

Submission
No 427

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

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Partially
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Submission to 2017 NSW Senate Inquiry into the Provision of Education to Children with Disabilities

Submitted by: Ms Danielle Lawless,

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Recommendations

Support

The KEY to my child's success, well being and safety within an educational environment has always been how well and reasonably they have been and are supported in regards to their individual needs. The right kind and level of support has always been KEY for them to be able to access with equity education on the same basis as other students who do not share their disability. As it determines;

- Their access to learning and the curriculum
- Their access to school life and the school community
- Their access and opportunity for inclusive education
- Their reduced access to restrictive practices
- How safe they are in the learning environment and how vulnerable and at risk their well being may be

Our child over the years has not consistently received the support they have needed and reasonably should have been able to expect to ensure this access. From evidence presented at this inquiry from the different stakeholder groups our child's experience is not isolated or substantively unique.

Through our experience we have;

- Found it extremely difficult to access specific information which can inform our understanding and expectations of what level of support our child can receive. For example an IEP (Individual Education plan) or a behaviour support plan, tools which have been used in our child's education and support provision. I can't find specific information from the department which in detail specifically informs about these tools themselves and the surrounding practice and provision.
- Our experience has not been consistent from one school to another. My child over the years has experienced different levels of support provisions over the years. He has had for example three differently designed behaviour support plans, four differently designed Individual Education plans all reflecting different support approaches and provision. Certainly there has been a differentiation in regards to quality including standards of reasonable adjustment and consultation.
- Our choice and ability to be informed when making decisions concerning more intensive support environments for our child has been limited and poor. When you are told one setting does not have the expertise or the resources available to support the needs of your child, that your child will not cope in their current setting, when you are given reassurances that the support provision will be what your child needs in a more segregated intensive

support setting, that your child will learn more in a change of setting and they won't if they remain, they will never reach their potential if they remain, and in conjunction your child starts to get suspended, restricted in their time at school and restrictive practices are started to be relied upon and as a preferred model of support, what choice is there? Particularly when this messaging has not been qualified and quantified and you cannot access any guides or information which substantiates this messaging in any reliable manner. I would like to note also when you decide for a more segregated support setting for your child particularly support classes in mainstream school you don't get a choice of what school that might be as a Panel makes that decision.

From this Inquiry as with our experience the evidence indicates that not every school approaches and executes support provision in the same way or at a reliable set standard. There is no reliable consistency. The implication of this is that a child and whatever their needs are may well be able to be supported at one school in a regular class or a support class but not at another.

I can appreciate and value the intent and framework of Every Student and Every School and even empowering principals and schools to develop and implement what may be unique to their own school communities but at some level there does need to be reliable consistency in regards to support provision at some level that children and parents can expect from one school to another. For example each individual school is expected to have welfare and discipline policy and there are standard requirements of what each school is expected to include while at the same time having some scope and flexibility to accommodate what may be unique to that individual school community.

1. That basic standards and consistent frameworks concerning how students with disabilities should be specifically supported across all schools and settings are developed. Including such aspects as support cycles ie how students needs are identified assessed, what they need in support in regards to planning, delivery, monitoring and reviewing, what should be in an Individual education plan etc.
 - 1.1. As such the appropriate policies and procedures developed
 - 1.2. These should include clear distinctions between different settings. That is what can be reasonably expected if your child is in a regular class, if your child is in a support class in a mainstream setting or in a specialised school setting
 - 1.3. These should include the minimal set level of qualifications, experience and training requirements of the staff involved in these different settings
 - 1.4. These should be developed and informed through rigorous, inclusive and substantial consultative and review processes significantly involving students with disabilities –past and present, parent care givers and relevant community agencies
 - 1.5. Different disabilities and different needs through all these considerations should be identified and targeted as appropriate and as needed.
 - 1.6. That these changes are communicated in a clear and transparent manner to relevant stakeholders.
 - 1.7. Redevelop and update the previous special education handbook for schools which is no longer in use

Behaviour Support

1. A huge discussion needs to occur in relation to behaviour support where relevant stakeholders need to be involved. From October this year the department will be reviewing its school's discipline policy. I certainly would like to see our child's stakeholder group and mine significantly included in this process.

