

Submission
No 26

**INQUIRY INTO CHILDREN AND YOUNG PEOPLE WITH
DISABILITY IN NEW SOUTH WALES EDUCATIONAL
SETTINGS**

Organisation: National Disability Services

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Inquiry into children and
young people with disability
in NSW education settings

Submission



About this submission

National Disability Services (NDS) welcomes the opportunity to provide a submission to the Inquiry into children and young people with disability in NSW educational settings.

We advocate for a wide range of policy priorities on behalf of the sector, across NDIS services, pricing and payment reform, workforce development, employment of people with disability, regulatory reform, improved planning, and support pathways, supports for people with disability outside the NDIS, home and living supports and supports for children, young people, and families.

This submission identifies barriers and potential opportunities for NSW government can take now to improve the access and delivery of safe, quality, and inclusive education for children and young people with disability in educational settings in NSW.



Dr Debbie Jagers

State Manager - NSW



About National Disability Services

National Disability Services (NDS) is the peak body in NSW and Australia for non-government disability service providers. NDS has more than 300 members in NSW and over 1,100 members nationally. Collectively, NDS members operate several thousand services for Australians with all types of disability. Our members employ around 100,000 people and provide a full range of disability services to some 500,000 people with disability. The NDS platform of National Disability Practitioners has over 15,000 individual members across all aspects of the disability workforce.

Our **vision** is for an inclusive Australia where all people with disability live safely and equitably. To achieve this, people with disability need to access the right supports, at the right time, from the right people, services, and systems.

NDS acknowledges the traditional custodians of the lands, seas, skies, and waterways throughout NSW. We pay respect to elders past and present and recognise their deep and continuing connections with our shared country, culture, and community.

The Disability Sector context

Over 18% of the New South Wales (NSW) community [live with disabilities](#). This equates to 1.37 million people living with disability in NSW. People experience a range of impacts due to disability, with [over 6% of the population experiencing profound or severe disability](#). The NDIS scheme supports 192,668 NSW participants in the Scheme nationally (December 2023). The NDIA reports that there were 646,449 participants of which there were 155,677 children younger than 9 with an NDIS plan, and a further 15,135 accessing early connections.

In late 2023 two major reports were published in relation to disability in Australia which have recommendations relevant to this inquiry. [The Royal Commission into violence, abuse, neglect, and exploitation of people with disability](#) published its final report in 2023 after 4.5 years of hearings. The report contained 222 recommendations. The Disability Royal Commission recommended that the Government responds to the Royal Commission recommendations by March 2024.

The Royal Commission stated that *'mainstream schools need major reforms to overcome the barriers that prevent students with disability accessing safe, equal and inclusive education'*. The voices of people with disability, their families and disability service providers, together with educational providers, must co-design the reforms. A rights-based approach requires a safe, quality, and inclusive school system for all students with disability. [Volume 7 Part A](#) of the report details the recommendations.

The second major report was published following a review of the 10-year-old NDIS (National Disability Insurance Scheme). This report outlined 26 recommendations with 139 actions to strengthen the NDIS - [NDIS Review recommendations and actions](#).

The report recommendations included:

- *Recommendation 2.5 All Australian governments should take steps to protect the right to inclusive education for children with disability and developmental concerns in early childhood education and care and schools.*
- *Recommendation 6.1 National cabinet should agree to jointly invest in a continuum of mainstream, foundational and specialist supports to address the needs of all children with disability and developmental concerns.*
- *Recommendation 6.3 the NDIA should introduce a more consistent and equitable approach to assessing developmental delay.*
- *Recommendation 6.5 The NDIA, in partnership with the Department of Social Services and the National Disability Supports Quality and Safeguards Commission, should require early intervention capacity building supports for children based on best practice principles and evidence.*

In [December 2023 National Cabinet agreed](#) to a reform agenda to support people with disability in and outside the NDIS scheme. These important reforms included recommended changes to mainstream services (e.g. health and education) and additional foundational supports at state level including to address educational barriers.

The NDIS review found that a lack of coordinated approach across mainstream, specialist services in and outside the NDIS had led to significant gaps for accessibility and availability of supports for children and families. The Disability Royal Commission similarly heard about the lack of inclusion and adjustments and found that *'Australian schools do not consistently deliver an inclusive education that protects students with disability from violence, abuse and neglect'*. It should be noted that children and young people in educational settings in regional and remote areas have compounded barriers relating and not limited to, education workforce shortages and disability service provider workforce shortages.

