

REPORT ON PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO. 3

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

At Jubilee Room, Parliament House, Sydney on Monday, 27 March 2017

The Committee met at 9:30 am

PRESENT

The Hon. Mike Gallacher (Chair)

The Hon. Duncan Gay

The Hon. Natasha Maclaren-Jones (Deputy Chair)

The Hon. Daniel Mookhey

Reverend the Hon. Fred Nile

Mr David Shoebridge

The CHAIR: Welcome to the first hearing of the inquiry of Portfolio Committee No. 3 into education of students with a disability or special needs in government and non-government schools in New South Wales. This broad-ranging inquiry will consider a number of important issues including equity of access to resources for students with a disability or special needs across the State. It will also examine the Every Student, Every School policy and current complaint and review mechanisms. The Committee will also examine any developments that have taken place since the last upper House inquiry into disability education in 2010. It is important to point out that this inquiry is not intended to investigate individual cases but rather to consider broader policy solutions to the issues raised in the terms of reference.

Before I commence I would like to acknowledge the Gadigal people, who are the traditional custodians of the land upon which we meet today. I would also like to pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginal persons who are present today. Today's hearing is the first of six hearings we plan to hold for this inquiry. We will hear today from the Department of Education as well as non-government education providers, parents and carers, principals and teachers.

Before I commence I would like to make some brief comments about the procedures for today's hearing. Today's hearing is open to the public and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, whilst members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings.

It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing, so I urge witnesses to be careful about any comments they may make to the media or to others after they complete their evidence as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that witnesses could only answer if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. On the issue of adverse mention I remind everyone here today that committee hearings are not intended to provide a forum for people to make adverse reflection about others under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily.

On the issue of delivering messages and documents tendered to the Committee, witnesses are advised that any messages should be delivered to Committee members through the Committee staff. It is important that people are aware of that. To aid the audibility of this hearing, I remind Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who have hearing difficulties. Finally I ask everyone to please turn off their mobile phones or turn them to silent for the duration of the hearing.

ROBYN BALE, Relieving Executive Director, Learning and Wellbeing, NSW Department of Education, sworn and examined

JANE THORPE, Executive Director, Employee Performance and Conduct Directorate, NSW Department of Education, affirmed and examined

MELISSA CLEMENTS, Director, Disability, Learning and Support, NSW Department of Education, affirmed and examined

The CHAIR: I welcome our first witnesses from the NSW Department of Education. Do you wish to make an opening statement?

Ms BALE: We do have an opening statement we would like to make. The Department of Education welcomes this inquiry. We recognise the impact of disability on students' families and are strongly committed to providing high-quality education for all students in New South Wales public schools, including those with disabilities. The department is pleased to report through the inquiry on its progress with initiatives for improving support for students with disability and their teachers but there is always more that can be done and we are continually looking at ways to further improve learning and support for students and teachers.

The department also acknowledges that the context in which it provides education services for school students with disability and the context for this inquiry are complex. There are more than 2,200 public schools across New South Wales supporting around 790,000 students from kindergarten to year 12, served by more than 85,000 staff. Well over 100,000 students are receiving extra help for their learning because of disability. This represents a diverse group of students with wide-ranging individual strengths, interests, skills, abilities and needs from various social, cultural and language backgrounds. It includes students who are gifted and talented and are high achievers across the school curriculum. It includes students who need low-intensity support for difficulties in their learning and behaviour. It also includes a smaller number of students who are receiving more intensive levels of ongoing support for a range of disability needs.

The department and individual public schools deal every day with constraints that are practical and real. Contemporary views and expectations held by education stakeholders and our community more broadly about how students with disability should best be educated vary widely, including strongly held views that all students should receive their education in fully inclusive schools and classrooms but equally strong views about the need for more dedicated specialist schools and classes for students with disability.

The number of students with disability is increasing. There has been a more than 30 per cent increase in funding over the past five years for key programs that provide additional support in mainstream and special schools, which reflects this growth. Many students are supported in mainstream schools and classes, reflecting the preferences of their parents. Equally, many students are enrolled in specialist schools, which reflects their parents' views and preferences.

The implementation of Every Student, Every School in 2012 was a response to some of the challenges to strengthen the provision of personalised learning and support for students with additional needs in every public school across New South Wales. Since 2016 all schools are required to report annually on their work in supporting students with disability through a model based on legal obligations to students and evidence of the provisions of personalised learning and support. This activity is further helping to bring accountabilities for supporting students with disabilities into sharper focus.

At the same time in the last few years there have been significant shifts in the way New South Wales public schools work. Principals now have greater authority to make decisions about how best to meet the needs of their students and they manage a greater share of the New South Wales public school education budget allocated to each school through a needs-based resource allocation model. A new school excellence framework, school and teacher accreditation requirements plus school planning and reporting requirements provide accountability. These are major changes still in relatively early stages. Work is still needed to ensure that parents, school staff and the community fully understand the opportunities and expectations that come with them.

We also acknowledge that some submissions to this inquiry raise serious concerns. The department takes its obligations for the safety and wellbeing of students and staff seriously and is acutely aware of the increased vulnerability of students with disability, particularly in the area of child protection. Systems are in place for monitoring performance and for handling complaints. The department's processes for dealing with child protection allegations against staff were developed in close consultation with the NSW Ombudsman and other key stakeholders. The NSW Ombudsman oversees allegations of reportable conduct and provides

feedback to the department on each of these matters. Parents or carers with concerns about the service provision for their child in a public school arising through this inquiry are strongly encouraged to raise those concerns with the department if they have not already done so.

Finally, the department would like to acknowledge the many examples of exemplary education provision for students with disabilities which is evident across New South Wales public schools and the commitment of passionate and skilled educators who work with them every day.

The CHAIR: Do either of the government witnesses wish to make an opening statement?

Ms CLEMENTS: No, thank you.

Ms THORPE: No, thank you.

The Hon. JOHN GRAHAM: Thank you for the department's submission. It is clear that there has been a lot of activity in this area over recent years. I think it is also clear from the number of submissions we have had and the interest in the inquiry that there is still quite a lot to go. I wanted to turn first to the Auditor-General's report, the performance audit from last year, and probably the most concerning finding out of that, which was schools still reluctant to accept some students with disability and the fact that that was reinforced by a family survey the Auditor-General conducted, where one in four of the 300 respondents advised that they had been told by staff that there was no place for their child at their local school. Given the formal policy of the department, I am just interested in the reaction to that finding in particular.

Ms CLEMENTS: That finding represents feedback from those survey participants. The department's policy is that, and under the legislation in fact, every child is entitled to seek enrolment at the local public school where they live in the relevant catchment area. So parents seeking enrolment or applying to enrol is not necessarily a guaranteed enrolment, but it is an application process to enrol. We are aware, through not only the Auditor-General's inquiry but through other activities, that parents do, on occasions, report that they receive a negative response at that point of enrolment. That is why, in many cases Every Student, Every School was developed as a policy response, partly in recognition that many more students are seeking enrolment in their local public school and more needed to be done to support school staff and principals to understand their obligations. So a lot of the training that has been rolled out since that time has addressed particularly the legal obligations that school principals have around enrolment for students with disability. We have had a very large take-up of that training. Have we got more to go? I think the Auditor-General's report is indicating that there is more to do, and we would agree.

The Hon. JOHN GRAHAM: And how widespread do you think the problem is? Do you think that is a fair reflection of how widespread it might still be, despite those efforts?

Ms CLEMENTS: I think that is difficult to tell. If parents bring a complaint to the department, that gives us a direct way to identify and respond to those matters. But we do also know from some parent support groups that talk to us about the fact that some parents are reluctant to bring a complaint to the department. So where we do not have a specific matter that we can follow up to resolve, we take a general approach about how best to make sure that those policy expectations are clear and the training is available and in place to support school principals.

Mr DAVID SHOEBRIDGE: The Auditor-General found one in four respondents had this issue and I suppose what Mr Graham is asking you is, do you think that is about right? Or do you not know?

Ms CLEMENTS: We do not know from direct complaints because if we do not receive them, we are not in a position to follow up. The other thing that we are very conscious of is the messaging around enrolment can also be about a conversation with parents about enrolment options and what placement or school choice is the best one. So while we accept that the survey identified parents reporting that, it is difficult for us to know whether in fact that is the response from a school in those cases. We have no way to confirm the school's counterview.

Mr DAVID SHOEBRIDGE: Surely you cannot passively wait for the complaints and then do the data out of the complaints. That is a nineteenth century approach to working out how a system works. You do not simply wait for the complaints and then run the data on the complaints, do you?

Ms CLEMENTS: No.

Mr DAVID SHOEBRIDGE: Then what else do you do, which is where the question is going.

Ms CLEMENTS: It is largely focused on the training. In particular, the training that we have around the disability standards has explicit elements that are focused on enrolment obligations.

The Hon. JOHN GRAHAM: This is suggesting that there is clearly still a large gap. There is a range of submissions before the inquiry that anecdotally back that up. Is the gap that large and what else can you do, given that there has been extensive training? There is a crystal clear policy but there still appears to be a very large gap.

Ms CLEMENTS: I am not certain what the question was.

The Hon. JOHN GRAHAM: What additional steps can be taken to deal with this gap you have outlined? The department's submission outlines a number of steps that have been taken but this certainly suggests there is still a large gap. What additional steps are being considered by the department?

Ms CLEMENTS: Currently the main focus is around looking at the training that is available and what can be done to build on that training. The training that is specifically focused on the disability standards that addresses enrolment has been in place for a couple of years now. It is time for that to be looked at, in terms of what can be built on to strengthen that training. I guess this gives us an opportunity to look at what are the elements of the standards that may be less well understood or more particularly problematic. We have a few points of reference for that sort of work, including the review of the Disability Standards for Education that would inform that work.

Mr DAVID SHOEBRIDGE: You said your training was focused on the legal obligations, and I assume therefore you mean the obligations under the Education Act, under the Commonwealth Disability Discrimination Act, under the Disability Standards and under the New South Wales Anti-Discrimination Act. Is that what the training focuses on, the legal obligations?

Ms CLEMENTS: The one that I mentioned is about legal obligations under the standards, yes.

Mr DAVID SHOEBRIDGE: Here is your opportunity to mention all the other ones.

Ms CLEMENTS: There is a broad range of training that is aimed at supporting teachers in particular but school principals also access that training around a broad range of areas of support needs for students with disability. We have training that is focused on areas of particular need, such as autism, supporting behaviour, supporting personalised learning and support provision. All of those training elements support schools and the school executive to understand what are not only their obligations under the legislation but also how best they can engage with families and work with families around their choices for enrolment and what it is they are seeking. That consultation process can also be about the decision-making about what is the best educational placement for a particular child.

Mr DAVID SHOEBRIDGE: What proportion of principals have done autism-specific training?

Ms CLEMENTS: I do not have that with me, but we can provide that. We can take that on notice.

Mr DAVID SHOEBRIDGE: Do you think that the bulk of principals are doing this, or is it just simply training that is available and that is a kind of academic benefit to parents and students, as opposed to what is actually happening for principals?

Ms CLEMENTS: Ten thousand staff have completed the autism training, that is an accredited course for 20 hours recognition of professional learning but we can provide the data on the numbers of principals who have completed that.

The Hon. JOHN GRAHAM: I think it is one of the striking things on the training front that the legal training has been extensively completed. This other individual training which looks of real use is completed far less often, is it not? There are maybe 18,000 courses which have been completed.

Ms CLEMENTS: Yes, they are different types of training. They have a different focus. The second training that I was talking about is much more detailed training and is much more focused on practical skills and application of those skills and knowledge in classrooms and schools.

The Hon. JOHN GRAHAM: Those different sorts of training are all aimed at different areas, some of which may be completed by an individual teacher during a range of those courses. Still only about 18,000 have been completed?

Ms CLEMENTS: Yes.

The Hon. JOHN GRAHAM: So there is definitely more work to do there, is there not?

Ms CLEMENTS: Yes. Those courses continue to be available and we promote them in a range of ways.

The Hon. NATASHA MACLAREN-JONES: In the data that you are going to provide can you do a breakdown by regional and metropolitan areas?

Ms CLEMENTS: Yes, we can do that.

The Hon. DANIEL MOOKHEY: You made a point in response to a question from my colleague around complaints and essentially the department adopting a complaints driven approach towards these investigations. How many disability-related complaints does the department receive each year?

Ms THORPE: We have just developed a new complaints policy and procedures across government. It was one of the former Premier's priorities to bring in improved complaint handling. We are in the process of collecting data because that is one of the areas that we are very conscious that we need to improve on. We do collect detailed data on complaints of allegations of a child protection nature or of misconduct or of inquiries that come to the Employee Performance and Conduct Directorate. But we are also conscious that, in a very large system where people often complain when they see their principal or raise their concerns at the school, we have quite a lot of work to do to be able to work out an effective way of collecting all complaints that are also outside misconduct or child protection.

The Hon. DANIEL MOOKHEY: Putting aside the two categories of behaviour in that threshold and above it, of which the department has a legal obligation to record and report, should the Committee conclude from that answer that the work around things below that threshold has only just commenced and hitherto there was not a standardised system around collecting or measuring these complaints?

Ms THORPE: We have certainly had a clear policy and training around handling complaints because our focus has been on trying to handle complaints locally and as close to the decision-making as possible, but we have not had the capacity to collect data across the 2,200 schools and the other areas of the department, apart from those ones to which I previously referred.

The Hon. DANIEL MOOKHEY: How many complaints have you received in relation to admissions of the nature that would either validate or invalidate the concerns raised by the Auditor-General?

Ms THORPE: As I say, we have got a lot of complaints that come in of a child protection nature and inquiries of things that may or may not be of a child protection nature, but I could not give you a number of overall complaints.

Mr DAVID SHOEBRIDGE: On page 37 of your submission you talk about an incident report or where there has been a child protection allegation made against an employee.

Ms THORPE: Yes.

Mr DAVID SHOEBRIDGE: You are talking about an incident report or a child protection allegation against an employee but this is before the child even gets into school and it is unlikely to be captured in that data, that is the issue. How do you capture the data?

Ms THORPE: We have not been capturing that data.

Mr DAVID SHOEBRIDGE: That would have been a simpler answer.

The Hon. DANIEL MOOKHEY: Perhaps in the same vein of simplicity, how many disability-related complaints have gone to the Employee Performance and Conduct [EPAC] Directorate?

Ms THORPE: In 2016 we had 3,189 inquiries to EPAC. That ranges from some minor questions about things happening in schools right through to serious allegations of misconduct or child protection allegations, and 17 per cent of those related to children with a disability.

The Hon. DANIEL MOOKHEY: That works out to be close to 800 complaints.

Reverend the Hon. FRED NILE: You use the word "inquiries" and the Hon. Daniel Mookhey used the word "complaints".

The Hon. DANIEL MOOKHEY: I will use the word "inquiries".

Mr DAVID SHOEBRIDGE: Will you please run through those numbers again?

Ms THORPE: I do not have the actual number in front of me that relate to children with disabilities, but of the 3,189 inquiries in 2016 that went to the Employee Performance and Conduct Directorate, 17 per cent of them related to students who had been identified as having a disability.

The Hon. DANIEL MOOKHEY: Your submission states that 14 per cent of students in the system have a disability and yet complaints relating to them is around 17 per cent, so it is slightly more than what you would expect.

Ms THORPE: Yes.

The Hon. DANIEL MOOKHEY: What are the reasons for that?

Ms THORPE: Because schools are very conscious of the issues around students with a disability and they tend to write incident reports and also request advice from officers within the EPAC.

The Hon. DANIEL MOOKHEY: Is that 17 per cent on an upward or downward trend?

Ms THORPE: I would say it is on an upward trend because the proportion of children with disabilities in schools, as well as the proportion of students, is increasing.

Mr DAVID SHOEBRIDGE: In relation to that number you are suggesting that there is sensitivity in the reporters as opposed to an underlying issue about how children with disability are dealt with in the school? Is that your evidence?

Ms THORPE: That would certainly be my anecdotal evidence of the sorts of responses.

Mr DAVID SHOEBRIDGE: On what basis do you form that value judgement?

Ms THORPE: Because a lot of the queries that come into EPAC in relation to children with disabilities are not necessarily child protection related matters. I think schools are very conscious if there is any incident that they need to seek some advice and raise reports.

The Hon. DANIEL MOOKHEY: How many of the 17 per cent inquiries have been upheld and found to be substantiated to the point where some disciplinary action has been taken?

Ms THORPE: A number of them are not allegations of misconduct; they are just the inquiries that have come in to seek some advice.

The Hon. DANIEL MOOKHEY: To be fair, I did not suggest that they were.

Ms THORPE: We investigate about 1,100 or so of those inquiries. Some of those are locally managed by principals and some of those go to a full misconduct investigation.

The Hon. JOHN GRAHAM: How many of those would go to a full misconduct investigation?

Ms THORPE: I cannot give the exact number for 2016. We closed and finalised 226 investigations but I could certainly get you that information.

The Hon. JOHN GRAHAM: Yes, please supply that on notice.

The Hon. DANIEL MOOKHEY: How many of those 226 that you finalised led to the termination of employees?

Ms THORPE: I have not got that data to hand but I can get you that information.

Reverend the Hon. FRED NILE: Will you separate the number of inquiries from the number of complaints?

Ms THORPE: I can separate the number of inquiries from the numbers that proceeded to investigation.

Reverend the Hon. FRED NILE: You do not label them "complaints"?

Ms THORPE: No.

The Hon. DANIEL MOOKHEY: Perhaps to pre-empt a question my colleagues might ask, will you provide that data on a regional geographic catchment or however it is organised on the school system basis?

Ms THORPE: Yes.

Reverend the Hon. FRED NILE: The Committee has received a report that some parents have been told their complaint will not be investigated because they did not fill in the correct complaint form and after investigation there was no such form. Is that correct?

Ms THORPE: There is a complaint form but absolutely we accept complaints in a whole range of ways. Certainly they would never be told that by any Employee Performance and Conduct officer. Our complaints policy is very clear that informal complaints and direct complaints are encouraged. There is a

mechanism for those people who want to fill in forms on our website to be able to do so. Generally my understanding would be that people tend to make complaints directly to their school. Certainly our policy is very clear that people should be able to make complaints verbally and any other way that they wish to do so. So anonymous complaints are accepted, verbal complaints are accepted. You are not required to fill in a form to make a complaint.

Reverend the Hon. FRED NILE: There is a form that they can fill in?

Ms THORPE: There is a form. Some people prefer to go on the website and fill in a form, but it is a very relational system and people often make their complaint to the person they see at the school grounds.

Reverend the Hon. FRED NILE: Will you table a copy of that complaint form?

Ms THORPE: Yes, I can.

The Hon. DANIEL MOOKHEY: Will you also table the whole policy?

Ms THORPE: Yes.

The Hon. DANIEL MOOKHEY: What is the average time it takes to complete an investigation?

Ms THORPE: They vary depending on the nature of the investigation. If a matter is locally managed by a principal, which is a simpler matter that is oversights by an EPAC investigator, they are generally managed within a two to three month time frame. It is often very quickly, often within a few days of the actual matter being raised. An EPAC investigation can take a much longer period of time, depending on the circumstances. For a number of them we are waiting for criminal court matters to be finalised which can sometimes take more than a year. We have just over 400 child protection investigations running at the current time and about 25 per cent of those have taken upwards of 12 months largely because of court proceedings.

Mr DAVID SHOEBRIDGE: Has the department or any of you read the bulk of the submissions that are available for this inquiry?

Ms THORPE: Yes.

Mr DAVID SHOEBRIDGE: Have you noticed on reading those submissions that time after time EPAC and the EPAC system is highly criticised by parents and advocacy groups?

Ms THORPE: I found 10 submissions that related specifically to EPAC. Of those 10 submissions I was able to identify six to seven that we could actually identify what they were. I am not sure that the others did pertain to EPAC. Certainly, I noticed that in those submissions there were some criticisms.

Mr DAVID SHOEBRIDGE: I can assure you that the Committee also has a bundle of confidential submissions that are deeply critical of EPAC and the system and the outcomes for parents and students in particular. When I read the department's submission that was otherwise reasonably comprehensive on data, I found it extraordinary that there was no data—literally none—about EPAC. I did not see one figure. I have read the four pages on the complaints and review mechanisms in the commission which contain no data on EPAC. How did you put in a submission that did not include any data on EPAC?

Ms THORPE: I cannot really answer that except to say that we can provide you with what data you would like.

Mr DAVID SHOEBRIDGE: I can tell you now that it was so obvious that we required data on the number of students with disability and special needs who were making complaints, or the number of complaints about students with special needs, that I find it extraordinary that you did not provide it. It was so obvious that we required the data about the length of time which complaints take and the number that are resolved in a way that satisfies the complaints. It was so obvious that we needed that data I find it extraordinary that, on the first day of the hearing, it is going to be provided on notice. Can you understand the frustration?

Ms THORPE: I can.

Mr DAVID SHOEBRIDGE: Does anyone from the department have an explanation other than, "We don't have an explanation" for why the data was not provided?

Ms THORPE: Only to say that I understand what you are saying. I had thought that it was important that we clarified our policies and processes. I misunderstood that the data was required. I will be able to provide that data for you.

The Hon. JOHN GRAHAM: Can I just jump in to suggest a couple of other things that I think would be of real use when you are providing that data on notice. In particular—to turn to the most serious incidents

that the school system deals with—we need to know how many allegations of sex abuse and/or physical abuse there are, and what proportion of those relate to kids with disability, given that those issues have been raised in a number of the submissions. It is particularly important that the Committee is able to settle some of these issues.

Mr DAVID SHOEBRIDGE: Including physical restraint.

The Hon. JOHN GRAHAM: Yes.

The Hon. DANIEL MOOKHEY: It would also be very useful to obtain data about anonymous complaints. Referring to the Employee Performance and Conduct Directorate [EPACD] and its procedures, how does it communicate with parents—particularly if their children are the people who are involved in these investigations—through each course of the inquiry?

Ms THORPE: EPACD communicates with the parents at different stages of the investigation. If it is a local management it is generally done through the principal, who is generally the officer investigating. We seek, via the school, approval from parents to interview their children, if they are able to be interviewed. We make sure that the school, which has the relationship with the family, advises the parent in a timely way of any matter if the parent is not the complainant or is not aware that an incident has occurred. We provide updates to parents on an inquiry, and we also provide them with both a phone call and a formal written response, at the end, of the outcome of the investigation.

