

Submission  
No 72

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

**Organisation:** Catholic Schools NSW  
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# Catholic Schools NSW Submission

NSW Legislative Council inquiry into  
children and young people with disability  
in New South Wales educational settings

March 2024



## Introduction

1. Catholic Schools NSW (CSNSW) is pleased to provide this submission to the NSW Legislative Council inquiry into children and young people with disability in NSW educational settings. The CSNSW submission is informed by feedback from the proprietors of Catholic schools across NSW.

## Catholic Schools NSW

2. CSNSW is the peak representative body for the 592 systemic and non-systemic Catholic schools in NSW. CSNSW is also the Approved Authority under the *Australian Education Act 2013* (the Act) for Catholic systemic schools and is the Non-Government Representative Body (NGRB) under Section 91 of the Act for systemic and non-systemic Catholic schools. As the NGRB under the Act, CSNSW represents the Catholic sector by supporting the implementation of national education policy initiatives and state-specific reforms in Catholic schools across NSW.
3. The NSW Catholic sector is the largest non-government system/sector of schools and the fifth largest schooling system in Australia, larger than the South Australian, Tasmanian, Northern Territory and ACT government school systems. It employs 32,000 staff and enrolls 263,000 students. A detailed breakdown of the sector is provided below.
4. As of 1 July 2023, CSNSW became the approved registration system authority for all Catholic systemic schools across New South Wales. As the approved registration system authority, the responsibilities of CSNSW include monitoring compliance with school registration requirements in the NSW Education Act 1990 and advising NESA on matters of compliance and school registration applications.
5. Catholic schools have been an integral part of Australia's education landscape for more than 200 years, predating government school provision, and see themselves as partners with families, government, and the broader community in delivering a high-quality education across NSW. Today, Catholic schools educate more than one in five children in NSW.
6. Catholic schools are owned and operated by either a diocese (in the case of systemic schools), or a Religious Institute or Ministerial Public Juridic Person in the case of non-systemic or 'Independent' Catholic schools. Notwithstanding the above responsibilities held by CSNSW, day-to-day operational responsibility for Catholic schools lies with each of the 11 diocesan schools' offices for Catholic systemic schools and with each individual school for non-systemic Catholic schools. They are referred to as Catholic school proprietors throughout this submission.

### School Sector by Student Population, 2022 (ACARA)

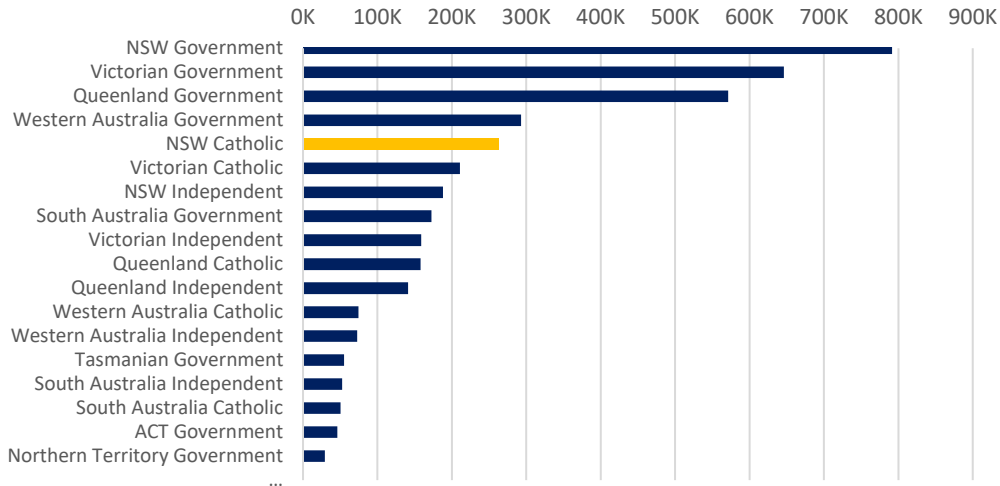


Figure 1.1 Source: ACARA, National Schools Statistics Collection (NSSC) published in ABS, Schools,

- Catholic schools in NSW are geographically and socio-economically diverse and include mainstream schools, special schools for students with disability, flexible learning centres and vocational colleges.
- Catholic education is unique given its broad national (and international) footprint across the educational spectrum, encompassing prior-to-school early learning centres, schools, out-of-school-hours care facilities and Catholic tertiary institutions, including two national Australian universities.
- In 2023, 21.1% of our students were included in the Nationally Consistent Collection of Data (NCCD). See the table below for comparison data on the percentage of students included in the NCCD.

