

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

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Partially
Confidential

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

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PREFACE

I would like to thank the Senate members, and the members of the senate standing committee participating in this inquiry. However, I, like many other community members are growing ever more disillusioned by the lack of outcomes following the numerous inquiries already conducted on this very issue. I call on the members of the senate standing committee to inspire and engage your colleagues in relation to this inquiry, so that there may be some positive outcomes that will make a difference to the many thousands of students that are currently suffering discrimination and poor educational outcomes.

This response to the Inquiry into the provision of education to students with a disability or special needs in government and non-government schools in New South Wales, has been informed by personal experiences (through my attempt to enrol my son), and research into children with a disability attending a systemic catholic secondary school in New South Wales.

.....But Jesus said, "Let the children alone, and do not hinder them from coming to Me; for the kingdom of heaven belongs to such as these." - Mathew 19:14

Our family have attended Catholic Systemic schools for three generations, and I expected this journey to continue with my children. I believed the words of Mathew above, and the word of god, would be embraced, and followed by the largest non-government school system in Australia. I was wrong.

As approached Pre-school age, he began NSW ADHC pre-school early intervention classes. In these classes, was assessed as having severe developmental delay, and we were encouraged to seek enrolment in a School for Special Purposes (SSP School). I became deeply troubled by the concept of segregation that this option entailed, given my hope (and expectation) that would become a valued, contributing member of his community.

I began to seek alternatives, where would take his rightful place within his community. The first place I enquired was my daughter's local catholic school. This was the beginning of a journey of discovery, where I discovered the collective indifference of Catholic Systemic Schools to the needs of students with a disability.

is currently enrolled in an Autism Specific School, three suburbs away from home, and is receiving excellent care and support. Yet he remains an alien in his community, with no local school ties, he is destined to remain an outsider, with limited community connections or opportunities to develop his social skills.

In this report I refer to correspondence, and the HSAG Submission attached in Appendix A.

INTRODUCTION

In NSW, over 20% of school students are enrolled in Catholic systemic schools. Catholic systemic schools receive approximately 75% of their funding from federal and state governments. Despite this reliance on tax payer support, catholic systemic schools have very limited government accountability and oversight of their operations. The outcome for students with special needs, with a desire to attend a catholic school, is a school system that often deems them to be surplus and unwanted students.

In this report, I have shared my experiences in my attempt to enrol my son , and my experiences in advocating for other students with a disability enrolled in a local Catholic systemic school. Currently, the Catholic Education System is accountable only to themselves, with no independent body providing oversight, or independent investigations into complaints of discrimination against students with a disability.

ACCOUNTABILITY AND OVERSIGHT IN CATHOLIC SYSTEMIC SCHOOLS

NSW Catholic Education's Commission's View on Discrimination in NSW Catholic Schools

On September 18, 2015, Mr Ian Baker, Director, Education and Policy Programs of the NSW Catholic Education Commission testified before the Senate References Committee of Education and Employment in connection with the senate inquiry into Students with a Disability in the Education System.

Ian Baker testified:

“Clearly, but we do not have the option of declining an enrolment on the basis of the macrofunding environment. That would be a crass breach of the DDA, and we would not engage in it.”

Director of Schools, Diocese of Wollongong's view on Educating Students with a Disability

In a letter to Sean Rapley, dated October 29, 2014, _____, Director of Schools in the Diocese of Wollongong shared these views on students with a disability:

“I acknowledge that there has been some past and current usage of the term 'inclusion' in education that refers to all students being educated only in the general education classroom, with age-appropriate peers and without specific support. This is not my interpretation of the term and believe that advocacy for this view of inclusion has been driven by ideology rather than being empirically driven and based in sound quantitative research and data.....For a small but significant number of students, no amount of adjustment within the setting of a full-time mainstream class will alter the fact that this environment will be fully conducive to either social and/or academic engagement”.

Experiences of Parents in Systemic Schools

The personal experiences of many families I have met contradict Ian Bakers assertion in his testimony. Examples of the declining of enrolment include:

- 1) My own personal experience. I was discouraged from enrolling my son in my local catholic school, on the basis the school did not have the resources or funding to support him.
- 2) Experience of an autistic boy, enrolled in a catholic primary school. A teacher's aide could only be funded to 3 hours per day, and the boy only attended the school for half a day, five days a week. After 3 terms, the school principal met with the parents to advise them they can no longer educate their child at the school.
- 3) Family of four brothers, the eldest and youngest were autistic. The youngest brother was denied enrolment at the local catholic primary school (where his other three brothers attended). This had a substantial impact, not just on the youngest son, but his elder brothers, who all had to move schools as a result.

Problems with discrimination in Catholic Schools do not just involve discrimination at enrolment, as outlined in the experiences of parents shared in Appendix A.

Complaints Process in Catholic Systemic Schools

The catholic systemic schools have complaints policies in place, however, this process does not include an independent body to review, assess, and act on complaints. The only external body that families have to seek redress, is the Australian Human Rights Commission.

Case Study 1: Secondary School Parents Lodge a Formal Complaint

Following ongoing issues at a local Catholic High School, I facilitated a formal complaint to the head of secondary schools in the Diocese I reside. The complaint was dealt with as follows:

- 1) Lodgement of formal complaint in June 2015, outlining some of the complaints (although not all), and requesting a meeting to discuss all the complaints and concerns.
- 2) June 27, 2015 provided further details of the complaints and requesting a meeting with the Catholic Education Office (CEO).
- 3) Meeting proposed for early September, but it was subsequently cancelled, as the CEO would not accept the meeting be recorded.
- 4) September 7, 2015, receive a reply from CEO expressing disappointment that I refused to attend a meeting to discuss my concerns, and advising me they have looked into the complaints and was satisfied the complaints had been dealt with. A forum was held at the school on August 19, 2015 to discuss the creation of an information booklet for students with a disability, which they claimed to be a forum for parents to discuss and air their complaints. Some parents however, did raise concerns at the meeting, but no minutes were taken at this forum, and no response to the concerns were subsequently prepared.

Despite the CEO's complaints handling procedure requiring the CEO to interview complainants, and to report what corrective actions would be taken, the Head of Secondary Schools failed to do so, leaving the parents concerns unresolved, and the high school principal not being held to account.

Complaints Process Beyond Catholic Systemic Schools

As far as I am aware, the only option for families with children in Catholic Systemic Schools, once the CEO complaints process is exhausted, is to take a complaint to the Human Rights Commission (HRC).

The key flaw to the HRC process is the confidentiality surrounding complaints. One case I was aware of prior to the complaint going to the HRC, was regarding an autistic child being denied enrolment in a Catholic Systemic School. Subsequently, the parents were forced to sign a confidentiality deed, forbidding them to speak about the case.

This arrangement allows Catholic Systemic Schools to avoid accountability, and public scrutiny. I have the contact details of the family involved in this case, and, subject to the constraints imposed on them by their confidentiality deed, are interested in sharing their experiences with the committee.

RECOMMENDATIONS

Following my personal experiences, research, and communication with the DOW CEO, we make the recommend to the senate committee: that an independent body be created to review, assess, and publicly report on complaints in relation to independent and catholic schools.

This body would need to have the power to publish rulings, and enforce corrective actions upon schools and school systems.

I also refer you to the HSAG recommendations, outlined in Appendix A.

Submission prepared by: Sean Rapley