I welcomed the NSW's Ombudsman report on behaviour intervention and support particularly the focus on the need for proper assessment, support provision as opposed to a reliance on disciplinary procedures such as suspension and restrictive practices. Certainly in regards to my own child when their individual needs are being supported there is less need for separate behaviour management and they are at little to no risk of detrimental disciplinary measures and restrictive practices.

I can inform this committee that like highlighted in this report when suspension and restrictive practices has been used with my child that they have not produced positive outcomes in fact the reverse and have contributed to more issues and behaviour of concern including causing significant harmful detriments to my child.

I did significantly appreciate from this report stating any discussion on restrictive practices needs to focus on prevention but from our experience, hearing about other experiences I feel strongly the discussion needs to start with the consideration that such practices are not acceptable to begin with.

For me there is also a significant need to discuss and review how children with disabilities are positioned within discipline, welfare and health and safety policies and procedures. I can inform this committee we were informed at our child's current school that the school's discipline and welfare code will not be applied to them in the same way if at all as their same aged peers. We have not been given a clear picture as to what that means except it did not exclude suspensions. In the last two years our child has spent 40 days away from school through suspension and from what we have been able to assess our child through this exclusion is in the alternative is not accessing opportunity with positive behaviour learning which is part of the school's welfare and discipline policy, and any other associated welfare benefits as he should comparable to his same aged peers.

I am concerned that while he is expected to follow school rules and behave in a certain way like his same aged peers that he is being asked to comply so differently and without comparable support which unlike his same aged peers places him in a more vulnerable position for discipline procedures such as suspension and restrictive practices. I can inform this committee when these consequences are relied upon apparently on necessary health and safety obligation makes it difficult almost impossible for the support my child actually needs to be implemented and be effective. This again positions him differently to his same aged peers as he needs this support unlike his peers, the function of my child's behaviour comes from not be able to cope in the school setting because of the challenges he faces associated with his disability, and when he can't access this support it makes it near

impossible to transition back from such disciplinary measures.

It is difficult to address this imbalance and issue as our child's advocate as while we can appreciate health and safety considerations we don't exactly know what they are and I find it difficult to understand and appreciate why there seems to be more of a focus on such considerations from a reactive perspective rather than a proactive one.

2. The department needs to be transparent in what it does in regards to;
 - Health and safety obligations
 - Risk assessments
 - Restrictive practices such as physical restraint (ie no policies and procedures in the public domain except for legal bulletin 9 which only generally gives guidance in relation to obligations and practices, internally a training manual which informs specific practice)
 - It is currently unclear to the extent as to what guidelines may or may not exist in regards to behaviour support provisions or practice internally for staff particularly at an obligatory level. There is little to no guidelines which exist in the public domain which specifically does this does. Internally apparently there exists templates for behaviour support plans, and a guide as to how to deal with challenging behaviour but this is all that I have been able to identify.
3. While my preference for restrictive practices to be eliminated they at the very least need to be heavily monitored and regulated. This cannot be done without transparency and very specific detailed governance.

Training

There was quite a focus on training in this Inquiry. That is, who should be doing this training, how many have done this training, what training is relevant and important in the support of children with disabilities (In particular understanding autism and school's obligations surrounding reasonable adjustments and the education standards), that the standard of these courses are overviewed by NESAs and the question as to whether these courses need to be mandatory. What did not get discussed in much detail was the content of these courses and whether they are really achieving what they set out to do particularly at the coalface level. Of course our family being the stakeholders we value the importance of training and the role it should play in contributing to ensuring my child gets supported in the way they need. We then of course would welcome any recommendations improving and substantiating this role not just in connection with this Inquiry but also in an ongoing process.

