

**INQUIRY INTO EARLY CHILDHOOD EDUCATION AND
CARE SECTOR IN NEW SOUTH WALES**

Organisation: Disability Council NSW

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Re: Early Childhood Education and care sector in New South Wales

Delivered by email: portfoliocommittee3@parliament.nsw.gov.au

Dear Portfolio Committee No.3 – Education

The Disability Council NSW (the ‘Council’) welcomes the opportunity to contribute to the Inquiry into the Early Childhood Education and Care (ECEC) Sector in New South Wales.

The Council is a statutory body that provides independent advice to the Minister for Disability Inclusion on matters that affect people with disability in NSW, as well as their families and carers.

Our comments focus primarily on item (i) of the Terms of Reference: the experiences of children with disability and their parents and carers in ECEC services. Comments also include systemic factors affecting the sector’s safety, quality, and equity.

Children with disability represent a vulnerable group in our society. The ECEC sector plays a pivotal role in their early development and in shaping long-term educational, social, and health outcomes. Inclusive, safe, and equitable early learning environments are a legislative requirement under the [Disability Discrimination Act 1992](#) and the [Disability Standards for Education 2005](#), and a moral and social imperative.

ACCESS AND INCLUSION REMAIN INCONSISTENT ACROSS NSW

Despite policy commitments to inclusive education, children and young people with disability across New South Wales continue to encounter barriers to accessing and participating in ECEC. These barriers are particularly pronounced for children in Out-of-Home Care (OOHC) and have a wide-ranging influence that extends well beyond the early years.

The [Children and Young People with Disability in New South Wales Educational Settings Report](#) (Report 52, August 2024) reinforces the relation to the persistent barriers to inclusion in ECEC¹. Chapter 1 – Early Childhood provides compelling case studies that highlight systemic exclusion, discriminatory enrolment practices, and a lack of appropriate support for children with disability and their families in ECEC services.

¹ <https://www.parliament.nsw.gov.au/lcdocs/inquiries/3022/Report%20-%20disability%20in%20educational%20settings%20-%20accessible%20with%20covers.pdf>

These real-life accounts mirror the experiences consistently raised by families across NSW and demonstrate that early exclusion is not only common but also deeply harmful.

Families consistently report experiences such as:

- Discriminatory enrolment practices, where services state they are “not equipped” to support children with disability.
- A reluctance to make reasonable adjustments, often stemming from inadequate training, support, or understanding of inclusive practice.
- Exclusion through soft barriers, including restricted hours, conditional attendance, or lack of inclusion in play and learning experiences.

These patterns reflect a systemic lack of commitment to genuine inclusion, and the consequences are profound.

The exclusion of children with disability from ECEC settings has been found to:

- Undermine long-term outcomes in employment, social inclusion, housing, and health.²
- Exacerbate vulnerability for children in OOHC, contributing to educational disengagement and increasing their risk of entering the youth justice and adult prison systems.³
- Inappropriate use of suspension and exclusion practices disrupts family well-being, limiting parents’ ability to work, increasing financial stress, and influencing siblings.
- It causes long-term disengagement from education and undermines post-school pathways and social development.⁴
- Reinforce prejudice, discrimination, and ableism across society, perpetuating cycles of exclusion and stigma in education systems and beyond.⁵

Compounding these issues is that the NSW Department of Education’s definition of inclusive education does not align with the standards outlined in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). This misalignment reflects a broader disconnect between policy language and lived experience.⁶

To genuinely shift outcomes, the ECEC sector must move beyond surface-level compliance toward authentic, embedded inclusion that begins in the early years and is sustained across the life course.

²

<https://www.unicef.org/media/96421/file/Combating%20the%20Costs%20of%20Exclusionfor%20for%20Children%20with%20Disabilities%20and%20their%20Families.%20%20%20%20%20%20%20.pdf>

³ https://www.sydney.edu.au/content/dam/corporate/documents/faculty-of-arts-and-social-sciences/research/research-centres-institutes-groups/rccf/children-and-young-people-with-disability-in-out-of-home-care_summary-of-the-evidence.pdf

⁴ <https://www.thinksmall.org/eliminating-expulsions-of-children>

⁵ https://www.unicef.org/media/120421/file/Social_and_Behavioural_Change_Interventions_to_Strengthen_Disability_Inclusive_Programming_Summary.pdf

⁶ <https://www.parliament.nsw.gov.au/lcdocs/inquiries/3022/Report%20-%20disability%20in%20educational%20settings%20-%20accessible%20with%20covers.pdf>

LACK OF DISABILITY AWARENESS AND TRAINING

A major contributor to these issues is the insufficient training of early childhood educators in disability awareness and inclusive practices. This not only compromises the safety and development of children with disability but also increases the risk of neglect or unintentional harm.

We recommend:

- Strengthening the accreditation requirements for initial teacher education and early childhood qualifications to ensure all educators are equipped to meet the diverse learning needs of children with disability. This should include mandatory content on disability inclusion, Autism Spectrum Disorder, and trauma-informed practice, ensuring that every educator enters the workforce with the knowledge and skills necessary to provide safe, supportive, and inclusive learning environments.
- Ongoing professional development on inclusive education, trauma-informed care, and behaviour support strategies.
- Stronger partnerships with families, allied health professionals, and community services — particularly for children in OOHC are essential to developing and implementing effective, individualised support plans that respond to each child's unique needs.