Sector	2019	2020	2021	2022	2023
National Cross Sector Avg	19.9%	20.3%	21.8%	22.5%	24.2%
National Catholic Sector	17.9%	19.1%	20.0%	19.5%	21.8%
CSNSW (Systemic and Non-Systemic)	17.3% (44, 255)	19.0% (48,656)	19.7% (51,005)	20.2% (52,979)	21.1% (56,366)

Figure 1.2

NCCD count as a % of enrolments

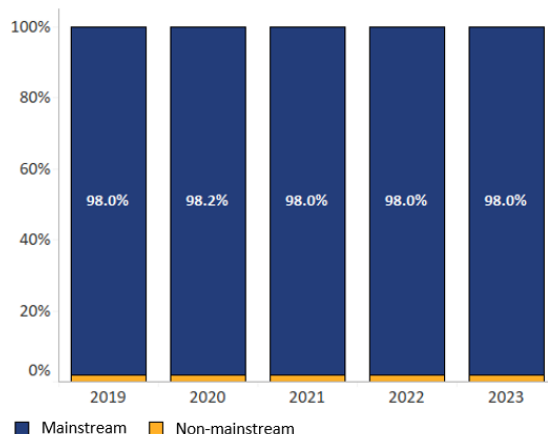


Figure 1.3

Figure 1.3 illustrates the proportion of students with disability included in the NCCD, in mainstream and non-mainstream Catholic schools, over the past 5 years. It shows that 98% of young people with disability in NSW Catholic schools attend mainstream settings.

Source: CSNSW NCCD Database

The regulatory context in which CSNSW pursues its objectives.

- 10. CSNSW is accountable to the Commonwealth Government under the Australian Education Act 2013 and the Australian Charities and Not-For-Profits Commission. While the NSW Department of Education operates all government schools, it has a role in ensuring the compliance of all non-government schools with section 83C of the NSW Education Act. The NSW Education Standards Authority (NESA) is the independent regulator of all schools (government, Catholic and independent) in New South Wales.
- 11. Australian schools currently operate within a sophisticated accountability framework and are accountable to their parents, communities, and governments. Any new accountability measures resulting from the Disability Royal Commission and/or the NDIS Review, need to take full account of the ways schools and systems, particularly non-government schools and systems, are already accountable.
- 12. Figure 1.4 shows the high-level accountability and reporting framework of non-government schools. It is not exhaustive and does not show the many Commonwealth and State compliance and assurance activities the non-government sector participates in, including Australian Government NCCD assurance audits and Census post-enumeration exercises.