I think there does need to be more consideration on the content of these courses including whether the content of the training is relevant and useful for all staff that has been identified as important to do such training.

If I take Understanding Autism Spectrum Disorders as an example from our experience and expectations the training needs may well be different between;

- The teacher who actually plans and delivers my child’s learning, is responsible at some level to assess identify and support my child in their learning and school environment. A teacher who our child may have may just be not long out of University so they may have less experience teaching a child who is autistic than a teacher who has been teaching for a number of years.
- The aide who would be responsible for assisting the teacher in their role or in our current situation who is directly responsible for delivering my child’s learning. An aide who may have just started in this role and or depending on the school in part may not have done minimal training or have qualifications from TAFE particularly if they started in this role a number of years ago. For example one aide my child had a number of years ago had gotten the paid position directly from volunteering at the school without qualifications.
- The Principal or school executive who will be making enrolment decisions, disciplinary decisions, funding decisions and filling out access forms which having understanding about individual autistic needs would be crucial
- The following set of ‘staff’ I am listing also I would consider it be important to determine whether they need to do some of this training at some level. The school’s LAST who is supposed to be able to be relied upon at the ‘expert’ point in each school , school counsellor’s (Not every psychologist will have a background in autism), the well being officer associated with individual schools, the local director who maybe making the decision or advising a Principal in regards to suspension, redirection of enrolment, expulsion resolution of issues regarding reasonable adjustments etc

So does the current course available to staff satisfy on the basis of one size fits for all the different roles staff could play in an autistic’s child’s life –my child’s life at school?

In trying to find out what is in this course I came across the following;

https://etams.bostes.nsw.edu.au/Teachers/Courses/Course_Summary.aspx?CourseID=77737eae-c7c0-dd11-b31a-001a4b507848

From this document;

Course Descriptors

Descriptor	Description
1.4.2	Design and implement effective teaching strategies that are responsive to the local community and cultural setting, linguistic background and histories of Aboriginal and Torres Strait Islander students.
1.6.2	Design and implement teaching activities that support the participation and learning of students with disability and address relevant policy and legislative requirements.
2.2.5	Demonstrate the capacity to apply effective strategies for teaching: • Aboriginal and Torres Strait Islander students • Students with Special Education Needs • Non-English Speaking Background students • Students with Challenging

	Behaviours.
2.2.6	Apply a range of literacy strategies to meet the needs of all students including: • Aboriginal and Torres Strait Islander students • Students with Special Education Needs • Non-English Speaking Background students • Students with Challenging Behaviours.
2.5.2	Apply knowledge and understanding of effective teaching strategies to support students' literacy and numeracy achievement.
3.2.8	Use and maintain effective and efficient record keeping systems to monitor students' learning progress.
4.3.2	Manage challenging behaviour by establishing and negotiating clear expectations with students and address discipline issues promptly, fairly and respectfully.
5.2.5	Manage student behaviour through engaging students in purposeful and worthwhile learning activities.
5.5.2	Report clearly, accurately and respectfully to students and parents/carers about student achievement making use of accurate and reliable records.

From this limited information I am of the opinion potentially not. From our experience if for all the staff which have been involved in our child's life at school have most in part have done this training I wonder whether they have been able transfer what they have learned to the ground. Whether they have been given the right support? Had access to the right resources and funding? Whether the right culture exists at the school level for all of this to occur? For example when I have asked for data to be collected about my child I have been told this is not possible because the teacher does not have the time and is not reasonable.

I wonder too whether all these training courses are extensive and intensive enough to what they are trying to achieve. They are it seems one off courses. This may not be an appropriate comparison but at TAFE for courses in disability there are different levels ie cert 3 through to diploma, at each level expanding the course content and skill knowledge levels.