The Hon. DANIEL MOOKHEY: Do you allow parents to make submissions?

Ms THORPE: We encourage parents to be interviewed in certain investigations, and also to provide us with any information that they have.

The Hon. DANIEL MOOKHEY: In respect of the category of complaints that the Committee has received about the EPACD process—in particular those that say that it is not a paper process and it provides no formal mechanism for parent interaction, and that because it is an employment investigation they are kept out of it—are those concerns valid?

Ms THORPE: I think there is always a concern about what you can put in writing because of privacy issues. We are very conscious of that, and we quite regularly have discussions with the New South Wales Ombudsman about what information we can release in a letter about specifically what might have happened to an employee, and those sorts of things. It is quite difficult to release those. Certainly, we are more than prepared and happy, at any stage—our policies and procedures are on the website—to talk to parents. We encourage parents to speak to us about their issues and concerns.

The Hon. DANIEL MOOKHEY: How many employees are there in EPACD? How big is it?

Ms THORPE: We have about 31 investigators.

The Hon. DANIEL MOOKHEY: What are their general biographies—their professional qualifications?

Ms THORPE: They are generally psychologists, social workers and people who have a wide range of experience in investigations before they come to us. As well, they do ongoing child protection and investigative training while they work for us.

The Hon. DANIEL MOOKHEY: Do you think there is an inherent conflict of interest by having the department investigate itself?

Ms THORPE: No, I do not. I think that we are very much oversighted, in reportable conduct, by the NSW Ombudsman who, when it is an allegation of reportable conduct—

The Hon. DANIEL MOOKHEY: Do you understand that the meaning of "reportable conduct" is quite high, as a legal threshold, and that there is a whole category of behaviour that falls well below it?

Ms THORPE: There is, but the Ombudsman often has access to all of the case, and will often ask for any other material that might relate to a particular employee, if they have any particular concerns about an issue. They provide us with feedback on every matter that we send forward to them. So we are very heavily oversighted in our work.

The Hon. JOHN GRAHAM: How many matters would you have forwarded to the Ombudsman in 2016?

Ms THORPE: I would have to get those figures for you, but it would be a large proportion of our investigations.

The Hon. JOHN GRAHAM: Could you get those. A large proportion would end up going to the Ombudsman?

Ms THORPE: They do. The Ombudsman also has the capacity to audit particular aspects of our work.

The Hon. DANIEL MOOKHEY: The role of the Ombudsman is legitimate, of course, in reportable conduct matters. The data that you are providing is generally related to reportable conduct, but what about the other categories of behaviour that have nothing to do with reportable conduct? For example, a child may be left on their own in a classroom for too long, or there may be inadequate ability to detect a need. These things, that some would describe as standard breaches, are not anything that resembles—

Mr DAVID SHOEBRIDGE: Or there may be a complaint about the level of assistance provided.

The Hon. DANIEL MOOKHEY: What procedures are in place to ensure that these are, first, recorded as complaints; secondly, investigated or otherwise acted upon; and, thirdly, communicated?

Ms THORPE: Our complaints policy expects that the school areas will investigate. They are not matters for employee performance and conduct investigation. Employee performance and conduct deals with reportable conduct and misconduct allegations. The complaints policy clearly articulates that every complaint should be looked into; and where it is a complaint of the sort that you are raising, it should be dealt with, preferably, by the school. On our web site it also gives a whole lot of information to complainants and parents about where they can go, and to whom they can go, if they are not satisfied with the response from the school.

The Hon. DANIEL MOOKHEY: Does that policy differentiate between kids with special needs and kids who do not have special needs?

Ms THORPE: No, it does not. Certainly, if it comes to an EPACD investigation then children with special needs are particularly vulnerable. It is certainly one of the key risk factors in making a decision about whether or not to investigate a matter.

Mr DAVID SHOEBRIDGE: I have a question for Ms Bale or Ms Clements. Assume that it is not an EPACD matter—it is not a matter of physical or sexual abuse, which seems to be primarily what EPACD is dealing with. Let us just say that it is a complaint that a parent has that the principal said, "Don't enrol your child here; we really do not have the resources or the capacity to deal with your child's needs." Where does that complaint go?

Ms CLEMENTS: If that complaint was lodged it would generally be the Director, Public Schools who supervises that the school principal would be the first port of call to deal with that situation.

Mr DAVID SHOEBRIDGE: How does the parent get in contact with the director?

Ms CLEMENTS: The department's website provides guidance. A parent can contact a director by contacting their local education services office. There are contact numbers on the department's website about how to reach that wherever you are dialling from in the State.

Mr DAVID SHOEBRIDGE: How many clicks on the website would it take to get to the contact of the director?

Ms CLEMENTS: I could not tell you that offhand.

Mr DAVID SHOEBRIDGE: If a child with special needs is at a school and there is a distinct complaint about the way in which the principal's discretionary resources are not being applied to this child's needs, where does that complaint go?

Ms CLEMENTS: It would be similar, but there are a couple of different ways that that could travel. The parents raise the concern, in the first instance, with the principal who is making that decision, but alternatively it could be raised with the Director, Public Schools, who supervises that school. Some parents will make contact with local educational services offices. My experience is that when parents contact my part of the department we generally work with them and connect them with the local staff directly, and provide assistance to the local staff in relation to those matters. Sometimes it is about the choice. Some parents would prefer to be seeking other advice and help around their concerns, and some would prefer to pursue that as a complaint about the decision for the principal. Both of those can be accommodated.

Mr DAVID SHOEBRIDGE: I will summarise a structural kind of complaint that is made in submission after submission. Under Every Student, Every School, the principal now has a large amount of discretionary power about how to allocate resources for special needs. Do you agree with that? There is a large amount of discretionary power for the principal about where to allocate resources.

Ms CLEMENTS: They do, broadly, through school resources.

Mr DAVID SHOEBRIDGE: Then the complaint handling process basically requires the parents who want that discretion exercised in favour of their child to complain to the principal. The whole system encourages the complaint to be to the principal. If the submissions in this inquiry are to be believed, many parents think that if they do that they are likely to have the discretion exercised against them because the powerful decision-maker is the person to whom they primarily make the complaints. Do you understand that problem?

Ms CLEMENTS: Yes, and I understand that is a problem broadly in a range of complaints handling processes.

Mr DAVID SHOEBRIDGE: Should it not be fixed?

Ms CLEMENTS: The intention for a matter to be dealt with locally most closely by those involved is an opportunity for the principal to deal with that complaint. But for parents that do not wish to complain to a principal or that want to go beyond the principal, there are mechanisms for them to be able to do that.

Mr DAVID SHOEBRIDGE: And, again, they find out about some layers down in the website, do they?

Ms CLEMENTS: It is embedded in the policy. Generally, the complaints policy that would follow the NSW Ombudsman's guidance around policy, around complaints handling, is a preference for local resolution and for the matters to be dealt with as close to the decision making—

Mr DAVID SHOEBRIDGE: A parent with a child, maybe two children, with special needs is run ragged—trying to do their job, trying to get the kids to school, trying to deal with the principal, trying to deal with the issues, probably doing 70 hours a week—and the suggestion from the department is they should work their way through the policy and work their way through the website and somehow find that there is a process they can escalate it up to the director. Do you think that is realistic in the real world?

Ms CLEMENTS: I think it is a challenge for most parents if they have got concerns about how they raise those with the school. But the information about how the department deals with concerns is quite easy to find on the website.

The Hon. JOHN GRAHAM: Could you spell out the process for raising an appeal? In the first instance these parents might go to the director if they are able to navigate the school system to do so. If they are not happy where do they head then?

Ms CLEMENTS: If they are lodging a formal complaint to the department and it comes into the department in writing—and parents do sometimes write directly to the secretary or to other senior staff—a decision will be made on the receipt of that complaint as to where that is best placed to manage that complaint. In some cases it could be a director in a different area who might be an appropriate person to manage a complaint if there are concerns about a particular area, or, in fact, another director who may have been previously involved.

The Hon. JOHN GRAHAM: But all those things are within the department—any of those appeal systems that you are now referring to are within the department. Do you think there is a place for some sort of external review with the sorts of issues we are now talking about if people are not happy with those decisions?

Ms THORPE: Certainly, the NSW Ombudsman is a reviewer of our complaints and reviews a number of the complaints, particularly as one of the deputy ombudsmen is also the disability commissioner. So a lot of complaints do get reviewed by the Ombudsman, who will come back and go through those.

Mr DAVID SHOEBRIDGE: What does "review" mean? That is not an independent complaint process; that is a review of how the department handled the complaints process. What does "review" mean?

Ms THORPE: It depends on the nature of the complaint. The Ombudsman will look into matters and make inquiries and certainly make recommendations if they do not agree with the outcome of the complaint.

The Hon. JOHN GRAHAM: So not about the process, about the outcome?

Ms THORPE: It can be any aspect of process or outcome that can be reviewed. There are tribunals in terms of anti-discrimination and human rights as well that people will sometimes go to to have complaints reviewed.

The Hon. JOHN GRAHAM: I have found it persuasive that these are not avenues that are satisfactorily dealing with these issues when complaints have been raised. They certainly exist but they are not effective avenues for parents based on the information we have in front of us. I want to deal with the issue that

was being raised before about parents being turned away from a school, highlighted by the Auditor-General. How many complaints would have headed on to the Ombudsman about that sort of issue? We have heard that with some of the EPAC matters many of them are being reviewed by the Ombudsman. How many of these other sorts of matters might have headed on to be reviewed in some sort of way by—

Ms CLEMENTS: I think we have been clear that we do not have the data on complaints. The information about the number of complaints that the NSW Ombudsman would deal with or matters that it would deal with that relate to school education, I expect is information that the Ombudsman would be able to provide.

The Hon. JOHN GRAHAM: But you must have some idea in the Department of Education about the number of complaints that the department and the Ombudsman are dealing with where parents are turned away. There must be some sense of that.

Ms CLEMENTS: We would need to take on notice, I think, to have a look at what those numbers are.

The CHAIR: In relation to that complaint process, you mentioned earlier about a form that parents or people can fill in in relation to a complaint. The issue that my colleague just raised with regards to that classification or that category of complaint where the child is turned away or the parents are turned away, can that type of complaint or concern satisfy the complaint form process and if it does reach the form process what then happens to it? Does it then not reach a threshold and would not be investigated? What exactly happens with it? If someone was to fill out the form and say, "I am concerned, I applied to go to the school, I was told, 'Don't bring your child here, we have got no resources to cope with them'", what happens then?

Ms CLEMENTS: All complaints are dealt with. There is no particular threshold about what can or cannot be complained about. As Jane outlined earlier, a parent can raise that verbally. If someone is choosing to use the form they can use the form to lodge any type of complaint and all complaints are dealt with. The way that they are dealt with or who they might be allocated to to be dealt with would depend on the specifics of the concerns being raised.

The CHAIR: So therefore there will be a list available to you, I assume, some record available to you within the department that satisfies that criteria of those complaints that have been raised here this morning of those who have been turned away. I take it, therefore, you will be able to identify those in your process if they have all been formally recorded.

Ms THORPE: We cannot at this stage. Forms are used in different ways; some people send them in through inquiries lines, but quite a number of them will post them to their individual areas or they may even take them in physically to a school. There are only a small proportion; most complaints still tend to be dealt with locally at the school on a face-to-face basis. At this stage the department has not at the complaint level had the ability to collect that information; that is something that we will have rectified by next year once we get a system in place that is consistent, which will be a great improvement on our ability to know exactly what happens with those matters that are of that sort of nature.

Mr DAVID SHOEBRIDGE: So for now it is all anecdotal?

Ms THORPE: That is correct.

The Hon. NATASHA MACLAREN-JONES: Are principals required to keep you informed on the level of complaints, the types of complaints?

Ms THORPE: No, they are not. They are certainly required within a very short time frame to refer any serious matters of child protection allegations or allegations of misconduct, but they are not required to raise every complaint that comes in.

The Hon. NATASHA MACLAREN-JONES: But do you not think you would want to know if there are a number of parents complaining about lack of resources or particular teachers?

Ms THORPE: I agree with, and that is why we are looking at trying to resolve that because it is a significant issue for the organisation.

The Hon. NATASHA MACLAREN-JONES: Are you looking at it or you will be doing it?

Ms THORPE: We are doing it. We have a current project at the moment that is consistent with the Government-wide complaints handling where there will be a no-wrong-door policy—people will be able to press a button on every website of every key agency. We will need to have a system behind that that will be able to collect that information and that way we will not only have the numbers of all sorts of complaints but also we will be able to analyse what types of complaints are coming in.

Mr DAVID SHOEBRIDGE: Of course, the best way of avoiding complaints would be properly training the principals in the first place. What proportion of principals have received the basic training about their legal obligations?

Ms CLEMENTS: We would be able to provide that data. I have got totals of 81,000 courses have been completed, but we can provide a breakdown of principals who have completed that training.

Mr DAVID SHOEBRIDGE: Is it compulsory for principals to undertake that training?

Ms CLEMENTS: That particular training course is not compulsory. In fact—

Mr DAVID SHOEBRIDGE: Not, did you say?

Ms CLEMENTS: It is not compulsory. The obligations are compulsory. One of the things that has happened in the last couple of years that has had a particular impact is the data collection that now annually occurs around learning and support provisions for students with disability. That data collection process is based directly on the disability standards for education. That has provided us with quite a different opportunity to embed that training and those training processes as part of that data collection, which is, in fact, a mandatory process from 2016.

Mr DAVID SHOEBRIDGE: So it is mandatory to collect the data but it is not mandatory for principals to do the training?

Ms CLEMENTS: That is right—at the moment.

Mr DAVID SHOEBRIDGE: I find it remarkable that there is a series of really key legal obligations, particularly about discrimination, and given the enormous amount of power that principals now have, that the department has not at least made that legal training obligatory for principals. Can you explain why it is not compulsory?

Ms CLEMENTS: It has been a matter of discussion with principals' groups over time as to whether it should be mandatory because of the very high levels of participation. I am confident that more than 2,000 school principals have completed the training. At this point—

Mr DAVID SHOEBRIDGE: It is the ones who do not put up their hand for the voluntary training who most likely need it. Do you not understand that? They are the ones you most likely need to train; that is, the ones who are resistant to doing the voluntary training. Do you acknowledge that?

Ms CLEMENTS: I think anyone who is resistant to training absolutely needs follow up and training.

Mr DAVID SHOEBRIDGE: What about training for principals about how to allocate the special needs funding package that is available to them under the resource allocation model [RAM]? What training do principals have to best allocate those special needs resources?

Ms CLEMENTS: A number of training programs are available to support school principals, particularly around the RAM and making decisions about managing it.

Mr DAVID SHOEBRIDGE: Are they compulsory?

Ms CLEMENTS: I am not sure; I will have to take that question on notice. A number of positions are located around the State, and their specific role is to provide advice and assistance, and to deliver that training for school principals.

Mr DAVID SHOEBRIDGE: How many principals have done specific training in how to allocate special needs resources under the RAM?

Ms CLEMENTS: I would need to take that question on notice.

The Hon. DANIEL MOOKHEY: You make the point on page 8 of your submission that an additional \$246 million has been delivered to schools through the RAM framework since 2012 for the low-level adjustment for disability loading. What guarantees are in place that principals use that money for children with disability?

Ms CLEMENTS: Can you tell me where that is in the submission?

The Hon. DANIEL MOOKHEY: On page 8 of your submission you state:

In 2016, more than \$246 million was allocated to schools to support the additional learning needs of students through the low level adjustment for disability loading. This is a 31 per cent increase on funding provided in 2012.

Mr DAVID SHOEBRIDGE: What guarantees are in place that that \$246 million and all other funds delivered through the RAM are used by principals for children with disability?

Ms CLEMENTS: That learning and support resource is provided to every school, and it is calculated based on the learning needs of students in the school. It is provided so that school principals are able to respond without those students needing a formal disability diagnosis or needing to go through a formal application process or processes beyond the school. The way schools use that resource is determined in consultation with the parents.

The Hon. DANIEL MOOKHEY: But that is dealt with through the Every Student, Every School—

Ms CLEMENTS: That is when that was introduced through Every Student, Every School.

The Hon. DANIEL MOOKHEY: What is to stop a principal diverting some of those funds to equally pressing school needs?

Mr DAVID SHOEBRIDGE: For example, to stop the roof leaking.

The Hon. DANIEL MOOKHEY: The roof is leaking and there is a maintenance backlog, someone needs to mow the lawn—

Mr DAVID SHOEBRIDGE: They might need to remove mould from a demountable.

The Hon. DANIEL MOOKHEY: There might be a need for a drama school. What is to stop a principal using those funds for those purposes?

Ms CLEMENTS: The principal has authority to decide how best to use the total school budget. The way the budget is allocated is transparent, and it is publicly available on the department's website. Each school reports on how it has utilised resources to achieve learning and support or personalised learning and support for students. There is an accountability through the school reporting process.

The Hon. DANIEL MOOKHEY: So the accountability mechanism is essentially that decisions are transparent, at least at some level. Is that the view the department is putting forward?

Ms CLEMENTS: Yes. The provision of support for any student with disability should be determined based on that student's particular needs in consultation with their parents.

The Hon. DANIEL MOOKHEY: But how does the department record or monitor that? Given that additional funding for special education is generally a good thing, what are we doing to ensure that it is getting to the people who need it?

Ms CLEMENTS: The school excellence framework is a relatively new accountability process that has been introduced alongside the increased authority for school principals to manage their school budget. The framework addresses a number of specific areas, including meeting the diverse learning needs of students at the school. There are mechanisms in that school excellence framework.

The Hon. JOHN GRAHAM: But it still does not address the central question about whether this money allocated for students with disability is being spent on students with disabilities. Do you believe all that money is being spent on students with disabilities?

Ms CLEMENTS: School principals are now reporting annually on the provision of personalised learning and support through those resources.

The Hon. JOHN GRAHAM: Based on that reporting, do you believe this disability money is being spent on students with disabilities?

Ms CLEMENTS: We do not have any information at the moment to suggest that that is not the case.

The Hon. JOHN GRAHAM: Do you have any information that suggests it is the case? What can you tell the Committee about where that money is being spent?

Ms CLEMENTS: The learning and support component that is part of the RAM is a loading that the school attracts based on the profile of the students they have in the school. The department's policy is that the school principal has the authority to decide—

The Hon. DANIEL MOOKHEY: Would the department consider it objectionable if money allocated for students with special needs were used for other purposes? Is that an objectionable proposition?

Ms CLEMENTS: The schools receive other funding for those other purposes. As part of their equity loading schools will be attracting resources for the low SES characteristics of their students and other

characteristics. In many cases students will fall into more than one of those equity characteristics. It is a method to calculate the resource to the school and to provide the school principal with flexibility to decide what is the best way to utilise that resource.

The Hon. JOHN GRAHAM: We are clear about how the money goes in. We are asking about where the money is applied and what information the department has. What guarantees are in place to reassure parents of students with disability that it is being applied appropriately?

Mr DAVID SHOEBRIDGE: We are talking about the \$358 million that was allocated to principals for discretionary spending on special needs. How do we know that that money goes to kids with special needs?

Ms CLEMENTS: If we are not talking about the targeted funding—

The Hon. JOHN GRAHAM: We are not.

Ms CLEMENTS: We are talking about equity funding.

The Hon. JOHN GRAHAM: We are.

Mr DAVID SHOEBRIDGE: We are talking about the Integration Funding Support program—

The Hon. DANIEL MOOKHEY: No, that program is separate. We are talking about the loadings and the RAM.

Mr DAVID SHOEBRIDGE: No.

Ms CLEMENTS: Under the annual school reporting process there is a particular process where the school reports on how it has met the learning and support needs of its students.

The Hon. DANIEL MOOKHEY: How many vacancies are there as of this morning at schools for special needs students?

Ms CLEMENTS: I cannot provide that information now. I will take the question on notice.

The Hon. DANIEL MOOKHEY: How long does a parent generally have to wait before their application for admission to a school for special needs is processed?

Ms CLEMENTS: That may vary. The process for making a decision about the placement of students happens at a couple of different points during the term and during the year. There would typically be a process taking a number of weeks after that meeting—

The Hon. DANIEL MOOKHEY: So if I have a child who needs a place in one of those schools tomorrow, will I get one assuming my child is deemed eligible?

Ms CLEMENTS: One of the challenges we have with a support class is identifying where there is a suitable vacancy that will be able to accommodate the student. It is one of our biggest ongoing challenges where there is a demand. It is about matching the students who are seeking a placement with the vacancies.

The Hon. DANIEL MOOKHEY: I understand that. I am trying to establish whether the demand for special needs places is equal to supply. How long do parents have to wait before they can get their child into those places in the public system?

Ms CLEMENTS: Typically, the application process relates to placements in the following year. A family would be applying—

The Hon. DANIEL MOOKHEY: Is there a spot for every child who needs one?

Ms CLEMENTS: The establishment of classes each year is based on demand. It is a planned process involving looking at the demand and the data for each year to establish the classes. An Auditor-General's report identified that the department had significant vacancies that should be managed more closely. They are managed more closely—

The Hon. DANIEL MOOKHEY: Parents have lodged submissions with the Committee saying that they have had to spend 12 months or more shopping around from school to school and making application after application to get a spot. Is the department's response to those submissions that that is simply not true? The Committee has had many submissions from parents saying that this is an incredibly stressful process, and that local public school principals will not enrol their children. They tell them to take their children to the special needs school down the road, but there are no vacancies. What is the department's response to parents who are getting very frustrated about their inability to have their children educated in this system?

Ms CLEMENTS: I can tell you what the process is. There is no requirement for a parent to apply multiple times.

The Hon. DANIEL MOOKHEY: But does it happen?

Ms CLEMENTS: I cannot comment on that. I am not sure what that is about. A parent does not need to apply multiple times. What does happen is that a parent may apply and there is not a vacancy available. They may well be considered for a placement when it does become available.

Reverend the Hon. FRED NILE: Following up on the earlier discussion about complaints, do you have the total number of complaints and the total number of complaints upheld?

Ms THORPE: I do not have the total number of all complaints. I have numbers around matters that are allegations of misconduct and/or reportable conduct and I can provide data on those that are upheld for particular time frames. As I previously stated we do not collect all data on localised complaints of a general nature. If someone has a concern about resourcing or too much homework or something else at school, or a neighbour is cross about the behaviour of schoolchildren walking past their property, I cannot collect that data. I can provide data on allegations of misconduct that are dealt with by the Employee Performance and Conduct Directorate and those outcomes.