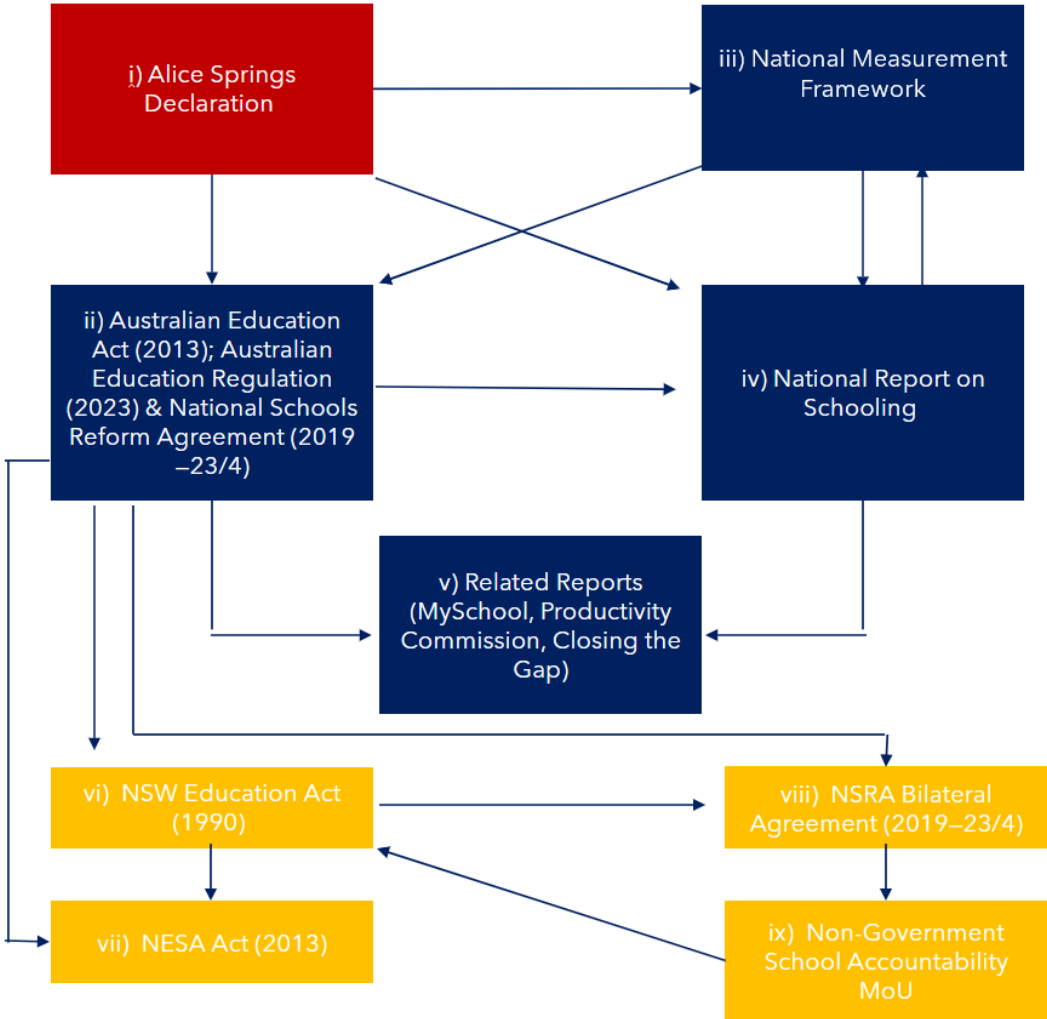


Figure 1.4

## Catholic Schools NSW—General Comments

### Royal Commission into Violence Abuse Neglect and Exploitation of People with Disability

13. CSNSW welcomed the final report of the Royal Commission and acknowledges that the recommendations are far-reaching and wide-ranging. They intersect with an array of related work across all Australian jurisdictions and within governments, including the Review of the NDIS. CSNSW notes that some school-related recommendations in the report are already underway or enacted and others should be addressed in a coordinated way, cognisant of the recommendations emanating from other reviews.
14. CSNSW notes that Commissioners were not unanimous in relation to the recommendations relating to Special Schools, particularly Recommendations 7.14 and 7.15. The range of views reflected in the Report also reflect the range of views held in the broader community. This diversity of opinion and experience needs to be acknowledged and respected.
15. CSNSW also notes the—at times—pejorative language of the report particularly in relation to special schools by referring to them as a means of ‘segregation’. This is an emotive and value-laden term, which the families and educators in specialist settings do not use, nor do they accept it as a true reflection of their contemporary experience. The language of the recommendations and the ongoing work that follows, needs to ensure a culture of open dialogue, and this will be inhibited if inflammatory language is used.
16. Those who spoke out publicly against specialist settings were, in the main, people with a physical disability whose needs could, and indeed should, be supported in contemporary mainstream school settings. The public debate however was largely silent in relation to children and young people with moderate to severe cognitive and other disability whose families have consciously chosen a specialist school to cater for their needs and support them as a family. Far from feeling segregated, these families often talk about a profound sense of *inclusion*—in and beyond the special school setting.
17. Parents want their child to be safe, happy, and appropriately challenged at school, and most importantly have the capabilities and confidence to live as independent a life as possible. Catholic specialist settings provide this liberating education and prioritise the skills required to live independently. Students are taught to access transport, find and maintain employment, develop and build social skills, and be an active member of society. There is an intentional focus on post-school preparation with the necessary expertise and partnerships with providers to facilitate a positive post-school transition.
18. Catholic specialist settings are blessed with compassionate, dedicated and professionally trained staff who nurture the best outcomes for each young person. The classes are small, the staff ratio is high, and the delivery of education is personalised so that all students can be appropriately challenged and realise their full potential. Catholic specialist schools build social awareness, communication skills, safety, and wellbeing into their comprehensive educational programs. The education provided is tailored to enhance each student’s capabilities, confidence, and independence.
19. Moreover, Catholic specialist settings are fully immersed in their communities and wider school networks. Some are co-located with the local mainstream school or participate in satellite classes in the local mainstream schools. This ensures that students have access to mainstream opportunities and are supported by the broader community.
20. This approach in Catholic education reflects the approach described by the NSW Department of Education, specifically that: “specialist settings do not operate in isolation from each other or from mainstream school settings. Many specialist settings are intended to be accessed by students for a specific purpose and limited period of time. Further, students can be supported to

transition between settings, where this is appropriate, to best support their individual educational outcomes” (Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 2023, p. 338, volume 7, Part A).