TRAUMA-INFORMED PRACTICE IN ECEC SETTINGS

Many children accessing ECEC services come from complex backgrounds, including those in OOHC, living with neglect, family violence, or the mental health challenges of their parents or carers — often compounded by alcohol and drug misuse, or experiences of displacement and trauma, such as in refugee communities.

These children frequently enter early learning settings with high levels of emotional distress, attachment difficulties, and behavioural expressions of trauma that are easily misunderstood or pathologised if staff are not equipped with the proper knowledge and frameworks.

Trauma-impacted children may:

- Be withdrawn, hypervigilant, or quickly escalate in response to perceived threats.
- Display behaviours that challenge adult expectations, such as aggression, defiance, or intense neediness.
- Difficulties with transitions, sensory processing, or trusting relationships with educators or peers.
- Struggle to verbalise distress, often expressing it through physical or disruptive behaviours.

These are not "naughty" children. These are children communicating unmet emotional, safety, or developmental needs. Without trauma-informed responses, these behaviours are often met with exclusion, punitive discipline, or emotional neglect in ECEC environments.

If educators and carers are not trained to recognise trauma responses:

The Disability Council NSW provides independent advice to the NSW Government on policies that advance the equality, inclusion and interest of people with disability
<https://dcj.nsw.gov.au/community-inclusion/advisory-councils/disability-council-nsw>

- Children may be mislabelled as having behavioural disorders, which can lead to unnecessary referrals or stigmatising interactions.
- They may be excluded or discouraged from attending services altogether, missing vital developmental windows.
- Negative educator responses can re-traumatise children, deepening distrust and compounding psychological harm.
- Cultural misunderstandings, particularly for Aboriginal children or those from refugee backgrounds, can lead to poor engagement, further marginalisation, or harmful assumptions.

We recommend:

- Mandatory training in trauma-informed care and child development, particularly for children in OOHC or affected by intergenerational trauma.
- Embedding trauma-informed frameworks into the National Quality Framework, assessment standards, and educator qualifications.
- Ongoing support and reflective practice for educators working with vulnerable children, including supervision models standard in child protection settings.
- Culturally competent approaches that respect the lived experiences of Aboriginal and Torres Strait Islander children, refugee families, and other marginalised groups.

In doing so, we create safer spaces and give every child, regardless of background, a genuine opportunity to feel secure, thrive developmentally, and develop a sense of belonging.

SAFETY, HEALTH AND WELLBEING IN ECEC SERVICES

Children with disability are at increased risk of abuse and neglect, particularly in settings where staff are undertrained, underpaid, or unsupported. The recent surge in reports of serious incidents is deeply concerning and must prompt systemic reform.⁷

Children with communication difficulties, sensory needs, or behavioural challenges may be misinterpreted, restrained, isolated, or punished inappropriately. Without clear guidelines and oversight, the potential for harm is significant.⁸

We recommend:

- Strengthening safeguarding policies, including better reporting, independent oversight, and transparency of incident outcomes.
- Introduce a statewide framework for positive behaviour support in all ECEC settings.
- Ensure that children with disability have accessible mechanisms to express concerns or report mistreatment.

⁷ <https://www.mdpi.com/2227-9067/12/3/386>

⁸ https://cyda.org.au/wp-content/uploads/2023/08/abuse_of_students_with_disability_in_australian_schools_un_special_rapporteur.pdf

REGULATORY FRAMEWORK AND DATA TRANSPARENCY

Parents and carers of children with disability need transparent, accessible, and publicly available information to make informed choices about ECEC providers. Current data on quality, inclusion practices, and complaints is fragmented and complex.

We recommend:

- Publicly reported inclusion indicators, including how services support children with disability.
- Published disaggregated data on enrolments, suspensions/exclusions, and incidents involving children with disability.
- Including parents of children with disability in consultation processes and advisory panels to improve oversight and accountability.

PAY, CONDITIONS, AND QUALIFICATIONS OF EDUCATORS

Inclusive education is only possible when educators are supported, skilled, and valued. Chronic staff shortages and low pay discourage long-term workforce retention, leading to inconsistencies in care and a loss of experienced professionals.

We recommend:

- Better remuneration and recognition of ECEC educators, especially those with specialist skills in inclusion or disability.
- Targeted scholarships and incentives to attract diverse workers, including those with lived experience of disability.
- Workforce development plans that embed inclusion into core training, not as an optional module.

GOVERNMENT FUNDING AND SECTOR COMPOSITION

The patchwork of public, private, and not-for-profit providers results in unequal access to quality, inclusive services, particularly in regional and disadvantaged areas. Funding models must do more to incentivise inclusion and support services prioritising equity.

We recommend:

- Adjusting funding formulas to better support children with complex needs, including guaranteed access to Inclusion Support Program funding.
- Monitoring how government funding is used to promote inclusive practice and cultural safety.
- Investing in culturally safe and disability-inclusive services for Aboriginal and Torres Strait Islander families and families from multicultural communities.

CONCLUSION

Every child in NSW deserves to start life with the safety, support, and learning opportunities they need to thrive, regardless of ability. This inquiry is an important step in highlighting systemic failings in the ECEC sector and providing a roadmap for reform.

Children with disability and their families must be at the heart of this reform. We work towards a system that truly serves all children by embedding inclusive practices, strengthening oversight, and valuing the early childhood workforce.

Thank you once again for the opportunity to provide feedback.

Yours faithfully

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Chair

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