Reverend the Hon. FRED NILE: Are you aware of any complaints by parents of inappropriate photographs taken by staff of their child?

Ms THORPE: We have had complaints of that nature, yes.

Reverend the Hon. FRED NILE: How was it dealt with?

Ms THORPE: It would depend on the nature of the matter. In some circumstances we have had staff who are approved to take photographs at school occasions, where it has not been upheld. Photography in particular is an area that the department takes very seriously because there are all sorts of permissions that you have to have around photographing children in all sorts of circumstances. If you are talking about serious photographs, such as child pornography, we certainly have data on those. They are criminal offences and go to the police.

The CHAIR: Has the Ombudsman raised with you concerns about reporting procedures relating to complaints? There are those that are reported but there are God knows how many that are not reported. Has the Ombudsman raised concerns about that?

Ms THORPE: The Ombudsman has previously raised concerns over a number of years about our capacity to collect all complaints data. They have not raised concerns with us about our systems and processes for handling allegations of reportable conduct or misconduct.

The CHAIR: With regard to the data collection what is being done?

Ms THORPE: There is a government-wide complaints handling improvement program. So we will all, across all clusters of government—

The CHAIR: I am speaking of over the past few years where the Ombudsman has been raising these concerns?

Ms THORPE: We have tried to focus our efforts on improving people's skills in handling complaints because that was where we had the greatest concern in the organisation; about people's competence and skills at the school level to handle complaints from members of the community and parents. We have focused our attention on policies and procedures and improving people's skills in managing those complaints. We are currently doing a large project to collect complaints data of all kinds.

Reverend the Hon. FRED NILE: Do you have a procedure to prevent a staff member investigating a complaint against themselves and writing a report clearing themselves?

Ms THORPE: Absolutely. It is very clear that a staff member cannot investigate themselves.

Mr DAVID SHOEBRIDGE: Other than a principal?

Ms THORPE: If the complaint is about the principal it goes to the Director, Public Schools.

Mr DAVID SHOEBRIDGE: Earlier evidence from the three of you stated that the encouragement is that a complaint about resource allocations or special needs funding is dealt with at a local level and it is dealt with by the principal and the principal is the one who made the decision.

Ms THORPE: I was talking about a specific complaint about the principal themselves.

Reverend the Hon. FRED NILE: That is what I was talking about.

Mr DAVID SHOEBRIDGE: That is fundamentally a complaint about the principal. My child is not getting the level of assistance we need from the funding the school gets to assist my child with special needs. That decision is made by the principal and who are they told to complain to? The principal.

Ms CLEMENTS: May I clarify that each school has a learning and support team that would be fundamentally part of making the day to day decisions about support for students.

Mr DAVID SHOEBRIDGE: Who carries the can and makes the decision? The principal. That is what the policy says.

Ms CLEMENTS: Yes, the school principal is responsible for the learning and support team. If a parent is raising a concern about how the resources or support has been arranged for their child the principal would be the first appropriate point of reference to resolve that.

Mr DAVID SHOEBRIDGE: Which is 180 degrees contrary from the position of Ms Thorpe that the person about whom the complaint has been made is not the person who deals with it. Obviously that would be a terrible conflict of interest.

Ms THORPE: I have not made myself clear. I was thinking of particular conduct of a person. Our policy is that if you have a complaint about resource allocation or something of that nature you go to the person closest first. Principals will deal with and address complaints and may change a decision that has been made in response to people. If people are not happy they can go to the Director, Public Schools. I remain of the view that many complaints are very well handled at the coalface.

Mr DAVID SHOEBRIDGE: That is a view that is informed entirely by anecdotal reporting and has no connection with any data?

Ms THORPE: The best practice around complaints handling evidence indicates that complaints are best handled, if they are a generic complaint, initially at the place where they occur and that is the data.

Mr DAVID SHOEBRIDGE: That is the data?

Ms THORPE: That is the information about good complaint handling and best practice in complaint handling.

The Hon. JOHN GRAHAM: The issue of interest to the Committee is that even if we accept that many of the complaints are best resolved locally—that sounds attractive—the question is: Where should all the complaints be settled? Are there complaints working through the system that are not being resolved or reviewed and that are dealt with inside education without getting the proper scrutiny? Even if you are right that many complaints are dealt with and resolved satisfactorily locally that does not mean that the department's processes in the end are sufficient.

Ms THORPE: Any complaint handling can be improved and that is why we have a project in place to improve people skills in complaint handling and their approach to their customer and their community. On our website, when you go into complaints, it provides advice and facts sheets straight away as to what to do if you are not happy about the handling of a complaint. That is, to appeal to the next level. Those complaints are seriously considered by directors public schools and sometimes executive directors as well. At each of those points they will review and look at the system. The reality is that there will be some complaints that people are not going to be happy with the outcome because they cannot be given what they want because of the particular policies of the organisation in some circumstances. There is a big difference between someone having their complaint handled badly and not getting the answer that they would like.

The CHAIR: We have run over on time. Before we wrap up, Mr Shoebridge wanted to ask a question in relation to autism.

Mr DAVID SHOEBRIDGE: Inevitably a lot of the inquiry process is about problems. The data on the amount of funding towards children whose special needs are a result of autism is striking. From 2012 to 2016 the integration funding support for students with autism has increased from a little more than 2,000 to a little more than 3,000 whilst all the other categories have remained stable or are falling. If we go to the funding of specialist support classes by type of disability, again the number of students with autism has increased from a little more than 4,000 to almost 7,000 and all the other categories have remained stable or are falling. Is this because we are having a surge of children with autism or that we are identifying children with autism? That looks like a resource problem for the department. How are you dealing with it?

Ms CLEMENTS: It is a complex issue. All jurisdictions across Australia and most other countries are experiencing the same sort of phenomenon. There has been a greater increase in awareness of autism and there is a sense that is contributing to diagnosis of children with autism.

It is also the case that some experts in the area are of the view that there is an actual increase in prevalence. It is a real challenge for the department. It is quite clearly the area of the most significant growth around the numbers of children with a diagnosed autism disorder who are eligible for a targeted provision of support. Those supports—integration funding support and support class places—all respond to demand, so they are uncapped. As those numbers increase, those provisions increase accordingly to meet students' needs.

Mr DAVID SHOEBRIDGE: You might take it on notice about what constraints that is creating in terms of resources that could go to children with emotional disturbance or sensory, intellectual or physical impairments.

Ms CLEMENTS: I can answer it: It does not have a constraint on the targeted support. Integration funding support and support class provisions—those targeted services—are both uncapped services and they increase on demand. As the student numbers with those diagnoses seeking that support increase, those provisions increase accordingly.

The CHAIR: Thank you to all of you for attending this morning. I also thank those in the gallery that have been here for this morning's session. I particularly note the presence of Mr Jihad Dib, the shadow Minister for Education. He has been with us this morning listening to the evidence and I thank him for being here. The Committee has resolved that answers to questions taken on notice be returned within 21 days. The secretariat will contact witnesses in relation to questions they have taken on notice. I suspect we will probably get an opportunity to revisit these issues and fresh issues as they arise during the course of the inquiry. I look forward to all three of you returning together with other witnesses from the Department of Education as well.

(The witnesses withdrew)

(Short adjournment)

DAVID ROY, Parent and Lecturer, School of Education, University of Newcastle, sworn and examined

MELANIE HEYWORTH, Parent, affirmed and examined

LAURA ISSA, Parent, sworn and examined

The CHAIR: I welcome the panel of parents who are our next witnesses. I start by reminding everybody appearing today that Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily. Would each of you like to make a short opening statement? Please keep your statements quite brief to allow time for all three witnesses to contribute.

Mr ROY: I just want to state how honoured I feel to be here. I am grateful that this Committee has been formed. I am not just speaking as an academic or as a parent. I am representing a large number of parents and their experiences as well. I want to recognise the role that my wife and partner, Caroline, has played in initiating this inquiry from the start.

The CHAIR: Very wise. Well done.

Mr DAVID SHOEBRIDGE: Not only wise but also true.

Dr HEYWORTH: I would like to begin by addressing something that I am feeling a little self-conscious about—my blue hair. It was the World's Greatest Shave 10 days ago. My hair is not usually peacock blue. I just wanted to clarify that before I continue.

The CHAIR: It will look great on TV.

Mr DAVID SHOEBRIDGE: It should have been green.

The CHAIR: St Patrick's?

Dr HEYWORTH: It was St Patrick's Day. I have three sons. One is twice exceptional—he is gifted and autistic—and in year 3. One is highly gifted and in year 1—and possibly neurodivergent. I also have a little boy who is about to start school next year who is about to turn five. We have experience in mainstream public, systemic Catholic and homeschooling environments. I currently homeschool my eldest child but my middle child is still in the Catholic system. I need to consider the most appropriate educational setting for my youngest, who has autism.

I was an early career researcher and academic but I chose to stay home and parent my children when it became obvious that I needed to look after them rather than return to work. I have done postgraduate work in autism studies when I found out my children's diagnoses so I could understand their diagnoses and needs better. I am now active in the autism inclusion and acceptance space. I work informally with lots of other parents to reach the best outcomes for their children in schools even though I was not able to do that particularly effectively for my own children. I cannot speak to any other types of disabilities but I have lots of experiences around autism as a disability in schools.

Dr ISSA: I am a parent of a young adult with cerebral palsy and he has just completed his education. His cerebral palsy takes the form of physical disabilities, visual impairment and some sensory disabilities as well as problems with fine motor skills. He had quite significant challenges as he went through schooling. I was motivated to put in a submission and to participate in this inquiry really just to share my experiences but, more importantly, to put forward some recommendations that I thought would be useful, moving forward, in improving the way students are included in mainstream. I am very passionate about the idea that all children who have physical or other types of disability or special needs must be included in mainstream because some time ago I became aware of some literature that looked at outcomes for kids who were segregated versus long-term outcomes for children who were included in mainstream education. They found that kids who were segregated were significantly worse off during their life in terms of their prospects and financial independence and so on. So I am very passionate about mainstream inclusion and I believe that this inquiry is very important to getting us to a place where all kids are able to reach their full educational potential.

The CHAIR: We are very grateful for your personal and professional perspective that you all bring to this Committee hearing today.

The Hon. JOHN GRAHAM: I thank you for your submissions. We have all found them very useful. I wanted to turn to the question of accountability flagged in Mr Roy's submission. I think you have heard the department's answer to some of those questions. If there are complaints raised, particularly those dealt with

within the Employee Performance and Conduct [EPAC] Directorate system within the department, those might be reviewed by the Ombudsman. What they have said is, "Look, the Ombudsman can handle complaints. Many of our cases are reviewed by the Ombudsman". You have called in your submission for an increase in accountability, some sort of external review. What was your reaction to the department's evidence and have you got anything to add to that?

Mr ROY: I have to be careful how I phrase this so I do not become emotive or passionate. The department's evidence does not seem to match with both my own personal experience as a parent or the multiple experiences of the hundreds of families that my wife and I have been advocating and supporting on behalf of. The issue comes with what is reportable conduct. I have been discussing with the Ombudsman personally, Mr Kinmond, and also the Deputy of Disability particularly the area of what is called the "class and kind" agreement that is held. When you look at section 25CA of the Ombudsman Policy, "class and kind" is meant to deal with matters that are administrative. But it has been passed over to schools—and particularly for the Department of Education—to decide if a matter is reportable conduct or not. From my experience, the department decides that such matters as forcing a child to the ground, dragging them across a playground, sitting on them, twisting their arm, slamming their head against a wall, dragging them across a carpet so that their face bleeds, locking them up in cupboards, force-feeding them, hitting them—none of these are reportable conduct but are just to be dealt with internally.

The Hon. JOHN GRAHAM: These are pretty shocking incidents that you are describing. What you are saying is, these do not reach the threshold where they might be visible to the Ombudsman?

Mr ROY: Yes. The Ombudsman has actually stated in their submission publicly that children who are disabled as with special needs, particularly non-verbal children, should be automatically made reportable conduct, or at least they are suggesting that should be the case. They have also said so to me privately. I wholeheartedly agree with that. At the moment schools investigate themselves and it does not seem that dissimilar to events that we have seen coming from the royal commission, where independent schools or the Catholic church investigated themselves and said, "Nothing is going on."

The Hon. JOHN GRAHAM: It does not seem like a bad place to start that schools investigate issues locally and try to resolve them locally. But clearly, in your view, that is not working in some cases.

Mr ROY: No, because the school has access to parental information and contact numbers and as soon as a complaint is made, the school contacts the family, not to say that we are investigating but to tell the family—and I will quote several cases where I have heard this—to shut up. Therefore, there is an element of intimidation and threat. I have had threats at multiple levels of the department each time I have taken it further. Navigating the policy I have found it, as an academic, challenging.

The Hon. JOHN GRAHAM: A point my colleague made earlier is obviously if you are dealing with the principal of the school they are in a very powerful position, particularly when it comes to resources or even entry to the school. Can you give us some more detail?

Mr ROY: Or even to offer you a bargaining chip to remove your complaint. If you have a child with special needs you are in a vulnerable position and you are looking for a school that will take that child because so often you are refused. We were refused with our child initially and we had to fight for a place. We now regret getting that place because of what happened.

Mr DAVID SHOEBRIDGE: You feel like and you are treated like a mendicant.

The Hon. JOHN GRAHAM: How widespread do you feel those issues are? The department said the system is largely working. How widespread do you think the sorts of very concerning issues you have talked about are?

Mr ROY: I looked at the first eight parental submissions to this inquiry, four of which stated that their child was refused enrolment. Therefore, that is 50 per cent. There are over 160 submissions currently posted, and I am talking about the private ones as well so we have no idea of their names or their content. From my anecdotal experience of hundreds of parents it is about 50 per cent refusal, if not higher. They do not get to their local school, which is the requirement by law.

The Hon. DANIEL MOOKHEY: You refer to refusal of enrolment at a local school. Will you describe to the Committee the types of behaviour by which that is communicated? When a parent arrives at a school and seeks enrolment of their child, what are the typical responses they hear?

Mr ROY: Are we talking about public education or independent?

The Hon. DANIEL MOOKHEY: I am happy to hear both.

Mr ROY: All of them. Often independent schools will accept initial enrolment until they find out their needs, and then they find reasons not to enrol. Independent schools have that option for that selection. Within the public system we do not have the facilities, the environment or the trained staff so therefore we need to find them somewhere else. That is one of the reasons there has been the proliferation of units within schools which separate children with a disability from the classroom which means that there is not inclusion happening. All the international research data tells us that we should be including children with a disability into the mainstream classroom unless they have extremely high level of disability needs, but schools are not doing that. In fact, in New South Wales we are growing our numbers of units and using our funding. That way the children are taken away and not given a proper curriculum to be taught and it manifolds the ongoing issues and increases the challenges and the complaints.

The Hon. DANIEL MOOKHEY: Dr Heyworth and Dr Issa, is that reflective of your experiences? Will you describe the processes you went through in public and independent schools in order to obtain admission for your children?

Dr ISSA: Yes, I experienced some difficulty enrolling my son in a mainstream public school. So when we needed to transition to high school I found it extremely difficult. I started early—I thought I started early—in looking for a school. Obviously, I looked at various options. I must have gone to eight schools. I was told by most of the people to whom I spoke that I should send my son to a physical unit at the [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 3 APRIL 2017] for kids with physical disabilities but I did not want that. I did not want him to be segregated and I had high aspirations for him and I had heard some horror stories about that place. I did not even go to visit the school; I just refused to go there.

I went to my local school, which is quite old. I just could not see how my son was going to be able to move around safely. I then initiated the process of discussions with asset management about making modifications to the school and it seemed to take too long. For example, to put in a rail, ramp or a lift would take more than 18 months. It seemed too difficult so I went out to other schools in our region and knocked on doors. I got a lot of push back. The problem is that your local public school has an obligation to take your child because you are within its catchment but if you are outside a school's catchment area there is no legal obligation for them to take them so then it becomes a negotiation. The principal has some discretion around what the terms of that enrolment might be. So I had some difficulties getting my son into high school.

The principal at the time said, "I can't take him. I'm oversubscribed. I have to give priority to my local students." The only opportunity is if we were to accept an enrolment in the intellectual disability—mild [IM] class which is a special segregated unit for kids with a range of special needs, including hearing impairment and also neurological and special needs. She did promise that he could have access to mainstream classes if he showed some aptitude. Quite out of desperation and frustration we accepted that. He had some learning challenges and we thought if he is in that unit he will get an individualised program and he will be better looked after. As it turned out, segregation was not a good thing for him and he was actually going backwards. He was denied access to mainstream classes. When we made specific requests if he could participate in mainstream curriculum the teachers would say, "He won't be able to cope. He won't be able to keep up", and things of that nature. I got rather frustrated with that. It is a bit of a long story, but that is essentially it, yes.

Mr DAVID SHOEBRIDGE: Did you say you made eight separate attempts?

Dr ISSA: I did. I went to many schools. I went to private, public and Catholic schools. One of my recommendations is that the parents should not have to do that. There should be an easier way for parents to be able to assess which is the right school for them. There should be access rights, so if your local public school is unable to accept your child because of things like barriers to entry, such as physical barriers—in my child's case it was that the premises were unsafe. My child needed to walk around with a walking aid and access and just entry into the school was impossible. It was a very old school. It did not have a lift. So that physical environment was a barrier so he could not go there initially. I just think for parents there should be an easier way to find the right school.

Mr DAVID SHOEBRIDGE: If a parent goes to a local school and it cannot accommodate their child the onus should fall on the department to do what you had to do, which is search and identify the next best option?

Dr ISSA: That is right.

Mr DAVID SHOEBRIDGE: Did you hear the evidence of the department earlier that a parent only needs to make one application or only should do one application?

Dr ISSA: Yes. Listening to the department was actually quite an emotional experience for me. It was a very frustrating process for me and I had to do the running around. One of my recommendations is that each

child be assigned a caseworker early on—I do not know from which government body. If you are born with a congenital disability then it should be at the time of birth or at the time of diagnosis and that caseworker should be advocating for the child and doing the running around, making recommendations on which school would be the best fit for their needs that would have a good track record. I also recommend that there be some sort of benchmarking of schools so that parents can judge well. At the moment it is pot luck. You move around. I have heard from other parents that is what you do. That is what we did. My son went to three primary schools and two high schools. I literally just kept moving him around because I was dissatisfied, and that is not very efficient.

The Hon. JOHN GRAHAM: Given your experience, do you agree with the evidence of Mr Roy that in fact the level of parents being turned away from schools might even be higher than 25 per cent identified by the Auditor-General?

Dr ISSA: Yes, I participated in that survey. A number of different surveys have been put out to parents by Family Advocacy and the organisation Every Australian Counts. I participated in surveys and I answered that question that yes, I have been turned away. I did not make a formal complaint. I recall when my son was transitioning to high school, and I had difficulty getting him enrolled, I did reach out to very senior executives in the department and made a verbal complaint, "What am I supposed to do?" I remember feeling very frustrated.

The Hon. JOHN GRAHAM: That is of real concern. The department, this morning, has been unable to tell us of any estimate of the number of parents turned away. The Auditor-General has said that it might be 25 per cent. As parents you are telling us that it could be even higher.

Dr ISSA: Absolutely.

Mr ROY: I think we need to add that we have to take into account that there might be an initial turning away, and only on appeal are they accepted. Those initial turning-away statistics should be included. I was a teacher for 17 years, and ahead in a school. I have yet to come across one child, in my experience of nearly 25 years in education, that cannot be accommodated in the mainstream classroom with minimal environmental or pedagogical adaptation. So why we have these units, I do not know. I have not met any kids that need to be in them.

The CHAIR: Dr Heyworth, do you want to add to the comments?

Dr HEYWORTH: Yes, partly because my little one is going to school next year. His paediatrician and his psychologist are pushing for him to go into a support unit because, whilst there is the rhetoric of inclusion in mainstream schooling, there is a gross disparity between that rhetoric and the lived reality of our children in the school—what they experience in school. "Inclusion" is a word but it means nothing without the appropriate educational supports of the teachers, the principals and the school systems behind it.

We are in a great dilemma because, like my fellow parents, I have a great commitment to mainstream schooling my boys. My son's allied health professionals think it is a very poor choice, because they do not think that schools are set up for him. He is verbal. He does not have an intellectual disability. He has some behavioural issues that can be managed with the correct education and support of teachers. There is discrepancy between the rhetoric of inclusion that we heard the Department of Education talk about today and the reality of what my children—particularly my eldest boy—lived through. That is very hard to address. As parents we are being told to send our children to support units because at least they might understand autism. It is very disappointing that I do not seem to have a choice because I am being told that mainstream schools will not understand my child so I should send him to a segregated unit.

Mr ROY: We are all PhD trained individuals, and we are struggling.

The Hon. DUNCAN GAY: Over the Christmas break I experienced what you experience. My wife and I became prime carers for an autistic granddaughter over the Christmas period. We were not expecting to. We experienced some of the concerns you raised but not others. Firstly—I am asking whether you experienced this—we could not find a good site that helped us bring a child from the country to the city. There was no site which could tell us about appropriate schools for an intellectually disabled child at the autism end. She is a gorgeous kid and her verbal skills are great. There was nothing on any of the websites to tell us where to go. We struggled through. We probably won the lottery because we got her into a place, on the first attempt, at Lane Cove. It has been really good; it is a terrific place. Have you found the same thing? When you move to an area—a different suburb or a different city—there are no proper links that help you find the right institutions?

Dr HEYWORTH: I think "lottery" is the right word. You take pot luck and you hope for the best; quite often you get very far from the best. My husband did not want Catholic schooling for our children so we

went to our local public school. I am in a slightly different situation; my eldest was not diagnosed when he went to school. We knew he was quirky but we were in the fiercely anti-labelling camp. I let the school know that we had certain numbers of concerns. They said, "We are an inclusive school; of course, we will continue to take him." We were desperate to have his needs met so we had him diagnosed—primarily to have his needs met at school. Then the school staff threw up their hands and said, "The problem is yours. We are not sure what you would like us to do about that."

Mr DAVID SHOEBRIDGE: Did they say that the problem was yours?

Dr HEYWORTH: Yes, they said that the problem was ours as parents. The school said, "We are not interested in doing anything in our school." He is not a behaviour problem. He was depressive and anxious. He was very anxious in a way that it is hard to understand unless you have had an anxious little person in your life. Those things did not show at school, which is quite a standard trait for many autistic children. They keep it together at school and then fall apart at home, where it is safe. Because the teacher did not see his meltdowns and did not see the sort of responses that I explained, we were told that it was our problem as parents, and that his diagnosis was just a piece of paper. They were not interested in understanding him any further.