21. It is incumbent on those who implement the recommendations of the Royal Commission to be aware of the diversity of views and experiences and enable policy settings which allow for student and family agency in making decisions that best meet their needs. This approach is consistent with the Universal Declaration of Human Rights (Article 26.3), which states that parents have the right to choose the education they want for their children. Moreover, the signatories to the Declaration included this principle among the basic rights that a state can never abrogate or manipulate.

## National Disability Insurance Scheme (NDIS) Review

22. CSNSW welcomes the findings and recommendations of the NDIS Review and acknowledges the need to ensure the sustainability of the NDIS for future generations.
23. Almost half of the participants in the NDIS are children. CSNSW therefore sees merit in a more transparent, more equitable and more consistent NDIS that is part of a continuum of support for young people with disability in our schools.
24. CSNSW endorses the Review’s proposed approach to supporting the unique needs of every person with a disability, as it aligns with the personalised planning model of support for students in Catholic schools.
25. CSNSW also welcomes the recommendation for a new Disability Intergovernmental Agreement to clarify respective responsibilities between NDIS and other mainstream services such as education. The Agreement represents an opportunity to adopt nationally consistent approaches to supporting all elements of a NDIS participant’s plan. This is particularly relevant for the provision of personal care in schools. If personal care in schools was permanently removed from the NDIS and became the responsibility of state and territory governments (as is currently the case in NSW), a national benchmark for service quality would be vital.
26. The Review proposes a new system that aims to cater for children with learning difficulties and less complex developmental disabilities outside of the NDIS. These proposed ‘foundational supports’ may be delivered in schools and childcare centres. These details are yet to be determined, which is why CSNSW advocates for a collaborative approach between all stakeholders for planning such support. Factors such as evidence-based approaches to early intervention matched with appropriate resourcing, would be critical elements for the planning of these ‘foundational supports’. CSNSW is concerned about, and strongly cautions against, cost shifting to the school sector resulting from this proposal.
27. CSNSW is committed to working with governments in determining the next steps arising from this Review, with a view to further improving the educational and post-school outcomes for students with disability.

## Catholic Schools NSW response to the terms of reference for the inquiry into children and young people with disability in New South Wales educational settings

CSNSW is pleased to respond below to the terms of reference falling under our purview.

### **A. The experiences of children and young people within educational settings and measures to better support students with disability**

In NSW Catholic schools, measures aimed at enhancing support for students with disabilities include:

- I. Rigorous training and assistance provided to teachers and school leaders across all phases of the NCCD, aimed at ensuring consistency and accuracy in data collection across NSW Catholic schools. Emphasis is placed on enhancing processes to better support students with disability through the NCCD, which is largely based on the evidence-based personalised learning process.
- II. Comprehensive collaborative planning to address the unique needs of each student and to help them reach their full potential academically, socially, and emotionally. Planning incorporates student input and features well-structured frameworks for the setting of goals and the monitoring and reviewing of adjustments. It is a team-based approach involving all stakeholders within an annual cycle. The CSNSW Personalised Planning Tool captures the collaborative planning process. The planning tool emphasises the importance of recognising and accommodating the unique strengths and challenges of the student.
- III. Diverse professional development opportunities, which are available for schools. This includes the OLT Australia Online Training professional learning courses, which are designed to support educators to better meet the additional needs of students with disabilities. Each course provides an understanding of a specific disability, includes case studies, a range of practical assessment approaches and intervention strategies and adjustments, which can be put into practice immediately. The course content is written, and updated regularly, by specialists and educational psychologists.
- IV. Specialist support classes tailored to students benefiting from enhanced teacher-to-student ratios, purpose-built facilities, allied health support, and personalised programs. It must be noted that the approach of Catholic specialist settings reflects the approach described by the NSW Department of Education, specifically that: “specialist settings do not operate in isolation from each other or from mainstream school settings. Many specialist settings are intended to be accessed by students for a specific purpose and limited period of time. Further, students can be supported to transition between settings, where this is appropriate, to best support their individual educational outcomes” (Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 2023, pp. 338, Volume 7, Part A).
- V. Specific, evidence-based interventions offered at all intervention levels (1, 2 and 3) with each tier providing an increasing level of intensity and specificity based on the student’s individual needs:
  - a. **Tier 1** universal intervention includes differentiated instruction with teachers adjusting strategies and materials. Explicit instruction is another approach used to break down complex skills into smaller, more manageable steps. Universal Design for Learning (UDL), is also used at Tier 1, remove barriers to learning by providing multiple means of representation, expression, and engagement for all students.
  - b. **Tier 2** targeted interventions are provided to students who require additional support in addition to Tier 1. Evidence-based Tier 2 interventions typically involve small-group instruction and targeted interventions to address specific academic or wellbeing needs. Small-group instruction is often used at this level to provide targeted instruction focusing on specific skills or concepts.
  - c. **Tier 3** intensive interventions provide an individualised level of support tailored to the specific needs of individual students. In the area of literacy, there is a focus on addressing specific reading difficulties through systematic and explicit instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Tier 3 interventions are often supported by allied health professionals who work in collaboration with the school and family.
- VI. Multi-Tiered System of Supports (MTSS) are becoming more frequently used to support tiered approaches to intervention, as described above. MTSS involves the use of data-based decision making, universal screening, progress monitoring and collaborative problem-solving. MTSS incorporates other tiered approaches to intervention such as Response to Intervention