NDS's vision is for an inclusive Australia where all people with disability live safely and equitably. To achieve this people with disability of all ages need access to the right supports, at the right time, in the right place, from the right people, services and systems. NDS has proposed 10 priorities for NDIS reform one of which specifically relates to a redesigned NDIS for children, young people, and families. The current system is not providing good outcomes for children and their families. Over recent years there has been a move away from models that support children and families in ways that build capacity.

There is an opportunity to redesign supports within and outside the NDIS to remove barriers to safe, quality, and inclusive education for children with disability in schools, early childhood services and other educational settings. These aspects are discussed in our response below.

Responses to the Terms of Reference

The responses below reflect the experience of disability providers providing services in NSW educational settings.

Early education settings funded by NSW Start Strong and High Learning Support needs funding (Community preschools)

Areas that are challenging for children, their families and the centres include:

- In the NDIS children have individual plans with individual practitioners. This results in large numbers of early intervention staff coming to centres daily to provide NDIS funded individual supports. This presents logistical challenges and access issues.
- Gaps in service provision for children not funded under the NDIS. Integration of early intervention therapies is not funded through the High Learning Support Needs funding.
- Stories of families turned away from centres due to their child's needs. This suggests a support need and possible funding gap.
- Sector capacity building program does not offer support to early learning centres.

NDIA funded the development of the [national guidelines on Best practice in Early Childhood intervention](#). These guidelines provide a roadmap for inclusion of early intervention and practices in early childhood settings.

Primary and Secondary school settings

There are some significant issues for appropriate inclusion for children with disability in school settings. Key issues include:

- **Lack of access to services in schools.**

Disability service providers seeking to provide assessments and/or supports report limited access is available for provider services in school settings. This limited access is particularly noted for terms 1, and 4. Additionally, there are restrictions on only 1 therapist per child.

- **Barriers to delivering therapies in schools. Some schools will not allow therapies in the classroom.**

Disability service providers report that some schools are not allowing therapies to be conducted in the classroom and therapists are being asked to provide therapies in hallways. Schools put limits on therapy time (e.g. 15 minutes).

These decisions are a barrier to safe, quality, and inclusive educational support for children in educational settings. Early childhood education and care and schools should be more inclusive and allow children to fully participate in

education with their peers. This includes appropriate access to therapy services in the educational setting.

It is recommended that appropriate guidance is in place for schools to ensure that children with disability have access to therapies.

- **Barriers to inclusive service provision and education for schools**

In the NDIS children have individual plans with individual practitioners. In education settings this can present some challenges where several children with disability might have access requirements for a number of different disability providers in one classroom.

Some schools report up to 180 therapists per week needing accessing to children with disability during school hours. This arrangement limits the ability to have meaningful inclusion in several ways:

- Collaboration around curriculum is not practical with so many stakeholders.
- There is inconsistency in practice.
- There is disruption to the classroom with multiple providers coming and going which impacts access and quality education for children.

One option is a commissioning approach. The commissioning approach is used in the NDIS. A more collaborative approach to all aspects would be achievable such as:

- Better coordination of timing of visits,
- More time to have collaborative discussions regarding making curriculum inclusive,
- More consistency in approach,
- Less administrative burden for schools and disability service providers.

To achieve maximum value this approach should work across the children's plans (in and outside educational settings) so that there is continuity of relationship with a specific service provider. It would also be important to ensure this broader approach, rather than educational settings only, so that therapies enable capacity building for parents in the other settings.

- **Unnecessary duplication and inefficiency in disability service provider probity checks at each school**

Some approval checks are centralised in the NSW education system such as the Working with Children check. However, many schools are asking disability service providers to repeat probity checks at each school unnecessarily. This

outcome produces inefficiencies in increasing administrative workload for disability service providers that could be more effectively spent on service delivery. A centralised system for all the relevant checks would make a more efficient system whilst maintaining and safeguarding risk.

Conclusion

This inquiry provides an important opportunity to identify changes needed to enable children and young people with disability to have access to safe, quality, and inclusive education. There is a once in a lifetime opportunity to align the recommendations with the relevant recommendations from the NDIS Review and Disability Royal Commission.

Achieving reform will require transformation across aspects of service delivery in educational settings. Co-designing the roadmap with providers is critical. As a peak body, NDS has the expertise and provider engagement to support NSW Government with disability reform agenda.