Mr DAVID SHOEBRIDGE: Who in the school told you that?

Dr HEYWORTH: The principal.

Mr ROY: The problem we have is that schools are looking at children as a deficit medical model rather than being assets. We were told, by a special education teacher, that our child could not learn and that none of the kids can learn. Our son is currently homeschooled. He is aged eight. At the moment he is doing age 10 maths. He is doing age 11 reading because he taught himself to read. He is doing music at age nine level. He is above in multiple areas. There are areas that he struggles with, but we need to be seeing these as children with learning needs, not as medical problems.

The Hon. DANIEL MOOKHEY: I would like to explore your interactions with the complaints procedures of the department. You would have heard the rather extensive conversation we had with the department this morning about the complaints process. They put forward a few propositions. One is that it is there, it is responsive and it is transparent. Is that reflective of your experiences with the complaint procedures?

Mr ROY: No—that is a very clear answer. When I said to one member of the Employee Performance and Conduct Directorate [EPAC], "This is not transparent," they said, "It is to us." No, it is not transparent. It is not quick. It is long. Once it goes beyond three years parents have to have taken legal action, otherwise they can never take legal action against the department. So often I hear stories that the department will stretch out the complaint beyond three years so that the parents feel that they are getting the matters dealt with slowly but they can no longer take any legal recourse when the department then refuses to deal with it.

I have that as a personal experience. The department does not deal with matters. The department will take months to get back to you. The department is in continual breach of its own policy of responding within 10 working days. I have multiple emails that I have sent to high-up members of the Department of Education—higher than the members that were before the Committee today—saying, "It has now been 35 days. Could you respond to my email."

Reverend the Hon. FRED NILE: After hearing the evidence of the departmental people, I would like to ask you whether you think they are out of touch with the reality of what is occurring at the parent level.

Mr ROY: I think they are distorting the reality.

Mr DAVID SHOEBRIDGE: All witnesses nodded their heads. That does not show up very well in *Hansard*. We had better ask each of you.

Dr HEYWORTH: I did not take our complaint any further. I had no faith—because I had been dealing with the principal and my complaint was about the principal and the classroom teacher—and there was no evidence to the contrary, that any complaint I made would not be taken out on my son in the classroom at the time. We were very concerned that he was being used as a bit of a political football. I was deeply worried that if we took a complaint any further he would see the ramifications of it in the classroom, in the school.

I think that goes back to the discussion this morning about the principal being both the person investigating and the person to whom you complain. I was also just coming to terms with a brand new diagnosis and how to parent my child—what it meant for my family. I was not in the "headspace", to put it colloquially, to go to a website and to find out what I needed to do. There was no easy process to say, "This is not working for us. What do we do next?"

As I said, I had no faith that my son would not see someone for that complaint in the classroom.

Reverend the Hon. FRED NILE: Did you have any evidence of other parents where children had been victimised in the classroom because of the parents' complaint?

Dr HEYWORTH: I did. In the school I talked to other parents; some parents had left the school because their children had been diagnosed with additional needs and had left and I talked to these parents. They left because their very minimal supports had been withdrawn when a complaint had been made. I had no experience of that myself but I did talk to other parents about that.

The Hon. DANIEL MOOKHEY: Given that we heard particularly from Dr Issa about how hard it is to get your children admitted to a school—another reason that might deter people from making complaints—is it also the case that, if you have to withdraw your child from a school, your ability to get them back into education is incredibly hard. Is that correct?

Mr ROY: Yes.

Dr HEYWORTH: Yes, absolutely.

Dr ISSA: Yes, I mean I did exactly that. My son was at a school from year 7 to year 9. In year 9 he had a lot of issues with the principal over her not allowing him to participate in mainstream curriculum and I voted with my feet: I literally decided at that point I am taking my son out. It took me a year to transition him to another school because I needed to find another school, work with the principal—I had to convince the principal to take my son. There was a lot of push back initially but then the principal realised it was an opportunity for him to accept my son. It took a whole year to transition him. We needed to make adjustments to the school—put in a ramp, a lift, a this and a that. That transition was not easy. Then he had to stay in year 9 at the school that I was not very happy with. I did not complain beyond the principal because I was trying to work with the principal and I did not feel that there was any point—I needed these people to look after my child and there were a number of teachers within the team who were trying to convince me not to leave and were saying that he would not cope in a mainstream class and they put a lot of pressure on him and he felt a lot of anxiety during that whole transition phase. So it is a very interesting experience.

The CHAIR: Mr Roy, in your opening comments you gave a number of examples of very serious matters that were deemed to be administrative under the class and kind agreement. I take it they are examples of allegations that have been raised by parents and others with you?

Mr ROY: Yes.

The CHAIR: Can you tell me, to the best of your knowledge, whether any of those people who have made those complaints—very serious complaints—have gone outside dealing with the internal complaint process as it is, have gone to the NSW Police Force and what the outcome of that was?

Mr ROY: If you contact any of the authorities such as FACS—I am not sure if that is the correct term any longer—or the police, they often refer it back to the school saying that is a school matter that will be investigated by the school.

The CHAIR: As you alluded to earlier, even if some are serious allegations of personal violence against children, are they sent back to the school to deal with it?

Mr ROY: Yes. We observed as a family another child being assaulted by a teacher. We reported it to a school; the school turned around to us and said, "You're not the parent, therefore we're not going to deal with it." So apparently only parents who have observed their own children being assaulted have it reported. And when I asked the department about what child protection laws were in place for children, particularly, say, in early intervention units, it took the department and the Minister for Education at the time over nine months before they could give a definite answer that there were two laws that applied, because up to that point we were being told no laws applied, and, indeed, I have the emails to state that.

The Hon. JOHN GRAHAM: Of the sorts of incidents you are talking about—incredibly serious incidents—presumably having been directed back to the schools or the department, parents have raised some of these issues—

Mr ROY: And they go back to the principal, who investigates his own staff.

The Hon. JOHN GRAHAM: In your view are they getting any justice inside the department?

Mr ROY: No, and they are not being put on the statistics that get released of reportable conduct.

The Hon. JOHN GRAHAM: So we do not even know about these incidents. How many are occurring?

Mr ROY: Last year I think it was 69 reportable conduct incidents were released around about July. Of the over 250 families that we were dealing with, two of them said, "Oh, our incident is there"; all the rest said theirs were not included.

The Hon. JOHN GRAHAM: If the sorts of incidents that are not making the grade are not part of those two can you detail the sorts of circumstances you are talking about?

Mr ROY: We are talking about teachers or principals assaulting children—not minor assaults, not a little tap on the shoulder; we are talking about locking them in cupboards, throwing them against walls, dragging them across floors, twisting their arms.

Mr DAVID SHOEBRIDGE: This is happening in New South Wales schools?

Mr ROY: Yes.

Mr DAVID SHOEBRIDGE: And complaints about it simply are not even being recorded as complaints. Is that right?

Mr ROY: You would have to do a full investigation of EPAC to find out what they are doing with them, but as far as I am aware, from the information I have been given, these are being seen as the department makes an inquiry, which is an important term. I noticed in the earlier statements they were making comments about inquiry and investigation and changing them. If there is an investigation, that means it has been reportable conduct. If it is an inquiry, it means that the principals investigate their own staff, their own schools that they socialise with.

The Hon. NATASHA MACLAREN-JONES: Parents and children are interviewed when either an investigation or an inquiry is occurring?

Mr ROY: If you ask the department they say they do and they give out media releases that children were interviewed. Then when you say, "Well, my child wasn't", they say, "We're sorry, it was another child in the class that was interviewed." Then when you point out to them that all the children in that class were non-verbal and which child was interviewed because it will be a very short transcript—I actually sent that as an email to a senior director of the area, a senior director that our member of Parliament was directed to speak to—they do not get back to you. So they say they interview them and then you find they do not.

Mr DAVID SHOEBRIDGE: They seriously send correspondence saying they are interviewing non-verbal children?

Mr ROY: To the media. It was actually put on NBN. I have got the screenshot if you would like it sent to you; I can give it to this Committee—and, again, I have the email correspondence.

The Hon. JOHN GRAHAM: And presumably you have raised that issue again with the department.

Mr ROY: Yes.

The Hon. JOHN GRAHAM: Do you feel that that has been adequately dealt with? Has there been a response from the department to that incident?

Mr ROY: No. What the department kindly does is they then communicate to you through their lawyers. And this is the sad thing: every single person here wants to see children succeed, and I believe the department does as well, but people get into entrenched positions that they will not come out of and so it becomes an aggressive rather than a collaborative process to find the best outcomes for children.

Mr DAVID SHOEBRIDGE: Dr Issa, you were nodding your head there. What is your perspective on this?

Dr ISSA: I experienced that when I had difficulties with the school my son was at and I confronted the principal. Originally she said, "No, we can't take [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 27 MARCH 2017]", and then I got anxious and I went above her and made a complaint that "Well, where am I going to take my child?" The principal got quite defensive and I found the situation very difficult to manage because she sort of—I do not like to use the word—but dug her heels in and wanted to defend her position and her approach, and yet what she was being told was, "You need to accommodate this child", and her solution was I had to make a concession and the condition of entry was "must go into the IM class". I found that entrenched in that it was on her terms and I had to make concessions to get entry, which at the time I was at my wit's end because I could not find a school and there was no-one else on my side saying, "No, actually that is an infringement of his rights. You need to accept him in mainstream because that is the preference, that is what the parents want". I share Melanie's experience. You are struggling and juggling so much; you do the best you can and you do not want to cause trouble.

Mr DAVID SHOEBRIDGE: At the same time, there is an extraordinary deadline—the term is about to start. You are relatively powerless and you are negotiating with well-informed and powerful principals.

Dr ISSA: You do not have power or leverage; they have all the power. I am talking about negotiating in April for entry into a school the following year. I think I have time, but I do not because asset management needs to come in to do stuff.

Dr HEYWORTH: I think I am a very empowered and educated person, and I found the conversations I needed to have with principals and systems when my son was in school confronting both emotionally and intellectually. Often it was me against a number of people from the system on the other side of the table. Ostensibly we were all working together, but it was very much me and what I wanted for my son versus the rest of the school. I believe that I am in a great position to advocate for my son, but the majority of parents are not in nearly as good a position as I am to advocate. It is those children and parents who need the support of things like this to make a difference because they may not be as educated nor as able to articulate.

Mr DAVID SHOEBRIDGE: Do you support Dr Issa's proposition of having a caseworker in your corner who understands the system to negotiate with you from the moment your child's needs are identified?

Mr ROY: It is very hard to find someone with that expertise. I come from an education background and I got bullied.

The Hon. DANIEL MOOKHEY: Did the department at any point during the admission or complaints process provide you with any assistance akin to a caseworker or any other resource to help you?

Mr ROY: No. That is why parents homeschool. I state for the record that I am a member of the NSW Education Standards Authority [NESA] homeschooling consultative group. Homeschooling is increasing by about 15 per cent a year in this State. A significant component of that increase is parents who have a child with a disability whose school is not meeting their needs, or who say that their child is experiencing bullying both by staff and other children. When you speak to those parents they say that their child's needs are not being met. Homeschooling should be an option; it should not be the last resort.

The Hon. DANIEL MOOKHEY: Dr Heyworth, you homeschool your child. Can you describe the level of commitment that requires from you and your family, and what resources are available to assist you in that task?

Dr HEYWORTH: It is an unspeakably large commitment. It means that I am no longer even contemplating returning to any sort of career for myself. It means that my whole existence revolves around homeschooling my child and meeting his needs. I do not now have my own individual goals in terms of my career or where I would like to go with it. If I wanted that, I would have to wake up at 4.00 a.m. There is certainly a personal toll. We also cannot rely on having a social network; we have to be hugely active in our lives to ensure we maintain and foster social relationships. We do not have a ready-mixed school community to tap into either as parents or children.

Mr Roy may be able to help me in this area. It is hard to explain the commitment it takes. Part of my son's problem at school was that it was excessively boring. The curriculum was not interest-led nor differentiated. We saw no evidence of a universal design for learning nor any of those sorts of things in his classrooms. This year I can do all of that for him and provide him with an engaging curriculum through which he can demonstrate his giftedness in ways that are appropriate, interesting, relevant and meaningful to him. However, to do that I am teaching myself all of those things. I understand that it is a huge ask for teachers to be able to do the job that I am doing and to do it for 30 children.

The CHAIR: You also have the intellectual ability to do that. What about the parent who does not have that capacity?

Dr HEYWORTH: Yes. Again, it speaks to the fact that I am very lucky that I can access everything I need from university libraries and my academic background to help me in this pursuit. There are many people who do not.

The Hon. DANIEL MOOKHEY: I do not want to be crude, but what does that cost? Does the department give you financial resources?

Dr HEYWORTH: No.

Mr ROY: No, the \$15,000 that every child is given is not given to homeschoolers. We are also denied access to distance education. My wife had to give up her degree studies; she had just started a degree in psychology but she had to stop. She can no longer work or be involved in the community, the church, or anything like that because she has to be focused on homeschooling.

The Hon. DANIEL MOOKHEY: In addition to the opportunity cost that you have described in terms of your career, you are also meeting the financial costs of educating your child?

Dr HEYWORTH: Absolutely.

Mr ROY: The National Disability Insurance Agency [NDIA] will not cover it.

The Hon. DANIEL MOOKHEY: How much is involved each year?

Dr HEYWORTH: It costs thousands to provide all of the educational opportunities that we expect to be provided by a school. For some people that may not be a lot of money, but I cannot work and we rely on my husband's income.

The Hon. DANIEL MOOKHEY: It is a lot of money.

Mr ROY: Yes.

Dr HEYWORTH: Yes. It costs a lot of money to provide those rich educational opportunities that we want our child to have.

Reverend the Hon. FRED NILE: Do you believe that a percentage of the money spent on teaching your child in the school system should be allocated to homeschooling parents? Obviously that cost is no longer shouldered by the department.

Dr HEYWORTH: To be honest, I have never thought about that. It would certainly make a massive difference to us. We do not feel we have a choice. As Mr Roy said, homeschooling was a last resort for us. We do not to feel we have a choice; there is no other option for us at this stage. I now have no option to work because I need to homeschool my son primarily for his mental health, never mind his educational journey. It would help if we were to receive substantial funding, particularly because no-one else is absorbing the cost of his schooling.

Mr ROY: It would need to be accountable. It should be remembered that I am not talking about the loading funding when I refer to the \$15,000. There is a great deal of evidence suggesting that that funding is being used in other areas.

The Hon. DANIEL MOOKHEY: We are about to get to that.

Mr ROY: It is not accountable. Of course, if we were given financial assistance, we would also need to be accountable for how we use it. It is not our money; it is the people's money.

The Hon. DANIEL MOOKHEY: You would have heard the discussion the Committee had with departmental officers about the transparency of the loading funding. You may have reacted to that evidence in the same way that members did. Do you have any comments to make about the department's position that the use of that funding is transparent and that it is working?

Dr ISSA: I learnt something new today; that is, that the principal has the discretion to make decisions about how those resources are applied. I always assumed that my son got the funding and that it went to my son.

The Hon. DANIEL MOOKHEY: Were you surprised that that might not be the case?

Dr ISSA: Yes, I was. I was extremely surprised. I am mortified by the fact that there are no checks and balances to ensure that the funding goes to the right place. My experience was that it was always difficult to get the right level of funding. I was extremely grateful for whatever we got. Because my son has a vision impairment and a physical impairment he could not write. He needed a teacher's aide. We were constantly having those negotiations around resourcing. I did not scrutinise the numbers and say, "Hang on, you are not spending the right amount on my son." I was grateful and negotiated the best outcome, ultimately he got the help he needed and completed his Higher School Certificate [HSC]. Obviously, I was lucky enough in the end, during his later school years, years 10 to 12, he found the right place and he was well resourced.

The CHAIR: Is the funding determined depending on the level of disability?

Dr ISSA: Yes.

The CHAIR: The more severe the disability the more money?

Dr HEYWORTH: Yes.

Mr DAVID SHOEBRIDGE: It is. More money goes to the school. The question is: Is it going to assist the children?

Mr ROY: Their needs require more money. What is interesting is when a parent changes school and suddenly they find out there are all these resources available for their child. The child's disability has not changed but that school is a good school and using it. If a school uses the funding for a teacher's and there is no evidence that that teacher's aide is necessarily the pedagogical right thing for the child or the teacher's aide is being used for that child. The principal is literally saying we have a teacher's aide funded. There is a lot of anecdotal evidence from teachers as well as parents that the teacher's aide is then put into a different section to support normal kids.

Mr DAVID SHOEBRIDGE: A number of submissions, by no means all teachers' aides, but many seem to be used to assist the balance of the class rather than the student who has been allocated resources. It is a question of keeping a lid on the student.

Mr ROY: We should not be using teacher's aides.

Mr DAVID SHOEBRIDGE: Do you have that experience at all?

Mr ROY: They are the least pedagogically qualified within the classroom being given responsibility for the most pedagogically needful child. We should be using evidence-based ideas for using the funding and that is not happening.

Dr ISSA: I will add to that. I believe that teacher's aides are very valuable. However, I feel there is insufficient training. I have had to deal with many teacher's aides and I feel they are not always equipped to offer the best value for a child. Some of them are highly skilled, others are not, but they are all passionate about being good teacher's aides and they wish they could do more. I do believe teachers' aides are valuable in the classroom. My son was fortunate in that during his HSC he had some really good teachers' aides and they tried really hard to help him.

Mr ROY: The good ones are gold. There is one I know of in Kiama. Fantastic, passionate and caring but often then they will start to advocate for the children and the principals will turn on them and say, "You are speaking up too much."

Mr DAVID SHOEBRIDGE: Dr Heyworth, is this part of the lucky dip system?

Dr HEYWORTH: It is, sort of. We have had a lot of experience of teacher's aides when my son was running or throwing chairs or doing things behaviourally inappropriate in the classroom. He was given a teacher's aide allocation. What it effectively meant for our child—and from anecdotal evidence from other parents—is that it is a babysitting service. It means that teachers can abdicate responsibility for teaching my child. He did not learn to read or to write or do any of those basic things and it feeds into the soft bigotry of low expectations that schools have for our children with disabilities. For our children it is perfectly okay for them just to be okay. To achieve anything.

You can achieve anything, a little tiny thing with a teacher's aide who might be able to teach you very little but our children will never achieve what they could achieve unless teachers take responsibility for teaching them. It is the teachers who have the training to teach. The teachers' aides do not have that. They are great support mechanisms, but they should not be used as babysitters so the teachers can sit. This goes back to the allocation of funding. I did not want our son's funding to be allocated to a teacher's aide because I did not want him to be babysat in an office so he could look up the things he enjoyed on the computer because he was too stressed to be in the classroom. That does not seem to be a useful way of utilising any kind of funding.

The Hon. DANIEL MOOKHEY: That prompts the question: Did anyone in the education system ever talk to you about how you would like that funding used?

Dr HEYWORTH: I was very articulate about the fact that my son had become dependent. He loved his teachers' aides, had a beautiful relationship with them, but he became very dependent on them and they became markers of his difference to his peers. We asked for that relationship to be negotiated out of. There is not the creativity or the education at a school level to know what else to do. There is a basic level beyond which they said, "Well, we have given you a teacher's aide, what more do you want?" If you say, "We do not want a teacher's aide because that is not meeting my child's needs." They do not have another solution.

The Hon. DANIEL MOOKHEY: Dr Issa, did anyone ever discuss with you how the funding for your child should be used?

Dr ISSA: They did disclose to me the number of hours of teachers' aides he was allocated based on the components of his disabilities. There was not a negotiation around how to best use that funding or the allocation. I was aware of how many hours he got. To add to Dr Heyworth's point, a teacher's aide for my son was very

necessary so that he could participate in the classroom but we need to have different models to accommodate different needs.

The Hon. DANIEL MOOKHEY: You would have heard the department say that the best mechanism to report how they use the additional resources for disability is through the annual reports. Do you think that is adequate?

Mr ROY: No.

Mr DAVID SHOEBRIDGE: How many annual reports from schools have you read?

Dr HEYWORTH: Well, I have actually read quite a few because in trying to shop around for schools, which is difficult, they are often a good way to get information. I do not think that is typical of many parents and they are not exciting reads. The annual reports are not as easy to read and transparent as that evidence may have suggested.

Mr ROY: Annual reports are public relations exercises. Therefore, they select what they wish to state and do not select everything. We should be using best practice.

Reverend the Hon. FRED NILE: Are you aware of any excessive disciplining of children with disabilities? There are reports of caging, which I thought was illegal.

Mr ROY: Yes. I have evidence of children being locked into small cupboards, of them being isolated in rooms with no supervision, tied to chairs and illegally restrained. There is lots of evidence of that. Regularly children will be disciplined because of their disability. If a child has a sensory processing disorder, as most neurological children do, whether it be dyspraxia or autism, they will react sensory to situations. If that is caused by their disability should they then be suspended? They are regularly suspended. It might be coincidence, but that allows the school to have the funding but no child needing it.

The Hon. JOHN GRAHAM: Are there records of the incidents you are describing?

Mr ROY: In your submissions that are multiple records of this.

The Hon. JOHN GRAHAM: What you are saying is that some may not make their way through the complaint process?

Mr ROY: Schools do not need to keep records. Often they are too busy. Schools do not need to release records to parents. If you look at the department policy they do not need to inform parents if there has been an injury to their child. Children with disabilities often fall and have concussions. If they then fall again in the classroom that concussion could kill them. The parents need to be aware of that so that seven hours later if their child has fainted they realise what is going on. There is no requirement.

The Hon. JOHN GRAHAM: The department is a large bureaucracy, there must be some records of these sorts of incidents or schools purchasing training or containment areas.

Mr ROY: You would have thought so. I have asked for these documentations for multiple parents. They will not release them and the policy tells principals to not inform parents of such incidents.

Mr DAVID SHOEBRIDGE: What is the experience of the other parents of suspension as a form of discipline or of how discipline is used in relation to children with special needs?

Dr HEYWORTH: I have not very much to add to this because my little boy had no behaviour issues at school until they were so bad, at which point we took him to partial enrolment—but that was my choice rather than being disciplinary, because I knew that the school could not deal with him. I do not know that I have very much to add.

Dr ISSA: I do not have much to add to this part of the discussion. My son was never sanctioned.