(RTI) and Positive Behaviours for Learning (PBL). CSNSW provides professional development for schools in implementing the MTSS approach to supporting students with and without a disability.

- VII. Access to an intensive reading intervention (Tier 3) and staff professional development through the NSW Centre for Effective Reading (NSW CER). NSW CER is a NSW Department of Education and NSW Health initiative for primary aged, rural and remote students, to support students with complex reading difficulties. A multi-disciplinary team collaborates with students, parents and schools to provide 'wrap-around' support for intervention. CSNSW provides the equivalent of one (1) FTE teacher (as a financial contribution), to NSW CER for ongoing access to the intervention. Referrals made by Catholic schools to NSW CER are prioritised according to the following considerations:

- student's age and level of reading difficulty;
- student's history of previous interventions.

Aboriginal students experiencing difficulties with reading are further prioritised for the intervention.

Since 2018, 214 Catholic school students from rural and remote areas have received intensive Tier 3 intervention through NSW CER.

- VIII. Tailored transition initiatives designed to facilitate smooth progression between educational phases. Transition generally begins well before the actual change officially takes place. Collaborative planning ensures that everyone is informed and engaged in supporting the student during the transition process. The transition process helps the student to become familiar with the new academic environment whilst providing social and emotional support to help students navigate the upcoming change.
- IX. Vocational Educational Training (VET) courses that focus on developing practical skills that are directly applicable to various trades and industries to enhance a student's independence, self-confidence, and employability. Many VET courses incorporate hands-on learning experiences, which can be particularly beneficial for students who excel in practical, real-world applications rather than traditional classroom settings. VET courses expose students to a wider range of career options and pathways within various industries. This helps students to explore potential career interests and identify suitable employment opportunities that align with their abilities and aspirations.
- X. Post-school planning to help prepare the student for life after high school. This planning can occur within the personalised planning process and involves identifying a student's strengths, interests, and goals to inform the development of a plan to help them transition successfully into further education, employment, and independent living. It helps to ensure they have the necessary support and resources to pursue their desired goals. Post-school planning may include access to transition services such as career counselling, vocational training, job placement assistance, independent living skills training, and assistance with applying for post-secondary education programs.

## **B. The barriers to safe, quality, and inclusive education for children with disability in schools, early childhood education services and other educational settings**

In NSW Catholic schools, barriers to safe, quality, and inclusive education for children with disability in schools may include:

28. The absence of early intervention services before starting school, such as access to allied health professional assessment and diagnosis, which can significantly hinder a student's transition to school. This lack of support may lead to the receiving school being unaware of the student's needs, potentially causing adverse effects on their educational journey.
29. The current teacher shortages, which are reducing opportunities for staff professional development that is focused on students with complex needs. The professional learning is

available, however, staff cannot be released from class to participate, due to an inability to replace them. Teacher shortages in schools are also leading to a decrease in the implementation of Tier 2 and 3 interventions aimed at supporting students with disability. Ensuring that all classes have a teacher is the primary concern, and as a result, some schools are forced to utilise specialist intervention staff to address staffing gaps in classes.