I currently have a basic understanding of anti discrimination law and standards but I don't know how the education department has applied such obligations in regards to what they do. For example within their suspensions procedures a principal in their decision to suspend a child with a disability must make considerations in regards to these legal obligations but I have no idea what these obligations are. Principals should at the very least know. I have no way to tell if the course spoken about in this inquiry whether this training does this that is;

https://education.nsw.gov.au/mypl/media/documents/documents_101116/SchoolStaffTrainingGuide.pdf

On page 15 gives a brief description of this course but not in detail beyond the NCCD focus

1. The Department should consult further with relevant stakeholders beyond this inquiry as to what reform is needed in regards to the provision of training and its content on an ongoing basis.

2. That the Department considered allowing community access to the highlighted online courses in this inquiry. Not only to empower, engage and inform stakeholders such as parents but also to gain their feedback on content of courses.
3. That there may be merit to consider as a permanent process or mechanism to identify and match what an individual child may need in regards to staff training either at enrolment or in assessment of support provision. That is, what training would be beneficial and at some level necessary for the understanding and delivery of support and who needs to do the training for each individual child particularly if such courses remain non mandatory
4. For me I think these courses should be mandatory at some level but this is hard to be completely sure about as I don't really know what is in these courses and whether such content is relevant to all the staff that is involved with my child's education. I think there is merit if it means such courses are fully funded is on top of current school funding
5. I think the post 90 day survey gathered by the department after course completion should be mandatory.

Funding

Funding will always be a significant key to any solutions to any problem. However in any funding consideration how funding is spent or what it is needed is for is a more important consideration than how much you have.

Funding should never act as a constraint for not including children with disabilities in mainstream classes or providing them with the individual support.

As a parent of course I would always support more funding. I found it somewhat alarming to read from submissions how teachers themselves are using their own money to ensure the children they are teaching are getting the resources they need. This inquiry has also highlighted a number of access issues to resources including gaps between metropolitan and regional areas and application processes.

1. As a parent I support the call for more funding whether state or federal.
2. The department needs to improve access to resources and close the gaps

NCCD

1. That the Department takes leadership and ensures that the data that is collected is more accountable. Currently schools do not have to provide evidence of reasonable adjustments with the data they collect on students with a disability and consultation. The data simply identifies a student's disability status, their level of adjustment need and the principal of the school signing off/confirming that consultation has taken place. The department conducts random audits (so not at all schools) to ensure that evidence exists of reasonable adjustments and consultation has taken place. The impression I have is this is the system as for each school to provide evidence for each student would create too much red tape.

I am not sure why this is the case considering the evidence (IEP's, behaviour plans, meeting notes, correspondence etc) should already be in existence and from what I understand most schools have already have such evidence stored electronically. Surely in this day and age a computer program could be developed which can streamline a process where such evidence can be provided which does not cause too extra red tape.

2. I have no idea if the department publishes the results of their random audits but if they don't they should.

Naplan

1. That the Department takes leadership as a state and develops an alternative tracking and evaluation system of those students with disabilities who are excluded/discouraged from doing the Naplan that their progress and academic progress is captured like their peers. My child is one of these children and their needs and progress is just as important as anyone else's.
2. That the department has the appropriate measures, policies etc in place that students with disabilities are not being unnecessarily or unfairly being excluded from the Naplan and that that these students are given the support they need to access NAPLAN on the same basis as their peers.

Complaint Mechanisms

My personal preference is to avoid complaint processes as much as possible and rely on more positive mechanisms not only for resolving individual issues but systemic ones as well. However this is not always possible and appropriate depending on the circumstances. For me the kind of reform and consideration needed in this area is a focus on what needs to improve to avoid the need of complaint in the first place, to ensure all participants are positioned with equity in the mechanisms and the design ensures timely and effective resolutions.

Throughout this inquiry and our experience I have felt and been concerned that we as parents and even my child are positioned considerably less in when it comes to complaint mechanisms. There for me will always be some natural bias which exists, for example without significant reliable evidence, it is likely a teacher's etc word would be taken more likely at face value than a parents or a student's. In my child's situation even more so due to his communication difficulties and at times poor consideration of his capacity.