Mr DAVID SHOEBRIDGE: There were none of those behavioural traits.

Dr ISSA: He never had any behavioural problems. I would like to make a point about risk. I think Mr Roy and I probably differ in our attitudes. I have always been concerned about the Department of Education's attitude towards managing risk. Sometimes their focus is on protecting themselves rather than perhaps doing what is best for a child. They are quite risk averse. With [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 27 MARCH 2017] they were highly risk averse. He was not allowed to, for example, move around the playground in case he might fall or hurt himself. They were very restrictive. They were often too controlling of his movement and his ability to be independent. I worry that the approach promotes learned helplessness. They over-help because they are worried about risk.

Mr DAVID SHOEBRIDGE: And that can be socially isolating at school.

Dr ISSA: It is socially isolating. One frustration I had with one of [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 27 MARCH 2017] schools was that he was not allowed to play in the playground with the other kids. He had to sit in a certain area. That meant he had to sit there and be guarded the whole time because if he walked around he might fall. He was not allowed to get into the lift on his own. That meant he had to wait around for someone to unlock it for him.

Mr DAVID SHOEBRIDGE: That obviously frustrated you at the time and in fact deeply troubled you as a parent.

Dr ISSA: Yes.

Mr DAVID SHOEBRIDGE: When you raised that issue at school, did you raise it with the teachers or the principals?

Dr ISSA: I did.

Mr DAVID SHOEBRIDGE: What happened?

Dr ISSA: I would raise it with the head of the disability unit and then she would raise it with the principal. I was always raising issues and I did not see them always addressed. Sometimes I helped them solve problems. I would say, "Well, how about we do it this way or that way?" I became the problem solver. But I never took it beyond the school.

Mr DAVID SHOEBRIDGE: Did you know you could? Was there a clear path?

Dr ISSA: Certainly I could, but going back to my earlier comment, my primary interest was to work with the school. They have a duty of care. They are looking after my son. I have a teacher's aide who looks after my son—I do not want to get her offside. I want to work with them and help them solve problems. That is the role that I took on. So I would find solutions. I would say, "Well, how about we do it this way?" Often there were times when the key to the lift went missing so my son would be waiting around for hours until someone could find the key to the lift. He was not allowed to keep it in case he lost it or in case another child found it and tampered with the lift—ridiculous things like that. My approach was to help them find better ways of doing things rather than go and complain and be difficult but ultimately I did leave that school because they were not giving him access to the curriculum.

The CHAIR: Is there a standardised criteria utilised by the Department of Education to determine the level of need akin to the disability? Is it equal right across the State? Is there such a model?

Dr ISSA: Yes, there is a process of assessing a child's needs. I only know from a physical point of view because my son had physical and sensory disabilities. I cannot speak to—

Dr HEYWORTH: I think not.

Mr ROY: There is an element of it. They ask for medical reports.

Dr HEYWORTH: Yes.

Mr ROY: And then once the child is in the school it is at the discretion of the teacher, who is stating that they are the pedagogical expert—and I have heard this multiple times from multiple parents and had it personally said to us as well—and they know better than the medical experts what this child needs.

The CHAIR: Is there a model available in any other jurisdiction that you are aware of around the world? Obviously you would be experts on this.

Mr ROY: Finland. Scotland. Queensland is developing one. There has recently been released by the Australian Government a new document called "Inclusion for Learning" in which they are suggesting models to approach supporting students and having the right funding and resourcing. But the big issue is not the funding or the resourcing. As the Auditor-General's report said earlier last year, it is an attitudinal change: the way that we approach it by speaking to parents. If there is an issue with behaviour or curriculum, discuss it with the parents, who are the experts. I would argue that Dr Laura Issa is the best expert on her family and that Dr Melanie Heyworth is the best expert on her family and that not I but my wife is the best expert on my family.

The CHAIR: Wise choice again.

Mr ROY: She is with my son all the time homeschooling. I am the plumber with the leaky tap. But it should be discussed. There are always going to be issues with schools but there are issues with all kids in

schools and we should not say, "Oh, children with disabilities have got behavioural problems," because they are nothing in comparison to the normal child.

Dr HEYWORTH: Given the National Disability Insurance Scheme [NDIS] and the rollout of the NDIS on a needs-based rather than a diagnosis-based model, I think our schools are running very far behind. Although there was evidence given this morning that they allocate funding based on need, my personal experience is that the more diagnoses my son had on paper, the more funding he got. His needs did not actually change—they remained the same—but as we got extra pieces of paper, he got more money. Whether we actually saw that money in practice is another thing altogether, but that is not a needs-based funding model; that is a diagnosis-based funding model. If we are moving in the disability world in our NDIS and National Disability Insurance Agency [NDIA] towards needs-based funding, we are very outdated in schools to still be reliant on that piece of paper that says, "This child has this diagnosis and therefore has these needs and can be allocated this much money."

The Hon. JOHN GRAHAM: You are right: there has been a real change in the discussion about disabilities driven by the nationwide discussion about the NDIS.

Mr ROY: Which has been wonderful. It is cross-party and it is great.

Dr HEYWORTH: Yes.

The Hon. JOHN GRAHAM: It has been one of the exciting things. How far short do you think we are falling of the idea of actually integrating the sorts of kids you are describing into the school system?

Mr ROY: We are not. We are putting a label on them which could be "autism" or it could be a black triangle. We then put them in a wooden hut. We then fence them off from the rest of the community and tell the community they are different: "They cannot learn. They are not as good as you. They are genetically not as superior." It sounds like an extreme comparison I am making but that is how things started—

The Hon. JOHN GRAHAM: But that is not the policy of the department. That is not the official approach.

Mr ROY: But that is what they do.

The Hon. JOHN GRAHAM: You are saying that is what is happening in practice.

Dr HEYWORTH: I come back to the disparity between the rhetoric of inclusion and a lived reality of our children's lives in the classroom. My child became clinically depressed and indeed suicidal because he was marked out as so different from his peers. There should be no child at age six who feels so deeply that they do not fit into a mainstream school that their option is to end their life. It is not an acceptable way of treating our children. We were told that he did not seem that different to his peers so we should not acknowledge it to anybody and we should keep it secret, so for him it was his shameful secret that he was autistic. The teachers do not understand what autism means. The communities do not understand. We are not practising the inclusion that we preach by such a long measure.

The Hon. JOHN GRAHAM: When it comes to inclusion or integration—or really, from what you are describing, even getting your child into a school—the official policy in that instance is that they have an absolute right to attend their local school. You are saying that is really not a right at all and we are a long way short.

Mr ROY: And it is not integration. Integration is not the same as inclusion. You can integrate by keeping them separate but inclusion is the real thing. And the children are aware of this. Louise Milligan, the ABC reporter wrote a wonderful piece in the *Guardian* about her child who has autism and stated that one of the reasons these children are so sensitive is that they are too empathetic. They are so aware of what is happening to them and what is going on. And they are hurting badly from the age of four onwards.

The Hon. NATASHA MACLAREN-JONES: I wanted to ask about the school learning and support teams and if any of you have had any dealings with them and what that has been like.

Dr HEYWORTH: We asked for our son to have an individual education plan [IEP] written for him after he was diagnosed and to have people from the learning support team included in his IEP, in writing and implementing it, and we were told that he did not need it.

Mr ROY: We got to see our IEP once our son was removed from the school and we had asked for freedom of information. That is how we got it.

Mr DAVID SHOEBRIDGE: It surely did not require a freedom of information request to get the individual education plan for your own child.

Mr ROY: We did not even know it existed.

Dr ISSA: I have had different experiences. In the last three years of high school I found the process to be much more effective than I had experienced before. There was a formal process of developing an individual learning plan and I was very actively involved. I had many meetings with the team and in setting goals and I had input into it. There was regular follow-up because I was very supportive of my son being allowed to have a go at doing the Higher School Certificate [HSC]. I did not want him to do life skills. I said, "He will learn; it will accelerate his learning and he needs to have a go." I found the process was quite effective. I am sure there is room for improvement but I was really very involved in it. I did get copies of meeting notes and I got copies of the individual learning plan and I found it to be very helpful for me stay on top of what was happening in my son's classroom and the curriculum. And so I was able to then support him through the journey.

Reverend the Hon. FRED NILE: Did you find that the teachers themselves had adequate training on how to handle a disabled child in a class?

Dr ISSA: No, absolutely not.

Mr ROY: I can tell you that I train people to be teachers and there is inadequate training. There is inadequate training at university and there is inadequate training on the job. Again it comes down to having leadership from principals. I feel there is negativity in some things I am seeing but it has to be recognised that there are some schools that are doing the right thing. I could happily provide a list of at least four or five schools in New South Wales that are doing the right thing and parents say, "Wow."

The Hon. DANIEL MOOKHEY: Could you provide a list?

Mr ROY: I would happily give that to you on notice, yes. But the universities need to train as well. There is an issue there.

The Hon. DANIEL MOOKHEY: I want to clarify a few details as we approach the end of the session. In your submission you made a rather remarkable statement—I found it remarkable. In December 2015, 37 instances of violence against children with a disability were reported in New South Wales public schools and earlier you listed the categories as well. Where are you sourcing that from?

Mr ROY: It is from Government Information Public Access Act releases that were asked for by some journalists that were published on the ABC. It was the Minister who released that on request to different organisations and those organisations passed it on to me.

The Hon. DANIEL MOOKHEY: Where was that rather long list of examples of abuse that you mentioned derived from?

Mr ROY: That is both from personal letters that I get sent by parents or communications in the advocacy work that my wife and I help do for parents—unpaid as we are not advocates. We had parents who came together to help start this inquiry because they were so concerned.

The Hon. DANIEL MOOKHEY: Could you provide us with that evidence on a confidential basis?

Mr ROY: I could but I would have to speak to individual parents, so I cannot guarantee anything. There are parents who wanted to submit to this inquiry but they were deeply concerned that, even with their names redacted, the schools would know exactly who they were and they would then get targeted in those schools. So there is still fear—sorry.

Mr DAVID SHOEBRIDGE: There are a number of instances in confidential submissions where parents, once they escalated the matter up to the formal dispute resolution part of the department, felt that they then became targeted. Can you shed any light on that?

Mr ROY: [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 27 MARCH 2017]

The CHAIR: Mr Roy, I interpose for a moment to caution people about mentioning personal details.

Mr ROY: I am not naming names.

The CHAIR: No but it could well identify other aspects, so please proceed with caution.

Mr ROY: I am sorry about that.

The CHAIR: That is fine; I am more interested in your efforts.

Mr ROY: I am not alone; people get intimidated. They get informed, "Drop your complaint, we will give you a better placement." I have at least seven instances that I can state, including ourselves.

Mr DAVID SHOEBRIDGE: When either you or the other doctors raised your concerns, did you ever get a sense that there might be consequences with raising concerns?

Dr HEYWORTH: When I went to see the principal about the classroom teacher when my guy was in kindy, the classroom teacher pulled me aside and said, "Why did you go to the principal and what do you expect me to do?" She literally threw up her hands and said, "I do not know what more you want me to do. I am not quite sure why you went to the principal. Now you have made it untenable for me to teach your child." That was with just going to the principal. So as I said, I had no evidence to the contrary to think that if I pushed it any further up the chain, if I had been in the head space to be able to do that, there would not have been further intimidation. I felt quite certain that there would have been further intimidation. And my son was already having enough difficulties without adding to them.

Mr DAVID SHOEBRIDGE: The State Government responds to this through a whole series of laws that make it unlawful to discriminate against people on the basis of disability and the Education Act includes a positive requirement. Do you find it surprising that principals do not have mandatory legal education?

Dr ISSA: Yes, I am shocked; I am absolutely shocked.

Mr ROY: I am surprised not shocked; I am disappointed.

Mr DAVID SHOEBRIDGE: Surprised, shocked and disappointed.

Dr ISSA: Yes, I am shocked because I would have thought that, as a principal, the minimum requirement would be that you would be adequately trained in understanding what your duty of care means.

Mr DAVID SHOEBRIDGE: Now you have heard that principals get to decide how the money is spent on special needs, or if it is spent on special needs, what did you make of the evidence that there is no compulsory training for principals about special needs education or any aspect of it?

Dr HEYWORTH: My experience of schools is that so much of it relies on teachers; that there is not enough leadership from principals around these things. If we want teachers to be doing their job, it needs to come from the principal. If the principals are making these decisions then they need to be educated in how to make them. You have to make knowledgeable decisions. If you make decisions out of ignorance, that is not excusable. It boggles the mind particularly as I said that I speak from a position of someone who has lots of experience with neurodivergent children. Our neurodivergent population is blossoming rather than surging. More and more we are recognising neurodivergent children and those children have needs that have to be met. And if we are not training our principals in how to meet those needs, how are our teachers expected to follow through if there is no leadership around that? I think it is both astounding and deeply disappointing.

Mr ROY: Show me a good school and I will show you a good principal. That is what is behind any organisation; it is from leadership.

Mr DAVID SHOEBRIDGE: The figures are showing a very large increase in the number of children who are diagnosed with autism. Should the State Government not be investing in a large increase in the training of teachers and principals to deal with autism? Do you see that happening?

Dr ISSA: Well, yes. The previous review recommended the training but we are hearing that that training is an opt-in process which to me is inadequate and unsatisfactory. It should be mandatory. From my experience and my struggles throughout my son's journey it has been that lack of skills among teachers. I put that down to inadequate training during the formal university process and not getting exposure in the workplace to these issues. Kids with disabilities have been segregated, so integration is a new thing. They do not have that exposure and experience. I think it should be mandatory. I think that every teacher should be passing some sort of minimum requirement for dealing with children with all sorts of special needs. It is shocking to me that in the year since the Every Student, Every School policy came out we still have a problem with training.

Mr ROY: I do not think it should be a diagnosed based training. When you meet one child with autism you have met one child who happens to have autism. It needs to be about diverse learning training because every child has particular areas in which they need support and other areas have been ascertained. Teachers are not fully trained in looking at alternative children or neurodiverse children and realising that sometimes it is not that they cannot learn; the homogenous situation of the classroom as set up puts a blocker on learning. I think there needs to be proper training—more than an online voluntary four-hour test and you have ticked the box. I think a lot of teachers would like the real training because most teachers and teachers' aides are passionate, caring and wonderful but we have a few bad apples that are rotting the whole barrel.

The Hon. JOHN GRAHAM: I return to the question of raising issues within the system. You have all described some of the personal difficulties you have had. You have given the Committee a good feeling as to

why that might be the case with individual schools where there are real disincentives. Do you feel that parents do not raise issues with the department beyond their school as a result? What you are describing is that they have been too discouraged to raise those issues further afield. Do you think that is accurate?

Dr HEYWORTH: Yes.

Mr ROY: Yes. I think part of the issue in particular in the public system is that the political masters are linked into the public system so they are caught with not being able to have an overview. I think there almost needs to be a separation from the Ministry of Education with the department so that the Minister can be protected and also able to overview properly and deal with the issues of independent, Catholic and special schools.

The Hon. JOHN GRAHAM: That really goes to my question. Surely there has to be a better way to let the light in. There are some quite strong formal rights, laws and policies but you are describing a system where the behaviour is different on the ground with no real way to let the light in.

Dr HEYWORTH: Fundamentally as parents we are disempowered. If you do not want to go to your local public school or it is not providing your child with adequate education you then can afford private school, if you can. You can afford home schooling, if you can. You can send them to a Catholic school or some other systemic schooling, which we chose but that would not be the choice for everyone. If you are locked into a particular school because of a catchment zone or something like that, we are disempowered. We have no choices so you have to work within that system. I think there is a fundamental flaw there. It is all well and good to say "You have choices to go elsewhere" but for many people those choices are not real choices.

Mr DAVID SHOEBRIDGE: Something as fundamental as travel assistance can make or break the decision to take a child out of a local school and put them into another school.

Mr ROY: And if you are making that choice and saying, "I can't go to that school; I want to go elsewhere" you will not necessarily get the travel assistance.

Mr DAVID SHOEBRIDGE: The travel assistance is disallowed?

Mr ROY: Yes.

Mr DAVID SHOEBRIDGE: If you have a high needs child—

Mr ROY: There is an instance of that as well. The one thing I keep coming back to is that this is about the kids. Not one parent who makes a complaint who wants to have it investigated; they actually want the complaint to come back as "not happened", but sadly they are just being denied even the very right to find out the truth.

The Hon. JOHN GRAHAM: You have described that reticence. You are really representing your child's interest in the system. You want it fixed but the point is that if it is not there has to be some sort of mechanism. You are really describing a system where there is no such mechanism.

Mr ROY: I would be interested to know—and it has never been released—how much of the department's budget is being used for out-of-court settlements, so matters do not have to go to court. I have heard from at least eight people in the past year who have had out-of-court settlements who have said, "I cannot reveal how much I got but it was five to six figures." The department was so entrenched it never dealt with the complaints in the first place. It makes financial sense to deal with these issues so we can use the money to support kids rather than pay off the mistakes that have been made in the system.

Mr DAVID SHOEBRIDGE: Since the Every School, Every Student policy was introduced the system in New South Wales has pockets of excellence with fabulous schools—some principals get it, resources have been applied appropriately, kids with special needs are being welcomed and they are working wonderfully. But there is a vast spectrum out there—from absolutely terrible to deeply mediocre. The system does not really cover the field. The system does not provide the integrity that is needed to make sure it works across the State. Is that an unfair summary?

Dr ISSA: It is a fair summary.

Dr HEYWORTH: I think it is a very fair summary.

Mr ROY: I think it is quite a generous summary.

Mr DAVID SHOEBRIDGE: The idea of empowering principals is great if the principal is well trained, positively motivated and gets it. But you cannot just empower principals and then step away and not have some State oversight. Is that the sort of challenge with which this Committee needs to grapple?

Dr HEYWORTH: Absolutely.

Dr ISSA: At a high level we need a plan for integration and inclusion and what that means, and roll it out. I am hearing from parents is that for autism and those difficult spectrum disorders we just do not know what we are doing and we have not got it right. Perhaps for vision and physical disabilities we have had a little bit more experience and we have some guidelines but there is no guide book. There does not seem to be a framework for integration and inclusion. Inclusion, in my view, is really about finding ways for kids to be able to participate, to actively learn in the classroom and to be able to engage in the curriculum in a way that benefits them at their level. I do not think we have found that and that is what we need. At a high level we need some frameworks and we have to go back to the drawing board and develop that.

Mr ROY: Can I suggest that it be based on empirical best practice not anecdotal beliefs from commentators who do not have any expertise because that is what we have been doing to some extent so far.

Reverend the Hon. FRED NILE: Are any of you aware of problems with medication of the children who have disability, which may cause them to develop some sort of depression?

Mr ROY: Yes.

Reverend the Hon. FRED NILE: How does the school handle that?

Mr ROY: It is not so much about the school. Many of the children who have challenges with the school end up having to be medicated because of the anxiety and the post-traumatic stress disorder. Abilify is a very good settler for those children—to allow them to cope with the anxiety. We now have a situation where we are medicating our children to cope with the damage done by the education system. We are medicating them with serious psychotropic drugs.

Dr HEYWORTH: I can say, personally, that that is where we are at. Even though we are homeschooling we are still dealing with the fallout of three years of school, requiring that kind of medication because of the anxiety. I also know a parent who has reported that her school was very resistant to her son's coming off medication because the school felt he was far more compliant on his medication. I am not sure that compliance should be our ultimate goal for any child. Certainly schools can have a say, but the medication space is not a school space.

Mr DAVID SHOEBRIDGE: Isn't that the whole point? Surely the school should be dealing with the appropriate medication regime that is determined between the child, his or her parents and the doctor?

Dr HEYWORTH: Yes.

Mr DAVID SHOEBRIDGE: The school should not have an influence on the medication regime.

Dr HEYWORTH: That is right.

Mr DAVID SHOEBRIDGE: Is it the case that schools are?

Dr HEYWORTH: I have one example: The doctor had recommended that the dosage be brought down and the school was very reticent because they were worried that the particular child would not be compliant any more.

Reverend the Hon. FRED NILE: So they wanted to drug the child?

Mr ROY: Yes. It is really sad. The children should be first.

The CHAIR: Unless there is another pressing question I will conclude this session. I thank all three witnesses and all those people you represent for the honest, frank and clearly emotional way you have gone about giving evidence to us today. It has been very enlightening. I am very grateful for the time you have given us.

Reverend the Hon. FRED NILE: You have been excellent.

The CHAIR: No questions have been taken on notice so I do not need to advise you about the 21 day reporting back period. There may be some further questions from the Committee.

The Hon. DANIEL MOOKHEY: There was one question on notice from me—some supporting evidence of some of the statements that Mr Roy made.

Mr ROY: I will look for that and also for the best-practice schools.

(The witnesses withdrew)

(Luncheon adjournment)

DIANE ROBERTSON, Principal, Clarke Road School, Vice President NSW Primary Principals' Association, affirmed and examined

GRAEME McLEOD, Principal, Gosford East Public School, Chairperson, Disability Programs Reference Group, NSW Primary Principals' Association, affirmed and examined

CHRIS PRESLAND, President, NSW Secondary Principals' Council, affirmed and examined

MEREDITH FAWCETT, Principal, Elderslie High School, Executive Member, NSW Secondary Principals' Councils, affirmed and examined

PETER SKINNER, President, Special Education Principals and Leaders Association, affirmed and examined

ANNE FLINT, Executive Member, Special Education Principals and Leaders Association, affirmed and examined

MATTHEW JOHNSON, Vice President, Special Education Principals and Leaders Association, affirmed and examined

The CHAIR: Thank you. As is normally the practice, we offer the opportunity for people to make opening statements. I am mindful of the size of the panel. If everyone makes a lengthy opening statement that will be the end of the afternoon. If people wish to make an opening statement that is fantastic—I will not discourage them from doing so—but I ask that they be mindful of the other witnesses.

I remind witnesses—I am saying this to all witnesses because of the sensitivity of what we are dealing with—that Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily.

Ms ROBERTSON: The NSW Primary Principals' Association [PPA] is a professional association representing 1,800 government school principals in New South Wales. The New South Wales PPA's role is to support principals, schools, families and students to ensure that all students in all schools experience success and develop to their potential. We advocate for our members and consult with both the Department of Education and ministry to achieve this success.

Nearly every town scattered across New South Wales has a public primary school, which is often at the centre of the community, and we enrol all students. For some students government schools offer a variety of sites that can support the needs of their children. Throughout New South Wales government schools offer placement in mainstream classes and support classes and in schools with a specific purpose for students with identified disability. The parents and carers are able to choose the most appropriate setting for their children if there are places available.