30. Ill-informed information sharing regarding the perceived impact of the NCCD process on teacher workload. Such information misunderstands the importance of the NCCD and personalised planning for supporting students with disability as a core part of a teacher's work and essential for meeting responsibilities under the AEA, Disability Discrimination Act (DDA) and Disability Standards for Education (DSE). While there are evidentiary requirements under the NCCD and the legislative requirements of the DDA and the DSE, a Personalised Plan is not developed solely for the purposes of the data collection process, but rather as a best-practice support for the student, describing and documenting what educators will do to enhance their learning journey.
31. Complex medical and/or behavioural needs that require the consistent presence of a collaborative team comprising school staff and allied health professionals to ensure students' safe and meaningful participation in the educational environment.
32. The increasing occurrence of parents, caregivers and/or advocates imposing unreasonable expectations regarding adjustments on schools and teachers, albeit with the best of intentions. This trend, coupled with a rise in disrespectful interactions with school personnel, poses significant challenges for educational institutions. Establishing robust and respectful partnerships among all stakeholders is imperative to ensure the provision of safe, high-quality, and inclusive education.

### **C. The specific needs of children and young people with disability in regional, rural and remote schools, early childhood education services and other educational settings**

In regional, rural and remote NSW Catholic schools, the specific needs of children and young people with disability include:

33. Lack of access to quality and consistent external professionals (including psychologists, paediatricians, speech pathologists and occupational therapists). For example, in some regional Catholic schools, the waitlist to see a paediatrician is between 9–12 months. Regional schools also experience recruitment challenges along with a high turnover of external professionals.
34. The increasing use of Telehealth in the process of diagnosis for children. While it can overcome the tyranny of distance, Telehealth can pose challenges in the process of diagnosing children as there is limited physical examination, lack of access to equipment and technological limitations, which may include poor video conferencing and audio connection. Telehealth assessment also poses difficulty in observing behavioural cues and may not capture subtle nuances that are essential for accurate diagnosis, especially for conditions such as autism spectrum disorder or attention-deficit hyperactivity disorder. Some children also have difficulty engaging in Telehealth appointments, especially younger children or those with attention or behavioural issues. Maintaining their attention and engagement throughout the diagnostic process can be challenging without face-to-face interaction.
35. The absence of parent and family support services. This includes the coordination of essential services, such as therapy for the child and their family, respite care, and access to counselling services.

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

36. The benefits of improving outcomes for students with disability are outlined below (Items 47 – 49). In addition to these benefits, students who receive a Catholic education are equipped with

the values, skills, and sense of purpose needed to make positive contributions to society, both individually and collectively.

37. The social advantages for improving educational outcomes for students with disabilities stem from inclusion and diversity initiatives that facilitate a more inclusive and diverse society. Acceptance and understanding are fostered by dismantling barriers. Adequate support and education empower students with disabilities to actively engage in their communities, fostering belonging and social cohesion. Additionally, interactions and experiences with students with disabilities diminish misconceptions, fostering empathy and respect within society.
38. Enhancing educational outcomes for students with disabilities also offers substantial economic advantages. Improving outcomes fosters workforce diversity by granting employers access to a wider talent pool and diverse viewpoints, potentially sparking innovation and enhancing problem-solving capabilities. Moreover, students with disabilities, when provided with adequate education and support, can significantly contribute to workforce productivity and economic output. Empowering young people through education and employment opportunities also reduces dependency on social welfare programs, resulting in cost savings for governments and societies at large.
39. Improving educational outcomes for students with disabilities also offers significant personal advantages. It enhances their quality of life by equipping them with essential skills, knowledge, and confidence, enabling an experience of life to the full. Success in education and employment also nurtures a sense of achievement, bolstering self-esteem and confidence, and empowering young people to pursue their aspirations. Moreover, access to education and job opportunities fosters greater independence, allowing students with disabilities to make autonomous decisions and actively engage in society.

#### **H. The resourcing available to educational settings and educators, including infrastructure, to support the needs of children and young people with disability in New South Wales**

40. The Schooling Resource Standard (SRS) student with disability loading provides school proprietors with funding to support students with disability. The loading is calculated using the Nationally Consistent Collection of Data on School Students with Disability (NCCD) which requires teachers and other classroom professionals to use their professional, evidence-based, judgement to indicate the level of additional support a student is provided in the classroom. Students who require the top 3 levels of additional support, known as extensive, substantial, and supplementary, attract additional funding through the students with disability loading.
41. Schools utilise this funding in the implementation of a personalised plan. The effectiveness of the plan relies on systematic and meaningful engagement by the school in the planning process. Schools need support and assistance from those with a thorough understanding of disability to meet their legislative responsibilities and ensure effective planning and allocation of resourcing.
42. The vast majority of funding flows through the SRS, however there are some additional resources available through the NSW State Government to support students. These include The Special Needs Support funding program (SNESU), the School Drive Subsidy and the Assisted School Travel Program (ASTP).
43. CSNSW wishes to emphasise that the cost to plan and implement the adjustments required for students currently described as having Substantial or Extensive Levels of Adjustment, can far exceed the amount of funding attracted by these students through the Students with Disability Loading.