Language wise and content wise the current 2017 revised complaint procedures seem to be more designed for an audience of teachers, principals etc than parents or students. In this inquiry it was relatively established that the data capturing of complaints is not happening perhaps as it should but yet in this document there is a whole section dedicated for dealing with difficult parents through the complaint process which for such prominence I would think there would have to be a significant occurrence of such an issue. I am concerned this section may actually contribute as a deterrent for parents to raise complaints.

I am not aware exactly how parents or students were included in this revision or also for that matter with the new overhaul of the state government's complaint feedback mechanisms which the department is part of and mentioned in this inquiry. My impression and understanding is the specific material available for parents which existed prior to this revision has not changed and is still considered adequate with the new revision. I don't feel comfortable this would automatically be the case in particular because the toolkits associated with this revision are not in the public domain.

1. That the department includes relevant stakeholders in ongoing review processes and reform particularly on what they need to be reasonably placed in these processes with equity
2. The department work in partnership with stakeholders to identify work on ensuring alternative positive mechanisms exist for resolutions of issues.

3. That parents are given full access to the complaint tool kits outlined in the recent revised complaint processes
4. That a discrimination officer is considered to be established like the anti racism officer

EPAC

1. As a parent I am very concerned that current system is not capable by design/governance to truly position our children where they should be in regards to child protection. At a simple level as the governance involved with allegations involving employees is a little different to allegations made against non employees. The later positions a child more predominately in regards to their interests of safety without constraints of employee interests or an organisation's liability interests. I am concerned that the current status quo will not be improved to the degree it needs by addressing what EPAC may not technically may not be able to do and any accountability back through the department's complaint system.

To illustrate my child was not positioned well in their allegation associated with being restrained

Is the solution to not have EPAC investigate itself? I don't know although at this point I am inclined to say yes. I would at least feel more comfortable with a choice ie if we had of been able to raise my child's allegations with FACS instead of EPAC which through interagency governance it appears we don't. I think a further discussion needs to take place if not a thorough review. Some change has to occur.

1. There needs to be some recognition, identification and provisions made which take into account that students with complex and high support needs their parents/carer's/advocates may need more access to information than what is typically considered reasonable and without having to lodge Gipa requests.
2. The department should consider making clear what information parents and students have access to from an informal school goodwill level and what is absolutely required through a formal gipa request. When the school restrained our child and the information they collected in regards to what happened said we needed to ask EPAC for this information, and then EPAC said it was up to the school, the school then said you will have to gipa the information.
3. The department should follow suit like other states and at least waive the gipa fee for those who are on limited incomes
4. The department should review current internal documents etc and apply the public interest tests as such to any internal guides relating to support etc

Collaboration and Advocacy

1. The department to hold a round table or in a similar process which involves key stakeholders ie students, their parent carer's and key peak advocacy and community groups, to determined how stakeholders want to be included in review and decision making processes.
2. The department to consider establishing a permanent disability stake holder group and creating a section on their website which informs and updates stakeholders what is going on in terms of reviews etc
3. I have received consistent messaging from the department that they consult enough particularly with peak advocacy and community groups and if I wish to directly be more involved or have a say to connect with these groups. Through this inquiry it was identified how parents may struggle to have a voice and individually advocate for their children and the importance therefore of the existence of the current advocacy and community groups. The NSW Government has just recently announced it will be cutting state funding to advocacy groups such as Family advocacy next year with the full rollout of the NDIS in the State. In speaking to Family Advocacy I was informed Family Advocacy receives half their funding from the state and half federally. Recent announcements federally have indicated this funding will be maintained but not increased I was informed in this circumstance Family Advocacy may have to operate on half their current budget which overall was not enough to begin with. While I am not sure if this is the scope of this committee but I would like to recommend the state continues to fund such groups, I would be completely lost without such groups in either systematically or individually advocating on behalf of my child.