Support classes support students with intellectual disability moderate to severe, emotionally disturbed, behaviourally disturbed, autism and multicategorical, as do schools for specific purpose. One hundred and five thousand students receive support for disability in New South Wales schools; this is 14 per cent of the total population attending government schools. Eighty per cent of these students attend regular classes in mainstream schools.

The classification of a disability is extensive and broad and it is essential that the standing committee maintain a broad view of the unique needs of all students classified as having disability or special needs. Disability is diverse. Supporting the needs of our students with reading disability is far-reaching, from supporting the needs of severely intellectually disabled students with severe autism, self-injurious behaviour and complex medical needs. Supporting those students' needs is critical to the child's development and their future opportunities, but they may require different levels of support and expertise to ensure quality educational outcomes.

Maintaining a needs-based focus for each of these students so as they receive the support they need is strongly recommended by the NSW Primary Principals' Association. Our principals of schools work closely with families and communities to strengthen the outcomes for all students. We, as principals, run great schools, engaging in outstanding programs to support students with diverse and often very complex needs. We accept all. There is no lack of commitment by our leaders, parents, teachers and student learning support officers [SLSOs] to make a difference in the lives of students with disabilities. The issue is ensuring funding meets need. It is evident that the gap is narrowing between some provision of services to students with disability and special needs and the number of students who are now presenting to New South Wales public schools. The number of students presenting is increasing.

Our survey of PPA principals clearly showed that whilst many processes have been improved, there still remains a gap between where students are, where they go to school and how they are supported. The lack of available positions is a significant equity issue, as outlined by our principals, and it continues to vary across the State. Students are lining up for places in all settings. The funding issue remains a key highlight. The capacity of students to receive the support they require is critical. Ensuring all students with disability and special needs receive the support they require is essential. High-support students with violent behaviours often require support above the current ratios. Funding is not ensured for these students outside of the existing staffing ratios in some schools.

Ensuring teachers' standing before all of those students and that they continue to have high standards, extensive knowledge and training is a critical issue. A child in Brewarrina accessing services is more difficult than for a child in Bondi. Our network service centres are in place to provide an interagency model to help fill this gap; however, our principals are reporting that at times the network service centres are not meeting the needs, and, indeed, some principals indicate they have limited knowledge around these services. These hubs are essential for disability and special needs, particularly in the more rural and remote areas.

Key issues for schools for specific purpose are the inequity of primary versus secondary funding issues and teacher release issues where there are secondary students. Funding formulas applied to mainstream schools do not correlate to equity across all settings where ratios are different, which is the case for support units and SSPs. Managing and supporting students with violent and behavioural issues as well as mental health issues is a complex matter and can have profound impacts on teachers, on schools, on systems, on families who are supporting these students. Whilst our schools engage a raft of programs and supports to address these needs, our survey indicates a critical need to review funding available to support these students at levels that ensure workplace managers, principals, can ensure the safety and wellbeing of students and other students and staff working with them. Giving teachers the skill to manage these students is critical.

To summarise our submission, we recognise the success of our system to cater for the diverse needs of all students. We highlight the high demand for support for students with a disability or a learning need and the frequent lack of available places. We identify that placement is not always available locally and is not always provided in a timely manner, but in many cases they are. We recognise that there have been improvements in accessing funding but we highlight the complicated access request program and the often inadequate funding levels to meet individual needs, and there are often time lags for the funds to come to schools. We strongly recommend an urgent review of the support for complex behaviours in schools. We indicate that equity issues impacting schools for specific purpose and support units be reviewed and we seek the review of placement panel guidelines to support class classification that reflects a needs-based approach.

The NSW Primary Principals' Association strongly supports the rights of all children with disability to have equitable access to educational provision and resourcing, regardless of the educational context. Thank you for the opportunity to present to the inquiry.

The CHAIR: Does anyone have anything further they wish to add?

Mr PRESLAND: Yes, thanks, on behalf of the Secondary Principals' Council [SPC]. The NSW Secondary Principals' Council is the professional body representing principals of government schools and colleges in New South Wales that have secondary school enrolments. The council works closely with senior officials of the New South Wales Department of Education and the New South Wales Minister for Education and provides advice on matters relating to public secondary education in New South Wales. The SPC continues to support the right of every student to receive the highest quality education and for all students to become successful, lifelong learners. It is also important to note that it requires more resources, both human and non-human, to deliver on these values for students with a disability or special needs. It is largely for this reason that our organisation is strongly supportive of a needs-based funding model which has the potential to increase the capacity of schools and the system to provide the necessary support to these students.

Our submission reinforces our commitment to the above principle and seeks to highlight the areas of strength as well as challenges which inhibit the capacity of schools to provide the necessary support. One area of significant improvement has been that of teacher awareness and coordination of support for students at the school level.

Since the introduction of Every Student, Every School [ESES] and requirements under the national teaching standards, teachers have become more attentive of their responsibilities under the legislation. Differentiation has been a focus for professional learning at many schools. Teachers are in the best position to determine if students require learning support. If teachers action their initial concerns through differentiation then students may receive timely access to the support required. Teachers are feeling more informed and supported to provide adjustments, but professional learning should be ongoing and updated.

ESES funding for schools has facilitated improved access to additional support within schools to meet the additional needs of students with a disability or special needs. However, the immediacy of the support can be inhibited by the increased number of students being referred to the school learning and support team and/or the development of appropriate individual education and support programs. The greater challenges relate to students who require more intensive or specialist support. Much of the coordination of support rests with the schools' learning and support teams [LAST], which are responsible for completing an access request. That request can be for integration funding or for placement in a specialist support class.

The access request is completed online with input from the LAST, the school counsellor or psychologist, the district guidance officer—now referred to as a "senior psychologist, education"—the parent or caregiver, and, finally, the school principal. When the parent, caregiver and the principal have signed the request, it is submitted to the relevant placement panel, which in turn is aligned to educational operational directorates. It can take weeks for that to process to be completed. Even then, there is no guarantee that a placement position will be available. The process is time-consuming, demanding and complex. In the meantime, students and teachers continue to do the best they can with limited resources and expertise.

There is great concern about managing the more complex, antisocial and/or challenging behaviours of students. Increased workload in the form multiple reporting for the same incident to safety and security, health and safety, the Department of Family and Community Services, the police, child and adolescent mental health services, and the list goes on. The development of quality behaviour support plans, risk assessments and exemption documentation creates a significant burden on the workload of principals and staff. Since the 2010 report, there has been an increasing prevalence and complexity in the nature of mental health and the incidence of physical threats, assaults, verbal threats and abuse towards both staff and students.

We believe there is an urgent need for a full review of the nature of the support available to schools for the management of complex and challenging behaviours. Schools for specific purposes [SSPs] are still staffed and funded on a primary school formula even though enrolments may include secondary students. Primary schools generally receive less funding and staffing entitlements than high schools. Therefore, the high school aged students attending SSPs are staffed and funded at a lower level. This anomaly reduces the schools-based funding and staffing, executive support allocation and teacher preparation time and release from face-to-face allocation as it is used to cover the shortfall for these students. This model also inhibits access to secondary curriculum options and specialist resources and staff.

In closing, despite the additional funding provided to support schools in the provision of education to students with disabilities or special needs, there is a growing number of students with diverse disabilities being integrated into mainstream schools. As a result, teachers find it difficult to cope, even with additional resources. Teachers put the education of their students first, but they are finding it more and more difficult to cope with the many students with disabilities or special needs in their classes. Having said that, we remain committed to doing everything possible to support every student in every school. We thank the Committee for this opportunity to contribute to the inquiry.

Mr SKINNER: The Special Education Principals and Leaders Association [SEPLA] thanks the General Purpose Standing Committee Inquiry into the Education of Students with a Disability or Special Needs in NSW Schools for inviting it to make a contribution. I also thank the NSW Primary Principals' Association and the NSW Secondary Principals' Council for its ongoing support of our organisation. SEPLA advocates and provides professional learning, conferences, support and wellbeing programs for executive staff, including head teachers, assistant principals, deputy principals, and principals, in 113 special schools and in many more special settings across New South Wales. The association provided more than 700 special educators with professional learning at its 2016 conference.

The association has made a submission to the inquiry because its members are passionate about the education of all students with disabilities and complex learning needs. In fact, our members cater for the learning needs of students who require the most support in our system. The Melbourne Declaration on Educational Goals for Young Australians, the Department of Education and the NSW Education Standards Authority tell us about the importance of education for all students. For all students to learn effectively there must be equitable and adequate resources as reflected in the provision of programs to support learning. These include early action for success, reading recovery, instructional leaders, and learning and support teachers beyond the classroom entitlement, equitable support provided through the Resource Allocation Model [RAM], quality teaching of successful students, professional learning funds, and equitable allocation of resources for our high school aged students.

Students with disabilities are entitled to an education on the same basis as their non-disabled peers. Currently the quality of education our students receive comes from the high level of professionalism and care of

the educators in our settings. Their wish is to leave no student behind; their concern is that they are not able to offer the opportunities or programs that their peers in other settings may have. Special educators face the most complex learners in the education system with passion, enthusiasm and creativity. The inequitable funding of these students sends a message that students with complex learning needs do not warrant equitable funding. SEPLA members seek the allocation of resources to their students so that they can lead and provide the level of education that they are tasked with providing.

The Hon. DANIEL MOOKHEY: Thank you for appearing before the Committee today. I would dread being called to the principal's office, so having eight before me is particularly intimidating. I refer to the access support process, which has been commented upon by all of the organisations. This is a process by which schools can access predominantly integration funding but also admission to special schools. That is \$112 million of additional funding under the RAM to which schools are entitled. You all make the point about the incredible amount of time it takes for a determination to be made after a school has assessed a child as requiring additional support and the principal and the parents have agreed to the assessment. How long does it take before an access request is processed and the school knows whether it will receive the additional money?

Mr PRESLAND: It varies from operational directorate to operational directorate; it is not consistent across the State, so I can speak only to the experience in our area.

The Hon. DANIEL MOOKHEY: Why is it not consistent across the State?

Mr PRESLAND: Each operational directorate has different processes and different numbers of representatives on the placement panel. That is the primary reason.

Mr SKINNER: Some placement panels might have direct principal representation and others might not. It might involve a more collaborative approach at the system level, and decisions are made based on the expertise of senior psychologists and student wellbeing staff. Those decisions are then passed on to the principals. Others are a lot more collective, but the end result is the same.

Mr PRESLAND: The short answer is that in most cases it would probably take a minimum of six to eight weeks. Generally speaking, placement panels meet twice a term—early in the term and late in the term.

The Hon. DANIEL MOOKHEY: How many access requests are refused as a percentage of the total?

Mr SKINNER: That would vary from placement panel to placement panel. If someone were seeking a placement in a special school, the school would have to have a vacancy. I have attended placement panels where a student is eligible, but there is no vacancy, so the family gets a "no offer" and would be referred to the next panel.

The Hon. DUNCAN GAY: Mr Presland said in his contribution that it needs to be done better. How do we do it better? If you cannot contribute today can your organisations come back with a recommendation on how to do it better? You all acknowledged that there are faults and we need to do it better. Do you have ideas for us now or can you send some?

Ms FAWCETT: I do not have any ideas now but the department has done a review.

The Hon. DUNCAN GAY: I do not want the department's view. You are separate organisations.

Ms FAWCETT: We had input but I am sure we could go back.

Mr PRESLAND: Fundamentally, it is a resourcing question. Ultimately it comes down to dollars. Yes, there are plenty of ways that we could suggest to make the process streamlined, quicker and effective but they require additional resourcing. Even getting a placement panel together where the principals are coming out of schools and coordinating when everybody can get together takes time.

Mr DAVID SHOEBRIDGE: It sounds like they make it up as they go along rather than having a working, functional statewide system. Is that right?

Ms FAWCETT: They have systems; they are trying to make it statewide.

Mr JOHNSON: I would disagree it is dysfunctional. It has evolved over time in each region. Some regions have huge placement panels and other regions do not. They have naturally morphed over time into the arrangements they have got. The principals do not want to give their time on that day in a willy-nilly way; they want it to be as efficient as possible. It is a challenge. Previously an Ombudsman's inquiry was done into placement and it was about the speed.

Mr DAVID SHOEBRIDGE: If one region has a big panel, one region has a small panel, one region has principals on it, one region does not, one region takes eight weeks and one region takes three months, from a State perspective that does not seem to be the best system. Is that the system?

The Hon. DANIEL MOOKHEY: Are there good policy reasons for that level of discretion being made available to local panels or regions, or however you geographically organise things?

Ms FAWCETT: The panels that work successfully have input from the schools where there are placement opportunities for the students in the future and from principals or representatives of the schools that have those students that are seeking placement. There is input from the schools before the panel meets. That is an important avenue.

Mr DAVID SHOEBRIDGE: Surely it is compulsory that you have input from the school that is likely to have to receive the child with special needs?

Ms FAWCETT: It is part of the access request.

Mr McLEOD: Different panels across the State use different things. Some have a lot of principal input with the receiving and outgoing of the child; others do not. You have to make sure that you get the kids the right place as well. We have to make sure that the placement panels have all the information in order to get the best place for them. It is a big game of chess. I agree with you. We are part of the review and have come up with some ideas and we will work closely with the department to ensure this happens. We are happy to give you some ideas.

Mr DAVID SHOEBRIDGE: Principal involvement is it right or wrong, do you want the principals on the panel or will it distract you from core work?

Ms FLINT: Yes.

Mr PRESLAND: Yes, we do.

Reverend the Hon. FRED NILE: The answer given to a question by Mr Gay was the answer we usually get from the Government. We want you to give your answer. You are not constrained by the budget—the Treasurer and education Minister are. We encourage you to be optimistic because there are funds available. We know the total amount of money the Government has available at the moment is quite considerable. There is \$20 billion through the leasing of poles and wires.

The Hon. DUNCAN GAY: It is a chance to make it more efficient.

Reverend the Hon. FRED NILE: If you have ideas on how to improve the system, let the Government work out how to pay for it.

Mr McLEOD: We do not want children to wait either. We do our best. The other part of the access request is funding support, which is targeted support for children in mainstream settings. The department has improved that and it is a much quicker turnaround. They did listen to our ideas and it is much more expedient. We do not have to wait for a panel any more; they do it on a rolling cycle which has helped us immensely. Previously, the time frame was that we had to wait for placement panels.

Mr DAVID SHOEBRIDGE: That is best practice. You do not wait to convene a panel; you have a rolling assessment?

Mr JOHNSON: One of the challenges with that is the expertise available to us through the guidance service, senior psychologists and school counsellors. Whilst the provisions are there the sheer amount of work and time it takes for student assessment to inform the access requests is part of the reason it takes such a long time.

The Hon. DANIEL MOOKHEY: How long does that student assessment take before you make the access request?

Ms ROBERTSON: It would depend on how many people are required to have input into the access request process. If you are seeking placement for a student with autism in an autism support unit it would require another person to be engaged in part of that process. Sometimes it can be fewer, other times it can be a larger amount of people. You may be delayed by needing updated classifications or risk assessments in order to make well-informed decisions about best placement for those kids.

The Hon. DANIEL MOOKHEY: That happens before the six to eight week period that Mr Presland described?

Ms ROBERTSON: The six to eight week delay may be due to the fact that there are not places available in the setting you have made a recommendation for.

Mr DAVID SHOEBRIDGE: Six to eight weeks was the minimum. What is the average?

Ms ROBERTSON: It is hard to say.

Mr PRESLAND: It varies.

The Hon. DANIEL MOOKHEY: Six to eight weeks in the course of 10-week school terms are, so it could take up to an entire school term before you know whether or not you have a placement?

Mr DAVID SHOEBRIDGE: It always does because that is the minimum.

Ms ROBERTSON: It may take longer if you were seeking a place in a support unit. If that support unit is full generally the children are in that unit for the year and so the delay can roll over again. The access request will be rolled over again until a position becomes available in that setting you are seeking placement for.

The Hon. DANIEL MOOKHEY: If your access request is granted how long is that funding made available to the school? Are you required to apply every year?

Mr McLEOD: Access requests are for placement into classes, and that is ongoing and reviewed each year. The funding support is reviewed each year. That is for targeted funding for kids in mainstream.

The Hon. DANIEL MOOKHEY: How long does a review take?

Mr McLEOD: We meet with the parents, talk to the teachers and make sure the child is making progress in the right setting.

Ms FLINT: It is not another access request; it is a student review in your school.

The Hon. DANIEL MOOKHEY: All of you made reference to the fact that the access request process is due to how many vacancies exist in the system. We asked the department and got nowhere as to how many vacancies there are in the system now. Do you know how many spots are available? How long do parents have to wait? How long do principals and schools have to wait before there is a spot available? What is the time period?

Mr JOHNSON: You would only be able to know from your local network of schools.

The Hon. DANIEL MOOKHEY: What do you know from your local network? How many vacancies exist?

Ms FLINT: Our last placement panel had five special schools for students with intellectual disabilities represented. There was one vacancy across the five schools. One student was made an offer.

The Hon. DANIEL MOOKHEY: How long is the waiting list?

Ms FLINT: There is no waiting list. The access request is moved on to the next panel.

The Hon. DUNCAN GAY: There is no waiting list; you just reapply?

Mr PRESLAND: Yes.

Ms FLINT: If a child is under six years old they may not be enrolled in any school. If the child is approaching six they may be enrolled in the local school and the local school will put in an access request for funding support until a placement can come up.

Reverend the Hon. FRED NILE: What is the other possibility for that child?

Ms FLINT: The child may be in a support class in a primary school and be waiting for a special school placement. They will remain in their current place until there is a vacancy.

Mr DAVID SHOEBRIDGE: The absence of a waiting list is attractive on one level as no government likes to have a waiting list because it becomes a focus point. In this system there is no waiting list because once you do not succeed on the first application you go back into the pool for the next one.

Ms FLINT: You go back into the pool for the next one.

Mr DAVID SHOEBRIDGE: You go back into the pool. Then do they need to do a fresh assessment at all?

Ms FLINT: No, they do not.

Ms FAWCETT: They just resubmit, in a sense.

Mr DAVID SHOEBRIDGE: Does the parent resubmit or does the school resubmit?

Ms FLINT: I think it is reasonable for there not to be a waiting list because, depending on which other students' access requests have arrived at panel, they do have to prioritise. They have to prioritise on age and complexity of disability.

The Hon. DANIEL MOOKHEY: In that network that you have in which you said there is one vacancy, how many students have applied for that one place?

Ms FLINT: I do not know.

The Hon. DANIEL MOOKHEY: Can you give us a ballpark figure?

The Hon. DUNCAN GAY: How do you know if someone has dropped out and gone elsewhere if you do not have a waiting list? When you go to your meeting to plan, without a waiting list how do you know who still needs help?

Ms FLINT: The learning and wellbeing staff—the education support staff—in each of the networks holds that information from every school.

The Hon. DUNCAN GAY: On the non-waiting list.

Ms FLINT: Yes.

Mr DAVID SHOEBRIDGE: It is a pool rather than a list. This is a not entirely irrelevant semantic discussion. A list would suggest that you work your way up but instead what we have is a pool of applicants who are assessed on the basis of need—

Ms FLINT: Complexity of need.

Mr DAVID SHOEBRIDGE: —and opportunity.

Ms FLINT: And age.

Mr DAVID SHOEBRIDGE: Are we going from a backyard pool to a 25-metre pool to a 50-metre pool? What is happening to the pool?

Ms FLINT: Whilst in my network there was one vacancy at this last panel, two of my students have now received places in other areas so there are two more vacancies that the panel did not know about.

Mr DAVID SHOEBRIDGE: But how many people are in the pool?

Ms FLINT: I do not know.

Ms FAWCETT: We are not told that information.

Reverend the Hon. FRED NILE: There are some children whose disability is so severe that you cannot handle them in a normal public school system or with a normal teacher because there would be such pressure on that teacher and the support staff. What happens to that person that you cannot place?

Mr PRESLAND: The reality is the school might receive additional funding to try to provide some support in the schools. If you are talking about a mainstream setting, it may receive additional funding. But fundamentally the teachers and the learning support team in particular would try to coordinate differentiation of the curriculum for that student and perhaps provision of specialist staff if there is funding available—school learning support officers, otherwise known as teaching aides—for some people.

Mr DAVID SHOEBRIDGE: Ms Robertson has been trying to make a contribution.

The CHAIR: Yes, she has been very patient.

Ms ROBERTSON: There would be complex case management for a student like that entering a school. It would depend on the context that the parent has elected to send the child to. It may be a support class in a mainstream school, it may be a special school or it may be a mainstream class. In enrolling that student you would be looking very closely at the complexity of their needs and supporting a case management approach to make sure that your homework is done before the student actually enters into the classroom.

Reverend the Hon. FRED NILE: So they could go to a special school.

Ms ROBERTSON: They could absolutely go to a special school—that would be fine. Likewise they can move out of special schools into support units depending on parent choice.

The Hon. DUNCAN GAY: You raised the issues of teachers aides. Evidence was given earlier that people were concerned that funding that comes with students, particularly for teachers aides, may go outside special education into the general part of the school. Is it your understanding that funding that is tied in this area does not go outside this area?

Mr McLEOD: I think it is probably the opposite way in many regards because we get the targeted funding for children and then we top it up as well because we try to give as much support as we can for kids. Schools do get flexible funding for disability. It is not a great amount but it does assist. Going back to the last question, we are getting much better with learning support teams and providing learning support. We have learning support teachers and we try to do the very best to get the best outcomes for those kids in the mainstream who have significant difficulties or some learning difficulties.

The Hon. DUNCAN GAY: No-one has seen an example of money going outside the special education?

Mr McLEOD: I have not.

Ms FLINT: In special schools there is not additional funding depending on complexity. We have a base funding allocation. Members of SEPLA are reporting to us that the base funding is not sufficient to meet the needs of really complex students and principals are taking money from other programs to top up that provision.

Mr DAVID SHOEBRIDGE: But you are all principals who have a very strong disability focus. You are, if you like, the disability team and special needs team. Can you say how those many, many other principals out there are responding and dealing with their budget in terms of ensuring special needs funding goes to the right special needs program?

Mr McLEOD: We have a fairly sophisticated network with our association—secondary do as well—where we have 41 different primary principal councils. We have very good discussions. Part of our role is supporting principals across the State. I would probably get six phone calls a week from teachers across the State about exactly what you are saying—about support: "How do we do this? What can we do? How can we be creative?" We are a support structure as well.