## **I. The measures necessary to ensure the learning environment is safe and inclusive for all students, teachers and school support staff**

44. Establishing a safe and inclusive school environment necessitates a concerted effort, led by well trained and knowledgeable professionals and underpinned by an appropriate level of government support. Appropriately resourced schools can prioritise the integration of practical components, meticulously curating learning environments and student resources, whilst ensuring a judicious allocation of staffing resources. For example, school facilities that are accessible and incorporate learning environments with alternative spaces for students with diverse needs may feature self-regulation and breakout spaces, specialist intervention spaces and other flexible learning options.
45. Appropriate resourcing for staff professional learning in supporting students with disability, including specific areas such as managing crisis situations (for example, Safety Intervention Training) is essential. Staff training should be underpinned by a trauma informed approach to teaching de-escalation skills, non-restrictive and restrictive interventions. Specialist courses can cost several thousand dollars per staff member and this excludes the cost of releasing teachers from class, travel expenses and annual renewal fees. Not all school proprietors currently have the necessary funding to provide specialised training for staff.
46. Greater support for families is also needed. Navigating educational options is difficult for all families and when they have a child with complex disability, the task of finding the most appropriate education setting can be daunting. Education options for these families are diverse but limited in number, compared with mainstream options. Supporting the ongoing wellbeing of families is also an area where schools do their best, but additional resourcing and support is needed.

## **J. The impact of policies regarding suspensions and expulsions**

47. School proprietors ensure that suspension, expulsion and exclusion policies are implemented, when needed, in accordance with legislative obligations in the NSW Education Act and the NESA Registration and Accreditation Manuals.
48. Risk assessments, whole school support plans for students demonstrating behaviours of concern and regular consultation with parents/carers, are key practices that mitigate the need for exclusionary discipline in NSW Catholic schools.
49. The regular review of policies ensures that exclusionary discipline is used as a last resort and takes account of all the needs of the student with disability and the effect of any discipline on the student's education and ability to learn.

## **K. The impact of policies regarding the use of restrictive practices**

50. Catholic school proprietors are committed to reducing and eliminating the use of restrictive practices, wherever possible.
51. In some cases, restrictive practices may still be necessary to protect the health and safety of students and staff. In the limited use of restrictive practices, they are only used as a last resort and are the least restrictive approach to meeting the health, safety and wellbeing needs of all students, and/or staff in our schools. In such cases, restrictive practices are only used after other strategies, including supported decision-making, have been explored and applied.
52. The staff in our schools have a duty of care to all students. This duty requires staff to take reasonable steps to protect all students, staff and visitors to the site, from foreseeable risks of physical or psychological injury or harm. This also includes taking reasonable steps to maintain a student's wellbeing and dignity. In a critical incident situation, staff are advised to act if a

student's behaviour threatens their own safety, or the safety of others, provided it is safe to do so.

53. As described above, some CSNSW school proprietors provide staff development in crisis prevention and management via Safety Intervention Training. The training incorporates trauma-informed and person-centred approaches and has a focus on prevention. It also teaches staff de-escalation skills as well as non-restrictive and restrictive interventions.
54. CSNSW supports the National Framework for Reducing and Eliminating the Use of Restrictive Practices minimum requirements and the need for restrictive practices to be:
  - a. used only following a formal process of assessment, planning and approval, relying on evidence-based risk assessments from appropriately qualified professionals;
  - b. proportionate and justified by the need to protect the rights or safety of the person or others;
  - c. tailored to the person's needs in accordance with a behaviour support plan;
  - d. subject to monitoring, reporting and review.
55. Any new regulation in this area will need to be resourced and supported to ensure that it can be implemented effectively and avoid the diversion of existing resources into compliance.

#### **L. The effectiveness and availability of early intervention programs**

56. Early intervention programs that develop children's ability to communicate, socialise and independently follow the agenda of a caregiver or teacher have the greatest impact on student learning. Effective interventions recognise that there are specific skills that need to be taught explicitly in the therapy setting, practiced at home and then supported in the preschool or school setting before the child will be able to effectively use these skills to engage in learning. Many early interventions use a model of 1:1 support to implement and are less sustainable in mainstream settings. Early intervention planning must consider the nature and general operation of a mainstream educational setting, so that students can apply their new skills when accessing learning in the school environment.
57. Not all students who would benefit from early intervention receive it. For students who do not have an NDIS package, families are challenged by the high fees that are charged by providers who predominantly service NDIS package recipients.
58. Many Catholic schools across NSW provide a range of early intervention options for students, particularly in the area of literacy. Evidence-based programs are utilised across NSW that require specialised training for staff responsible for delivering and monitoring the student's response to the intervention.

