to help young people with disability gain employment after leaving school. [Department of Family and Community Services]
 - Transitioning young people with disability to the National Disability Insurance Scheme (NDIS). Ensuring disability specific employment programs are recognised and continue to be supported under the NDIS. [Department of Family and Community Services]
 - Reducing the gap in educational achievement between rural and urban schools, through the Rural and Remote Education Blueprint for Action. [Department of Education]
 - Providing school students who are unable to participate in formal school education for social, cultural or other reasons with opportunities to complete their education through VET. [Department of Industry, Skills and Regional Development]
 - Identifying children who need extra support. [Ministry of Health]
 - Intervening early to prevent poor health, growth and development for children at risk. [Ministry of Health]
 - Engaging with young people at risk of poor health or absence from school. [Ministry of Health]

- Wellbeing –

- Working with schools to strengthen the interface between the education supports provided by schools for students whose learning is impacted by disability and specialist disability supports that will be provided through the National Disability Insurance Scheme. [Department of Education]
- Assisting school staff to effectively identify, respond, support and refer school students with severe and complex mental health concerns and manage challenging behaviours through Project Air for Schools. [Ministry of Health]
- Acting early to help children with chronic health conditions. [Ministry of Health]
- Voice –
 - Involving children and young people in the design and delivery of services that meet their needs within government and in contracted services, including those with disability and from disadvantaged backgrounds. [All agencies]
 - Empowering children and young people with a disability to have a choice and control over their lives and the supports they receive through the National Disability Insurance Scheme. [Department of Family and Community Services]
 - Providing training for teachers to support their obligations to consult with students with disability and their parents/carers about the provision of adjustments to support their access and participation at school. [Department of Education]

There are also a number of Government initiatives listed under the theme of ‘voice’ which aim to support all children and young people to express their opinions, whether positive or negative:

- Enabling students to have a voice at all levels and providing student leadership opportunities for students through the Wellbeing Framework for Schools. [Department of Education]
- Providing schools with insight into student engagement, wellbeing and student experiences of effective teaching practices to inform school priorities through the Tell Them From Me student survey [Department of Education]
- Supporting children and young people to make a complaint if they are unhappy about the way they have been treated by a NSW Government agency or a community service organisation. [Department of Premier and Cabinet]

We note that the terms of reference include the complaint mechanisms available for parents and carers, but not for students themselves. ACYP emphasises the importance of supporting children and young people to make their own complaints – and to submit other forms of feedback – to ensure that their voices are heard. ACYP welcomes the Department of Premier and Cabinet’s commitment to this under the Plan. We also note that the NSW Ombudsman has recently released two resources

to assist Government agencies to provide an accessible complaint handling service, My Right to Be Heard and Tips for Accessible Complaint Handling.⁸

Indicators

Within each of the themes, the Plan also includes five indicators to ensure that progress can be tracked and successes built upon. These indicators were developed in consultation with the IDAG and with reference to existing indicators, priorities, initiatives and data sources. They include:

- Connect –
 - Increasing the percentage of children and young people with disability who have participated in social activities outside their homes.
- Respect –
 - Improving customer satisfaction with key government services every year, this term of government.
- Opportunity –
 - Reducing the proportion of children who are developmentally vulnerable on one or more domains of the Australian Early Development Census.
 - Increasing the participation rate of children aged 4-5 years in early childhood education programs.
 - Increasing the proportion of NSW students in the top two NAPLAN bands for reading and numeracy by 8%, and increasing the proportion of Aboriginal and Torres Strait Islander students in the top two NAPLAN bands for reading and numeracy by 30%.
 - Increasing the proportion of people completing apprenticeships and traineeships to 65% by 2019.
- Voice –
 - Increasing the number of NSW Government department and agency strategies and plans that have been informed by engagement with children and young people.
 - Increasing uptake of the Tell Them from Me Survey which supports student voice.

⁸ NSW Ombudsman, *Tips for accessible complaint handling*, <https://www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets/state-and-local-government/tips-for-accessible-complaint-handling>.

Monitoring, Evaluation and Learning

ACYP will monitor and evaluate the Government's progress in relation to these activities, receiving data and information on the indicators and initiatives from a number of sources, including through engagement with the IDAG and with Regional Leadership Groups. Children and young people will be involved in monitoring the Plan through research pools, polling, taskforces and the Youth Advisory Council, several of whom are young people with a disability. ACYP will provide progress reports mid-way and at the end of the Plan period to the NSW Government and the NSW Parliament.

Alongside this work, ACYP will also convene roundtables and seminars looking at policy and service innovations across the Plan's themes, and produce research, tools, guides and videos to support best practices in engaging children and young people in policy and service development. ACYP has engaged with a number of disability advocacy and support services to discuss and develop these ideas. We are currently working on several projects aimed at improving the delivery of services and promoting the voices of children and young people with a disability, including:

- training Children and Young People Inspectors to review organisations' service provision to children and young people, including those with disabilities;
- establishing a specialist advisory group of children and young people with a disability to provide guidance and feedback on the work of ACYP; and
- developing a guide for organisations about consulting with children and young people with a disability.

In addition, ACYP will continue to conduct its own consultations with children and young people, particularly those who are vulnerable or experiencing disadvantage. In this vein, ACYP recently consulted with sixty children and young people with experiences of homelessness, many of whom were disengaged from school and felt that they had received inadequate support from parents, carers, teachers, case workers and others to meet their educational and other needs. We will continue to feed this information back to Government agencies, NGOs and communities and work with them to develop ways to improve the lives of all children and young people in NSW.

Conclusion

There are currently many NSW Government initiatives underway to ensure that children and young people with a disability receive the quality education to which they are entitled. The results of ACYP's consultations highlight some of the success, challenges and gaps within these initiatives, and provide insight into the matters that children, young people and those who work with them consider important, including:

- access to early childhood learning opportunities for all children to prepare them for success in school;
- support through educational transitions, particularly for those who are vulnerable or experiencing disadvantage, to maintain their engagement in learning and achieve their goals;
- management of behavioural issues in a way that supports students to remain in school;
- bullying prevention and management;
- student voice in the decisions that affect their education and other aspects of their lives;
- a curriculum which includes information about everyday life skills;

- collaborative services that support students' wellbeing and social connections in school and beyond; and
- opportunities for post-school education, training and employment opportunities.

ACYP thanks General Purpose Standing Committee No. 3 for considering these important issues and welcomes any follow up questions from its members.