Mr DAVID SHOEBRIDGE: One of the questions we were exploring with the department earlier was about training for principals, because principals now have a lot of discretionary powers as to how they allocate special needs funding. Is there training being provided to every principal to ensure that they get best value for dollar and do the best thing by the kids?

Mr JOHNSON: At the moment there is an online leadership credentialing program that the department has put out. The difficulty with any kind of training for principals is that the corporate sector does it really well: identifying people, growing them and nurturing them over time and they are ready for the job. But the history of the way schools have been staffed is that you apply and then you get ready for the job, so there is a bit of that still. It is the professional network and why we build all our leaders within our schools to have the capacity. It is really hard to make it something that is proactive and real or it is compliance driven.

Mr DAVID SHOEBRIDGE: Well, here is a blank page for you. What would you do in terms of training principals and ensuring that they were at best capacity for dealing with special needs children and special needs funding? What would you do?

Ms ROBERTSON: Special educators have been working on a new website which has just been released federally called Leading Learning 4 All. It is a commitment to leadership, to education standards and to the principals' standards to actually provide great resourcing and great ideas on how to work with kids with complex needs across all settings. It is a challenge for many schools—kids walking in the door who have really complex needs—so this resource, which is now getting quite great acknowledgement across Australia, is certainly helping to change the focus there.

Mr DAVID SHOEBRIDGE: What about the principals who do not log on to that website? What about the principals who just do not want special needs kids in their school because they see them as a significant problem and a resource drain? How do we get to them?

Mr McLEOD: I think that we have to choose the right principals—that we tap them on the shoulder and encourage them; that we identify. Because at the moment it is self-identification if you want to be a principal. You have to self-identify, obviously, as in all jobs, but I think it is really important that we and directors start identifying people. We do, but it should be a formal process. We should identify those people and get them through the principal credentials and support them on the job. There are mentors now, which is good. It

is a good start but I think that is a part on which we need to follow up and really focus on to get the right people in the right job.

Mr JOHNSON: There is even the concept of a professional year—of an internship—where you can actually buddy up with a principal over time. Our association is completely grounded as a professional learning and support organisation. We get to understand each other and we share the stories, but we are not able to have something where we get release and time to be able to support and develop our colleagues. We have the expertise but we do not have the time to pursue that.

Mr DAVID SHOEBRIDGE: Seriously, when it comes to principals, they have more budgetary obligations and more local leadership obligations but they have not got any more time, have they? Is that the key missing ingredient for principals?

Mr PRESLAND: Definitely.

Ms ROBERTSON: Definitely.

Mr McLEOD: A business manager would be very nice.

Mr PRESLAND: The question that you ask is quite specific in relation to provision for students with disabilities, but it is a much, much broader issue around principal preparation. For a long time our organisation has had a very strong position on the kind of preparation program we believe principals should go through and be involved with both in an academic and in an internship-type arrangement. Historically the department's approach to that has been more around what we would call principal induction than preparation.

Mr DAVID SHOEBRIDGE: Which is getting back to what Mr Johnson says: "You have got the job; now we will make you ready for it."

Mr PRESLAND: And at the point of induction there is pressure for all the different parts of the department to get to principals to tell them what they now need to do.

Ms FLINT: The Special Education Principals and Leaders Association of New South Wales [SEPLA] exists because there was a gap in professional learning for leaders in special education, whether they are in mainstream schools or in special schools. SEPLA started out as the New South Wales Special Education Principals Association and we were at the inquiry in 2010 under that banner. As leaders in special settings, we recognise that there were assistant principals and head teachers in mainstream schools leading support units, in particular, who did not have that professional networking and support and we expanded our association and it became the "Principals and Leaders Association". That is our role, in trying to gather as many people into that network, where you find a colleague that you can ring when you are not sure about what you are doing with a student. We would all have primary or high schools that contact us as special school principals saying, "Hey, I have this kid, what can I do?" We need more of that. And we need the time to be able to go in and support schools but we need the professional learning funds and the time to be able to do that.

Mr DAVID SHOEBRIDGE: I invite each of you to put something on notice that fleshes out how you would respond to this.

The Hon. DUNCAN GAY: Can I also add, you have spoken on behalf of the principals but teachers as well. We also had evidence earlier that indicated that probably there was a lack of training in teachers, not necessarily principals. I return to Ms Robertson's opening statement where you said 14 per cent of the school population is in special education and 80 per cent of those are in mainstream, which was almost contrary to evidence we had earlier, which indicated that there was a real problem of getting students into mainstream. Of that 20 per cent, is there some more that could get into mainstream that are limited because of resources or is your feeling—and I am asking this to the panel—that the numbers are pretty right on where students should be and where they are going? And what are those numbers?

Ms ROBERTSON: It is a long question.

The Hon. DUNCAN GAY: It is a long question, I am sorry. And the 80-20, can you also come back on the actual numbers later on to us? I guess it is that there is always a concern that people want to go into mainstream. I have to say, I was impressed to hear that 80 per cent are in mainstream.

Ms FLINT: My observations, as a principal in a special school over a long time and as a member of SEPLA over a long time, members of SEPLA report to us that the complexity of the disabilities of students, in special schools in particular, has increased over the years. The students with less complex needs just are not in our schools any more. They are either in support classes in primary or high schools or in mainstream provision and that is terrific and it is testament to the increasing capacity of mainstream schools to meet the learning needs of these students.

Reverend the Hon. FRED NILE: Are the increasing numbers of children with disabilities, particularly mental health problems, because of the society we now live in?

Ms FLINT: There are certainly in schools for students with intellectual disabilities increasing numbers of students who also have diagnosed and undiagnosed mental health conditions.

Mr McLEOD: We are finding in primary schools as well there is an increasing number of children exhibiting signs of mental health problems. We are not experts, we are not medical people but we do help to cater for these kids and there is an increasing number.

Reverend the Hon. FRED NILE: I suppose it is hard to say what causes that.

Mr McLEOD: No.

Mr SKINNER: In terms of an organisation, speaking on behalf of SEPLA, our concern probably is not on where the students are placed; it is more on the quality of educational experience they have when they are there. If we are providing an excellent education for our students and we have great social outcomes for our students, and they get to engage with their peers, then that is the best outcome for them and if we have got the resources to be able to do that, then fantastic. Similarly, with our primary colleagues and our high school colleagues, their outcomes I guess would be the same. If the educational experience is great and the social experience is fantastic, then we are ticking all the boxes we need to tick as leaders.

The Hon. JOHN GRAHAM: Can I ask about kids getting into schools in the first place? Based on evidence we heard this morning some parents felt like they were being discouraged from enrolling their child in their local school and certainly the evidence from the Auditor-General supported that view. That it is certainly a widespread belief amongst parents. I am interested in the principals' take on how that problem looks from your end. What is your view about why parents have come to that conclusion as they are trying to deal with the school system?

Ms FAWCETT: To clarify, that they will not go to their local school?

The Hon. JOHN GRAHAM: They are turning up to their local school or turning up to other schools.

Mr DAVID SHOEBRIDGE: After having been rejected from their local school.

The Hon. JOHN GRAHAM: Yes.

The Hon. DUNCAN GAY: But they were asking specifically for mainstream.

The Hon. JOHN GRAHAM: Yes, these are kids looking to go into the mainstream schooling system.

Mr PRESLAND: There could be a perception—I personally do not know of any principal particularly that says no to a local student who is entitled to enrol in a local school. That is just black and white, so I am not aware of people being turned away. But it may well be that enrolments are delayed and that is partly to do with the principal or the school's desire to ensure that they have things in place for a student, particularly if they know the student has got higher needs in one form or another. But I am not conscious of where people are intentionally turning away—I do not know how they would do that.

Mr DAVID SHOEBRIDGE: What about "discouraged"?

Mr McLEOD: The strength of our system is that we do provide for support classes in mainstream schools and support classes in schools for specific purposes [SSPs]. I guess, when parents come along, we do go through an assessment process along with the parent and we go through it with the school counsellor and any reports they possibly have. We try to place them in our local school but obviously sometimes the recommendations come to put an access request for a support class. We try to find the best setting for that kid because we are all converted. We want the best for our kids. We are all on the program and the thing about that is that sometimes we will recommend or sometimes we will give a range of options for parents. But I would hate to think that, if a parent wanted a spot in our local school, that would not happen.

The Hon. JOHN GRAHAM: It is a very difficult time for parents and for kids and I think we should keep that in mind. But it is not that there may be a perception; I think, based on what we have heard today, there is a perception. There is a problem. Really though, looking from that principal's perspective, are there things that we could do better? Given this is such a challenging time for parents and kids, a bit of discouragement might be going a long way in this environment.

Mr DAVID SHOEBRIDGE: How do you mediate those difficult questions? A parent comes to your school with a child with a particular bundle of special needs that it is going to be hard for you to manage. You

may be thinking maybe this child is better dealt with in a specialist school. What sort of framework do you use to make that decision and to communicate with the parents?

Mr McLEOD: I have had some of the most complex needs with kids with disabilities in our mainstream classes. We do the best we possibly can for those kids. It does take time. It is a very emotive time, for parents and for the schools, because I guess we are experienced at it so we know we are creative and we are solution based. I guess, for some less experienced principals, it might be very confronting thinking how are we going to deal with, cater for, this child as best we possibly can?

Ms FAWCETT: We virtually case manage. We would ask where they have come from, so the primary school where they have been. The parents come up and look at the environment of the school. In this day and age, if it is coming from mental health, autism, those sorts of things, to me mainstream is not that much of an issue. It is the physical disabilities that can present sometimes as the more complex issues to address or anything to do with medication, specifically that the school may not have those facilities. But you would case manage with department people as well to be able to identify what you can do as a school to have that student enrol at your school. That is how it should be done, that is the case management side of it. But it is complex.

Ms ROBERTSON: It would be fair to say that a parent of a child with severe autism coming into a mainstream school is looking for a certain level of expertise and specialisation in the way the neurobiology of that child operates and how teaching and learning needs to be adjusted to support that child. I guess, as principals, when we sit opposite these parents we are seeing parents who have gone through a very arduous process and have obviously experienced lots of grief around that. Very much like the Secondary Principals Council, we would offer support case management of that person to make sure that they are aware of all of the options and educate them to make sure that they have a full understanding of the spectrum of available options within the Department of Education.

Mr JOHNSON: One of the key points is that this perception might come at the key transition. It might be as simple as a kid coming into kindergarten where psychologists are loath to diagnose at such a young age. There is not much information there. It is an unknown. It might be a transition from one setting to another setting or between primary school and high school where a student might have been managed really, really well but then there is that change. Sometimes I think it is the transitions that really amplify some of the stresses that parents go through.

The Hon. DANIEL MOOKHEY: I will use this as an opportunity to ask a few questions about the Employee Performance and Conduct [EPAC] processes. Are you aware of those?

Ms ROBERTSON: Yes, we are very aware.

The Hon. DANIEL MOOKHEY: The Committee has received a lot of evidence about the calibre and the quality of that as a process, first, to handle complaints of an employment type and, secondly, obviously reportable conduct. What are your views on that process? Do you think it is working well and is sufficiently transparent? Do you think it is sufficiently inclusive of principals and timely?

Ms ROBERTSON: I would like to make an opening comment on that. I think all principals and schools are erring on the side of proactive intervention to prevent issues from coming about. We work closely through many mechanisms and system within schools to make sure our kids are successful, that we are dealing with issues quickly and that complaints that are coming to us are dealt with at the coalface before it goes any further. To think that issues go directly higher above us is a concern because quite often we are the supportive mechanism for a lot of our families. When issues do go to EPAC it has a very efficient process to deal with that. Again this year they have reformed their policies, as I am sure the department talked about this morning. It is a very rigorous system. We have got set checklists that we need to go through in managing complaints and addressing those. But if a parent chooses to go past the principal's door and goes straight to the network to put a complaint forward, we are taken out of the loop to a large extent there. I just wanted to make a comment about that.

Reverend the Hon. FRED NILE: Parents have complained today that they were very unhappy with the way their complaints were handled. How do you improve that system?

Ms ROBERTSON: It is very hard to talk on behalf of all principals in New South Wales how complaints are managed but certainly with the colleagues who I am aware of we are very proactive in trying to address those concerns at the earliest possible stage because that is when we know we can support families, support kids and get it right for teachers, and then hopefully have success with engagement with education.

The Hon. NATASHA MACLAREN-JONES: Is there a standard in how the complaints are managed at a local level?

Ms ROBERTSON: Yes.

The Hon. NATASHA MACLAREN-JONES: What is the bare minimum that principals must do?

The Hon. DANIEL MOOKHEY: What is the source of it? Is it department guidance or is it from the school?

Mr McLEOD: Department guidance standards.

Ms ROBERTSON: It has just changed. They have now changed it so there are complaints within staff and then there is the community parent procedures.

Mr DAVID SHOEBRIDGE: Will you provide on notice and give some details now as to what it involves?

Mr JOHNSON: The training is going to be rolled out from the department on the new procedures.

The Hon. DUNCAN GAY: A specific concern was raised that it is Caesar judging Caesar. In the case of a complaint against a principal it is the principal who does the report.

Ms ROBERTSON: No.

The Hon. DUNCAN GAY: How does the process work?

Mr PRESLAND: In short, a complaint against a principal is managed by the local director of schools. I do not understand the context.

The CHAIR: What about a complaint against the school, not specifically the principal? For example, if a complaint is made about resource allocation in the school who would investigate that?

Mr PRESLAND: In that case the principal would investigate that.

Mr DAVID SHOEBRIDGE: What if the principal made the decision about the resource allocation, which is likely to be the case?

Mr PRESLAND: The principal would usually do that with the learning support team. They would not necessarily make it by themselves.

Mr DAVID SHOEBRIDGE: Do you not see that is where the conflict arises? I understand the strong wish to deal with it at a local level. As the Hon. Duncan Gay said, it is Caesar judging Caesar, and a complainant does not necessarily feel they are getting a fair shake.

Ms FAWCETT: If it was worded that the complaint was about the resource allocation by the principal then it would be the director.

Mr DAVID SHOEBRIDGE: Is it just a question of phrasing? If the resource allocation done by the principal then it goes to the director but if it is just the resource allocation then it goes to the principal?

Mr JOHNSON: I think it comes down to the level of trust that is implied on the principal's role and our code of conduct and our ethical standards on how we comply. I have not seen any of my colleagues that have not acted very openly across their school. If you are making closed decisions you are on a hiding to nothing as a principal. You need to consult; you cannot do this alone any more.

Ms ROBERTSON: There is certainly accountability from the directors of New South Wales public schools around you and the school report. How are you reporting back against your expenditure? Financial statements are also tabled at Parents and Citizens meetings in each school. Certainly if we are making decisions about resource allocation we are basing that on evidence and feedback from the community and surveys that we do within schools to make sure that we are making, as you say, ethical decisions about best expenditure to ensure outcomes for our kids. There is a level of accountability that goes all across that.

Ms FAWCETT: In relation to the complaints procedure, I have just been through one—not related to this—and if that came in about resource allocation within the school, then the principal would allocate that complaint to someone within the school. A particular school may give it to the chairperson of the finance committee to address.

Mr DAVID SHOEBRIDGE: But it would be career limiting for someone junior in the school to say "Actually, the principal has stuffed it up and done a bad resource allocation. I understand the legitimacy of this complaint." That would be a career limiting report, would it not?

Mr JOHNSON: Or career enhancing.

Mr DAVID SHOEBRIDGE: Perhaps it would be career enhancing but in many systems that would be considered to be career limiting. "My boss stuffed it up" is not normally the report people like writing.

Ms FLINT: Our members of SEPLA would welcome those complaints I think from parents about resource allocation. As a principal I would be gladly handing them over to my director to outline perhaps the inadequacy of some resourcing.

Mr DAVID SHOEBRIDGE: The Committee has received many confidential submissions from teachers aides, special support teachers and regular teachers in the system who say, "When I made the complaint all hell broke loose and my career went down."

The Hon. DANIEL MOOKHEY: Equally the Committee has received multiple evidence from parents who suggest that should they raise a complaint inside the school structure about a teacher their child would be subject to an adverse action by that teacher. In other instances parents have said if they take the complaint to the department a principal at their school would take an adverse action against the student. The Committee has received evidence in confidential submissions and in public hearings about that being a deterrent for parents willing to come forward with complaints. What do you say to that?

Ms ROBERTSON: You have just outlined mandatory reporting guidelines.

The Hon. DANIEL MOOKHEY: To be fair, I did not outline mandatory reporting guidelines.

Ms ROBERTSON: If there is a suggestion that there has been inappropriate dealings with a student it would go through—

The Hon. DANIEL MOOKHEY: No. Perhaps I should clarify what I mean by "adverse action". The Committee has received evidence that a certain resource that a parent feels their child needs would be withdrawn. The Committee has heard from other people saying that hours of access to a teacher's aide would be withdrawn. Other people have said they have received phone calls after hours from teachers and principals.

Mr DAVID SHOEBRIDGE: And in other cases saying, "Pull your complaint and you will get a spot in the class."

Mr McLEOD: We have not got that power to put kids in classes.

The Hon. DANIEL MOOKHEY: My issue is not so much whether this conduct is bad or good—it is obviously bad—but whether it is widespread. Have you heard about this? Do you have a view that this is not correct?

Mr PRESLAND: As a Secondary Principals Council representative I would be horrified to think that there would be principals who would say what you have just said ,that for whatever reason almost as a disciplinary or punitive measure, "We're going to pull your funding". That is appalling.

Mr DAVID SHOEBRIDGE: It is more implied in a conversation. A principal will not say, "Press on with this complaint and I will do X". It is implied in the conversation that there is this power imbalance.

Mr PRESLAND: Even by implication I can only say from my perspective the direct answer to your question is: I have never heard of that, I have never seen that and I would be appalled by that.

The Hon. DANIEL MOOKHEY: Are there mechanisms in place to detect it?

Mr DAVID SHOEBRIDGE: It is hardly likely to be raised at a meeting, "By the way, just last Wednesday I dealt with this complaint in such and such a way." It is not going to be raised, is it? That is why the question about detection is important.

Mr JOHNSON: It is a school culture problem.

Mr DAVID SHOEBRIDGE: How would it be detected if it is happening?

Mr PRESLAND: They would issue a complaint.

Ms FLINT: They would complain straight to the Director, Public Schools.

Mr DAVID SHOEBRIDGE: Realistically, how many complaints go to directors of public schools?

Ms FAWCETT: A lot.

The Hon. DANIEL MOOKHEY: As it turns out no-one counts. It is an interesting point you make, Mrs Flint. We asked how many complaints are made. No-one knows. No-one collects the information. The department is currently in the process of promulgating a policy to do this. In the absence of such a policy what are we meant to believe? We have parents coming forward saying that they are in fear of making complaints lest

their child suffers some sort of retaliatory action to the quality of their education and we have the department saying that it does not collect data. I am asking: What is the view of the principals?

Mr SKINNER: Apart from the fact that it is highly inappropriate, I do not know. We have many colleagues who are principals and I do not think any of us have heard anything similar to that. It is pretty abhorrent.

The CHAIR: We were told that today.

Mr McLEOD: We would be horrified by it.

Mr DAVID SHOEBRIDGE: We have the A-team here. I do not mean to be derogatory to the other. When it comes to dealing with special needs you understand how subtle messaging can be received by parents—how they are so vulnerable when they come to you at these points. You understand that, but if there are principals who do not understand the vulnerability and the difficulties, maybe that is where the problem lies.

Mr PRESLAND: The scenario that you are describing goes beyond students with disability. That is cutting to the core of one's value as a leader and as an educator. I have never heard of that. I cannot imagine that happening, and I am appalled by it. You are gathering that from everybody here.

Ms FLINT: Our members are telling us that they are adding resources above the provision in order to try to sustain some of the most complex kids in our special schools. They are going out and rattling the tin for people in the community to top up educational provisions. They are not denying students.

The Hon. JOHN GRAHAM: One of the things I found useful in the secondary principals' submission—I do not want to put complaints aside because there were clearly parents wondering about how that part of the system works—was to do with incidents in schools. In relation to the complexities raised by having these students in classes, the submission was being upfront about the fact that, given the number of incidents and the time-consuming nature of what is going on, you could spend all your time recording the incidents and reporting those further up the line. That is just not possible, given the environment that you are dealing with. So that information is not necessarily being passed on to the department. That is probably one of the things that means that the department does not have a clear picture of this. I am just interested in hearing about anything else on that side of things.

Ms ROBERTSON: As part of our process we report even minor incidents. There are times when a child might be going to throw a computer through a window or whatever. You cannot move the kids out of the classroom; sometimes you may have to use some sort of restraint. We always report that sort of thing. That is a major matter but we even report minor things. Even holding kids when they are trying to get away we report to the Employee Performance and Conduct Directorate [EPACD].

Reverend the Hon. FRED NILE: One parent was complaining that their complaint was rejected because they had not filled in the complaint form and that they could not find the complaint form. Is there such a thing as a complaint form?

Mr PRESLAND: A complaint does not have to be on a complaint form. If you receive a letter that raises an issue you treat that as a complaint.

Ms ROBERTSON: The same is the case for a phone call or an email.

Reverend the Hon. FRED NILE: Is there a complaint form?

Ms ROBERTSON: Yes, there is, in the checklist of—

Mr PRESLAND: But it is not necessary to use it.

Ms ROBERTSON: That is right. It is not necessary to use it but there are templates for letters and complaint forms that parents can use. Indeed, teachers can use those as well. Typically, a principal would accept emails, phone calls, in-person complaints, hearsay or whatever is required. We would try to act on those.

The Hon. JOHN GRAHAM: I would like to ask a question that is separate from the complaints—a different issue. It is about reporting incidents in the school. I am now referring to the secondary principals' submission that talks about one school that did decide to collect data over a two-week period but could not do it all of the time because it has a number of challenging students. That school had, over two weeks, more than 1,200 incidents. It did not use the reporting system because it is too time consuming. That sounds like a rational response to dealing with the day-to-day incidents at the school. There is an issue there, because the department will not be able to keep track of what is going on in a school like this.

Ms ROBERTSON: Nor could teachers and principals, to be honest. That is above and beyond what we would be able to manage.

Ms FAWCETT: I would not say that that is a unique situation, because any special setting like the example in the submission would have very complex behaviours and challenging cases of students.