#### **M. Whether existing regulatory and oversight mechanisms are sufficient to protect and promote the rights of children and young people with disability, and protect those children and young people from abuse, neglect and exploitation**

59. CSNSW believes that existing regulatory and oversight mechanisms are sufficient to protect and promote the rights of children and young people with disability, and protect those children and young people from abuse, neglect, and exploitation.
60. The Disability Standards for Education ensure that students with disability can access and participate in education and training on the same basis as students without disability. There are explicit expectations that schools must uphold to ensure that students with disability have adjustments, processes, and advocacy in the areas of enrolment, participation, curriculum

development, accreditation and delivery, student support services and the elimination of harassment and victimisation.

61. Schools also have a significant role to play in safeguarding children and promoting their welfare under the Children and Young Persons (Care and Protection) Act 1998 (NSW) and related legislation and policies. School responsibilities under this Act include:
- a. mandatory reporting of suspected cases of child abuse or neglect
  - b. child protection policies and procedures in place to prevent, identify, and respond to instances of child abuse or neglect
  - c. collaboration with child protection authorities, such as the Department of Communities and Justice and law enforcement agencies, when necessary, to address concerns regarding child safety and wellbeing.
  - d. providing a safe and supportive environment for students to disclose concerns, offering counselling or other support services, and working collaboratively with families and external agencies to address the needs of vulnerable children
  - e. providing education and training to staff members on child protection issues, including recognizing signs of abuse or neglect, understanding reporting obligations, and implementing effective strategies to promote child safety and wellbeing within the school community.

#### **N. Whether children and young people with disability should be included under the remit of the Ageing and Disability Commissioner**

62. CSNSW notes that children and young people with disabilities have a unique set of needs and there is a need to ensure that this group along with their parents/carers, have agency around decisions and policies that have a personal impact on their lives. These needs can be very different to those of the ageing population.

#### **O. Developments since the 2017 Upper House inquiry into education of students with disability or special needs in New South Wales**

63. The NCCD, especially since 2017, has facilitated more informed decision-making, improved accountability, and enhanced support systems for students, teachers, and schools. Significant improvements have also occurred in the processes for personalised planning. This can be attributed to the increase in teacher professional learning, along with the movement from a medical funding model to a needs-based funding model. Resources are now allocated where they are most needed. Medical, educational, social, and environmental factors that impact a student's ability to learn and participate in school, are carefully considered throughout the personalised planning process.
64. Since 2018, the Schooling Resource Standard (SRS) disability loading has provided additional financial support to schools to accommodate the needs of students with disabilities. It aims to ensure that students with disabilities have access to the resources, support services, and accommodations necessary to participate fully in their education alongside their peers. The disability loading now plays a crucial role in ensuring that students with disabilities receive the support and resources they need to access a high-quality education, participate fully in school activities, and achieve their full potential. Regular review of the students with disability loading will assist school proprietors to continue providing appropriate support, while promoting the inclusion and participation of students with disabilities in environments where they can learn and thrive together.

65. Since 2018, the NDIS has supported participants across various aspects of their lives by providing funding and support services tailored to their individual needs. Many students with disability who are funded through the NDIS receive therapy from an allied health professional to achieve their individual goals. The collaborative engagement of the NDIS funded therapist with all stakeholders, including the school, has significantly enhanced students' academic, social, and emotional achievements. Please refer to the comments above (22-27) regarding the recent NDIS Review.

**P. Measures to implement the Disability Royal Commission's recommendations in relation to inclusive education**

66. Catholic schools in NSW aim to provide the best educational opportunities for students, often above and beyond the minimum standard required by law. The Disability Royal Commission provides a blueprint for how schools can improve their work with students with disability, ahead of legal reform. CSNSW continues to support schools to further enhance their approaches to inclusive education.

67. As noted earlier in this submission, CSNSW does not support the recommendations in the Royal Commission Final Report which call for the abolition of specialist settings. CSNSW also notes that there are many recommendations in the Final Report which are already being addressed, for example as part of the Better Fairer Review to inform the next National Schools Reform Agreement.