The Hon. JOHN GRAHAM: Yes. This is at one end of the scale.

Ms FAWCETT: The same would happen at any school where a teacher might get her hair pulled as a student goes by. There is not a priority to report that but people may think that is a threat or intimidation. So there are those things that happen in schools but the priority for us is in teaching and learning and meeting the needs of our students.

The Hon. JOHN GRAHAM: Just as we try to get our heads around how common these incidents are, that is one of the things that is creating a bit of a fog over the system.

Ms FAWCETT: With respect to the wellbeing of principals, that data correlates to the amount of incidents that happen in schools.

Mr SKINNER: Our members are indicating the same thing, pretty much exactly. All of our members are indicating that they do not have enough time to report the number of incidents in schools.

Ms FLINT: They will certainly report to the families, "Peter had a bit of a meltdown today." So the family and the school can work on minimising that issue. The staff, however, report a fraction of incidents that occur to them.

Mr JOHNSON: It can be counterintuitive because sometimes a student who may have 100 episodes in a day will have that summarised as one incident by the teacher, whereas a student with much less behaviour might have five reports. Going on the number of reports can give you the completely wrong information.

The Hon. JOHN GRAHAM: I have one final question. Is that one of the things that will change as this new policy comes through or is that likely still to be the case down the track?

Ms FLINT: The nature of many of our students is that some students are like a rolling incident. That is the student. It is not about reporting something different; it is about the student and all of their complexities. The teachers, the principal and the learning support officers are doing their best to work with, manage and change those behaviours.

Mr DAVID SHOEBRIDGE: So there is a problem with the reporting process, is there not?

Ms FLINT: It is not seen as an incident. It is seen as, "This is Peter, and he is a complex person."

Mr DAVID SHOEBRIDGE: That needs to be captured somehow or other. How do you capture it?

Ms ROBERTSON: Reporting is as effective as the outcomes for change for that particular incident. Principals on the day-to-day coalface of education are trying constantly to prioritise to make the best decisions. If we want to spend our time doing ticks and flicks about how many incidents and so on, I would ask, "What is going to be the outcome? How are we going to improve what is happening for the students?" We are constantly doing risk assessments; it is just that we are doing them in our heads.

Ms FLINT: And we prioritise our time to make a difference.

Mr DAVID SHOEBRIDGE: The question then becomes: How do you, as principals, making those key resource allocation decisions, get the information needed to make those resource decisions? You obviously do not want 100 different reports about student X, if it is really just one report about this being a continuing need. How do you get the information?

Ms FLINT: In a special school teachers will have a class of complex kids with a range of behaviours that are varying all day long. If the pattern breaks—if a student is displaying more challenging behaviour than normal or not responding to a strategy—the teacher in the special schools that I know of will say to their supervisor, "Peter's behaviour is escalating. We need to have a learning and support team meeting. A group of professionals—the school psychologist, the supervisor, the principal, the teacher, the learning support officer and perhaps someone who had the student last year—will get together and have a bit of a brainstorm to try to work out a plan. But they do not report it as an incident.

Mr PRESLAND: We are confusing two kinds of reporting here. Some of your earlier comments were around a report to a safety and security directorate—for example, a violent incident. Then there is a grey area about what constitutes a violent incident. That is external reporting. Every school that I know of has, in addition

to that, its own student welfare referral database. In every school that I have been in—certainly all the schools that we are aware of—there would be a huge amount of information going into that every day.

In a comprehensive years 7 to 12 mainstream high school, every teacher that has an incident with a student would be documenting that in the students welfare database, and what we do then, the year advisers in particular play a really big role in our school and they then at the end of every fortnight collate that data on all of the students. It is not just students with disability; we identify students that are travelling well or not travelling well. But when it comes to access requests or learning support structures or whatever, that is where we are drawing our information from.

The Hon. DUNCAN GAY: Can I revisit placement? You all seem to understand and have a good working relationship with the other groups within your area—you know what is happening and where the vacancies are. What happens when you have a student that is leaving your area and going to another area—maybe in regional New South Wales or out of regional New South Wales into the city? What sort of a working knowledge do you have of places there where you can help the supporters or parents in that situation? Because I recently looked on the website and there is nothing on the website that actually helps you.

Mr McLEOD: We are not aware of where vacancies are. Unless you are the principal representative on the placement panel we are not really aware of where there are placements.

The Hon. DUNCAN GAY: You could not give advice, "Here is a good place and there are vacancies" to the parents of your student that you have had?

Mr McLEOD: Our local network officers are the ones who look after all the placements. What they do is they contact the area. If one of our kids is moving to, say, the Central Coast or to the South Coast, through our principal networks we know which schools have got that facility or that support available and we will often give them a call and get the parents to have a look and call those people as well.

Mr DAVID SHOEBRIDGE: Parents describe it as a lucky dip.

Mr McLEOD: And it can be.

Mr DAVID SHOEBRIDGE: That is not an unfair description?

Mr McLEOD: No.

Ms ROBERTSON: It depends on available placement, whether there are classes established and special schools available or what is available.

Mr McLEOD: And there are places where there are placements available in classes and, like Ms Flint was describing before, there was one.

The Hon. DUNCAN GAY: So is there a need for a better service in this area and for better information to be able to be shared?

Mr DAVID SHOEBRIDGE: Would it not also expose where need is, where there is capacity and where there is no capacity? Would that not kind of be essential?

Mr McLEOD: We know that the department has put 500 extra classes in over the past five years but we are still finding places are limited for us for our kids. We look at it that they are our kids and we want the best for them as well.

The Hon. DANIEL MOOKHEY: Particularly in the secondary principals you make special reference to the difficulties of providing this education in rural and regional New South Wales, about attracting staff, about securing placements. Certainly through the course of the submission it is almost implied that it is doubly hard because it is in regional and rural New South Wales. Can you tell us more about this?

Mr PRESLAND: The fact of the matter is that it depends on how far out we are talking about. If you are talking about remote areas the reality is there is no resource in most of the places we are talking about. So the capacity of a family not only to negotiate with the school and for the school to negotiate a placement in the specialist setting has the added complication of getting the student to and from the setting. As I said, it just depends on that context. That is one thing. The second thing you are talking about, attracting and retaining staff, is a huge issue particularly in remote areas. That is not just in terms of specialist or learning support type teachers but for all teachers in those schools. The tendency tends to be for a lot of teachers in remote areas to do a fairly short period of service, often very early in their career if not at the beginning of their career, and almost use that as a vehicle in some cases to get out of that into a more metropolitan or regional sort of area.

Mr DAVID SHOEBRIDGE: It was official policy, was it not, at some point?

The Hon. DUNCAN GAY: Yes, it was. When my wife was a teacher that is how you got a good posting.

Mr PRESLAND: And you are correct; that is captured in our submission. Almost everything that we have talked about today is especially complicated the further you move away from a metropolitan area.

The Hon. DANIEL MOOKHEY: You made the point that virtually none of these services are available in all these places. What happens to the children in those areas?

Mr PRESLAND: In the majority of instances the schools there would seek some form of additional funding and, as we talked about a bit earlier on, they would try to manage them in a mainstream setting with some additional support.

The Hon. DANIEL MOOKHEY: In your submission you say that access requests in rural and regional areas is virtually impossible for the very simple reason that you cannot convene a panel. Surely that is a hurdle that we could remove or otherwise exempt or otherwise alter for all those areas to expedite that. Why do we have the same assessment process for rural and regional placements in the city? Is there a good public policy reason for that, or is it because it is so hard to assemble people in the area and should we be looking at an alternative procedure?

Mr PRESLAND: It is a combination of all those things. If you think back to earlier on in this session we were talking about inquiring about having a system that operated across the State in a consistent way and yet here we have a scenario where we are saying in the case of rural and remote maybe we need a different system and a different process. That is part of the complication—that the context matters. So yes, getting a placement panel together in rural and remote areas can be difficult but I suppose part of that challenge is also what would be the point of getting a placement panel together if there is no likelihood of getting a placement.

Mr DAVID SHOEBRIDGE: Just to confirm that there is no school within 600 kilometres of your home.

Ms ROBERTSON: That is right. Once again, you need to focus on the outcomes of what we are trying to achieve, which is getting a student into a placement.

Reverend the Hon. FRED NILE: What do the parents do in that case then? Do they try to find residential support in the metropolitan area?

Mr JOHNSON: In my experience, if a lot of parents in rural and remote areas know that their child is going to need ongoing therapeutic services—high-level medical interventions—they will relocate the family to a larger centre.

Mr DAVID SHOEBRIDGE: Just stop there. From a statewide perspective is that the right outcome? Is it just too impossibly expensive and difficult to provide these services in the regions, or are we failing to do what we should?

Mr PRESLAND: It is contextual. Even in what you just said then—you said "in the regions"—"regional" is different to "remote". When we talk about some of the remote areas we are talking about whole-of-society type issues; about the provision of medical services right across the gamut. Teaching expertise and specialist support is just a part of that picture.

Mr DAVID SHOEBRIDGE: So to a degree we have to accept that some parents will have to make the decision about relocating to find the services for their special needs kids? Do we just accept that as a reality?

Ms FLINT: There is distance education provision, but that still requires the family to be implementing a program developed by somebody at St Ives at Sir Eric Woodward school.

The Hon. DANIEL MOOKHEY: Putting aside remote areas, let us talk about the regions. Let us talk about a city like Tamworth of 20,000 people. Let us talk about Armidale with 16,000 people and Wagga Wagga with 50,000. What is it like there? Is it particularly different?

Mr PRESLAND: Certainly in the context of our submission the regional areas are much better serviced; the issue is nowhere near as complex as what we were talking about when we were referring to remote areas.

The Hon. DUNCAN GAY: There are great services even for something the size of Mudgee.

Mr DAVID SHOEBRIDGE: But it is Cobar and Brewarrina—that is what we were talking about.

Ms ROBERTSON: Gaining access to speech pathologists, occupational therapists, behaviour intervention specialists and applied behaviour analysis specialists will be so much more limited in those rural areas.

Mr DAVID SHOEBRIDGE: I ask again: If we come to the conclusion that you just cannot provide that package at the level that is needed, should the education system then be saying to families, "We are going to help you relocate", and should the State Government say, "We are going to help you relocate"? Because if you are selling your house in Cobar and you are trying to move to the Central Coast that is almost a financial impossibility for many parents. So if we cannot provide the need there should we be assisting in the move?

Ms FLINT: I know families who would welcome that assistance.

The Hon. NATASHA MACLAREN-JONES: I just wanted to ask about the learning support teams. We heard from some parents this morning. One of the parents said they had a very good experience with the team and two of the others said that they had had no contact with these teams. Is it compulsory to have them in the schools and why would there be such disparity between the parents' experience with the teams?

Mr McLEOD: I do not know of a school without a learning support team. Obviously, I function differently. In my school we have just had 100 meetings with parents. My school has 350 kids.

The Hon. NATASHA MACLAREN-JONES: So a principal cannot say, "I don't want to deal with them and you can't engage with parents"?

Mr McLEOD: No. There are two types of learning support teams. There is a learning support team for the school, which looks at resourcing, the level of disability and how we do it and then we have learning support teams for students as well and they are allocated for case management, et cetera. We have 2,200 schools—1,800 primary schools—and they do work differently. A school with six kids will be very different from our school. I do not know of a school without one.

Mr PRESLAND: I do not know how a school would cope without one.

The CHAIR: Are there any measures or programs in place to encourage Aboriginal children not only to go into education but also to do the necessary training if they want to go back into their community? I know that many of them do not. We see that in policing; they do not necessarily want to go back. They might come from a town to which they do not want to return. Are there any incentives to capture these children as they go into education and then to give them the required training so that they have the expertise that you are talking about that is lacking in these communities? Invariably they are dealing with smaller numbers of children in the classroom. There does not appear to be any real encouragement for the child with high needs, nor does anyone talk their family into getting them back into school. They do not want to bring them back because they are already struggling to keep everything together in the schools. It is probably better for the child to leave the school system and fend for themselves in the world and never be able to get a job or the skills they need to get out of that cycle.

The Hon. DUNCAN GAY: As a director of the Bush Children's Education Foundation, I know that there are groups that do that.

The CHAIR: Is it successful? Is it working?

Ms FAWCETT: Our submission picks up the fact that beginning teachers are lucky to do one unit in special education as part of their university training. That needs to be fully integrated across the courses. If that happened they would understand more about differentiation and the learning needs of the majority of students in their classroom. It is as though they are learning as they go along.

Mr DAVID SHOEBRIDGE: Is it a core part of the standard teaching curriculum to spend a chunk of time on special needs?

Ms FAWCETT: No.

Mr DAVID SHOEBRIDGE: Special needs children are a constant and growing part of every school population. Surely, if nothing else, we should be recommending that that be a core and part of the curriculum. Do you agree?

Ms FAWCETT: Absolutely.

Mr DAVID SHOEBRIDGE: I cannot believe that it is not.

Mr McLEOD: It is a core part of the university curriculum. I believe they do one subject, but I could be wrong.

The Hon. DANIEL MOOKHEY: Your submission states that the funding available for continuing professional education has not changed since 2004. It is \$700 per student teacher.

Mr PRESLAND: That is per teacher.

The Hon. DANIEL MOOKHEY: Is that adequate?

Ms ROBERTSON: There was a 50 per cent increase in professional learning funding to schools the year before last.

The Hon. DANIEL MOOKHEY: Great.

Ms ROBERTSON: That was part of the Professional Development Plan [PDP] process.

Ms FLINT: That was across support classes in special schools. It took the "teacher" out of Teacher Professional Learning and called it "professional learning funds". That same bucket of funds applies to all non-teaching staff in schools as well.

The Hon. DANIEL MOOKHEY: Right. So you got more money but more responsibility.

Ms FLINT: Yes. We have double the number of people to spread it across.

The Hon. DANIEL MOOKHEY: Right. Was it a success?

Mr SKINNER: We are implementing it now.

The Hon. DANIEL MOOKHEY: Is the problem solved?

Ms FLINT: No.

The Hon. DANIEL MOOKHEY: How long will it take to solve? How much does it take to keep a teacher in continuing professional education?

Mr DAVID SHOEBRIDGE: They are just implementing the new system.

Ms FAWCETT: It depends on how you structure the use of professional learning funds. For example, there are online courses, including one on autism. Our entire school did that course. There would be schools that involve the entire staff in that online resource. It involves tutors, but it depends on how you manage the funds.

Mr McLEOD: There is a lot of training happening in schools. Our teachers each did more 110 hours last year. That includes after school and staff development days. It is more complex. As you said, there is a new curriculum, but there is also the complexity of students coming through and differentiation within the new curriculum. Could we do more? We would love to.

Mr DAVID SHOEBRIDGE: It is a question of time and money, both of which are limited for teachers and principals.

The Hon. DANIEL MOOKHEY: But is that the type of investment that should have priority?

Mr PRESLAND: Yes, definitely. The other part of that picture is the number of reforms that are in place.

Mr DAVID SHOEBRIDGE: You are suffering from reform fatigue.

Mr PRESLAND: Yes. When we talk about professional learning for teachers—even for teachers aside from those involved in disability provision and so on—almost all of them are dealing with a new Australian curriculum that has been incorporated into the core business of the New South Wales syllabus. Almost every teacher is reworking their programs and relearning their curriculum materials for the new HSC and whatever else is brought in. That is just one part of professional learning, let alone the other things we are talking about today.

Ms ROBERTSON: Providing mentoring for staff who are working with some of the most complex disabilities is critical to long-term change. Sending a teacher to do a one-off course can have limited benefits. Often we need to look at the student and reflect on how they are going, talk to colleagues, then again reflect on a change in practices, and then continue that process. That applies to the training that teachers are doing to become special educators. Yes, the universities have masters courses in special education, but once again expertise is gained from doing the coalface implementation and being supported as a professional in a school. It would be a great asset to have that level of funding through professional learning to support ongoing mentoring to make pedagogical changes that change the lives of children in the classroom.

The Hon. JOHN GRAHAM: Much of it is about how quickly we can drive culture change.

Ms ROBERTSON: Yes.

The Hon. JOHN GRAHAM: It is good that it is part of the university course. That might help well down the track, but this is a question of how we can move that culture change through society, let alone how disabled people and students are dealt with. Are there other things that would make that change happen more quickly?

Ms FLINT: There is the concept that all students, even the most profoundly disabled students, deserve educational provision. If you looked at the stretch of curriculum from early stage one to the end of high school, you would see that a large group of students sit below early stage one. Teachers are inventing that level of curriculum and hooking it on to the bottom outcome and calling it differentiation. SEPLA works with the national organisation, and we talk to special educator colleagues around Australia. Other States are taking on board assessment and curriculum tools that New South Wales as a system is choosing not to consider. Having said that, some individual schools are considering them. Individual schools in New South Wales are saying that there is some merit in this and that we can share it with our colleagues.

The CHAIR: On behalf of all members, I thank you for the contribution you have made today and also the contribution that you make as principals and as members of the associations you represent to the education of our children. We appreciate the time and effort you have made not only today but also in what you have done professionally. We are very grateful.

Mr DAVID SHOEBRIDGE: You indicated that the base level of funding is inadequate and that it does not respond to the complexity of the students. If you had a reform proposal on that—

Ms FLINT: I have one.

Mr DAVID SHOEBRIDGE: You have a curriculum based on children progressing through the system. However, what is the curriculum for a child with complex special needs who is not progressing? It sounds to me that teachers make it up as they go along.

Ms FLINT: All children can progress, and they do. However, with the measures that exist across the mainstream schools, the jumps are too big to capture the nuances of our students.

Mr DAVID SHOEBRIDGE: What do we need to do and what is best practice?

Mr SKINNER: Our submission referred to our students being counted in terms of their factor of need not only as a number. Our teachers might have between six and nine students in every class, not 30. When our funding is captured, it is captured as 30 students, not six or nine. A comment was made earlier about the secondary allocation, which we do not get in SSPs. All of our high school students are funded as primary school students. They are two quick funding allocations that are simply wrong.

The CHAIR: Thank you for your attendance this afternoon. The Committee has resolved that answers to questions taken on notice should be returned within 21 days. The committee staff will be in contact with you shortly.

(The witnesses withdrew)

(Short adjournment)

MARGARET McKAY, Division Head, Student Services, Association of Independent Schools of NSW, sworn and examined

LISA RIDINGS, Senior Assistant Division Head, Students Services, Association of Independent Schools of NSW, sworn and examined

IAN BAKER, Director, Education Policy and Programs, Catholic Education Commission NSW, sworn and examined

GERALDINE GRAY, State Coordinator, Special Learning Needs, Catholic Education Commission NSW, sworn and examined

TONY FITZGERALD, Chief Executive Officer and Principal, Mater Dei Catholic Schooling, sworn and examined

The CHAIR: I welcome the next witnesses from the Association of Independent Schools of NSW and the Catholic Education Commission [CEC] NSW. I remind witnesses that committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I request that witnesses focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily. Would you like to make an opening statement?

Mr BAKER: I have some opening remarks that hinge on sections 6 and 7 of our CEC submission where we refer to the matrix of decision making and complexities. I will put these remarks on the record. The CEC is a representative body pursuant to the Australian Education Act, sections 89 and 92, and a coordination body. It enters into funding agreements on behalf of New South Wales Catholic schools as an approved system authority under the Australian Education Act, regulation 5, and the State Education Act, section 83B. But the commission is not an owner or operator of any school in New South Wales.

The CEC is not directly involved in any student enrolment processes. The CEC made a submission to the 2010 Legislative Council special needs inquiry and our current submission should be read in the context of the 2010 submission with respect to the funding of Catholic schools in New South Wales and enrolled students with disabilities. This is regulated through the intersection matrix of the Australian Education Act and Regulation, section 83B of the New South Wales Education Act and 2013 National Education Reform Agreement and the 2014-2019 New South Wales bilateral agreement between this State and the Commonwealth Government.

Section 77 of the Australian Education Act requires that all schools comply with the Disability Discrimination Act as a condition of national education form agreement funding. The nationally consistent collection of data, which we refer to at a number of points in our submission on school student with disability, is a reform of central performance to the focus of this inquiry, we would argue. The nationally consistent collection of data [NCCD] is itself an artefact of the Australian Education Act, section 36 and regulation 16. The NCCD is the subject of a national quality process with evaluations being conducted by PricewaterhouseCoopers, the Australian Government Department of Education and Training on behalf of a joint working group, which we are part of through the National Catholic Education Commission. It provides advice on funding for students with disability, including the calculation of the Australian Education Act students with disability funding loading.

That is the matrix. At certain points when we are answering questions, with the indulgence of the chair, we would like the Committee to keep the matrix in mind. There may be questions where it seems we are trying to evade, bob or weave but it is an inherently complex area. The basic relevant statistics: there are 591 Catholic schools in New South Wales, 12 of those are special schools; total enrolment is 258,775 students; roughly 20,000 head count teachers; and, there are 13,422 students with disabilities, by the Commonwealth census and 44,680 identified students by the NCCD process. The difference between the students with disability [SWD] numbers and the NCCD numbers is an issue which we have canvassed in our submission and leads sometimes to the observation about the "unfunded" students. They are our comments. They set the policy parameters, or matrix, within which we believe this issue needs to be analysed.

Ms McKAY: It is a similar thing—just a brief context of what the Association of Independent Schools of NSW [AIS NSW] is. We are a peak body that represents independent schools in New South Wales on a number of issues. We also belong to the Independent Schools Council of Australia as the national body. We certainly do not own any schools, nor do we have any authority over them in any way. We are an advocacy and advisory group and we provide support to schools. It is a very diverse sector. Sometimes that is not well understood. Very often the vision of independent schools is what we call our sandstone schools and they are in fact a very small number of the schools that we support.

We have 478 schools and 66 per cent of those schools have a socioeconomic status [SES] below 104, so they are not wealthy schools. Of our schools, 46 per cent have fewer than 200 enrolments and around 34 per cent have fewer than 100 enrolments. So it is quite diverse. We have faith based schools, philosophy based schools and secular schools within our remit. The student services division of which I am the head provides support to independent schools in terms of compliance under the legislation, particularly the Disability Discrimination Act and the Disability Standards for Education, and we provide support to schools around individual students sometimes and we provide professional learning for teachers.

Another complicating factor at the moment is our interim funding arrangement whereby AIS NSW receives very little Commonwealth funding into our actual office. We do not receive money to send out to schools. We are not a system so we do not have any running costs that we can take from money that we do not receive, obviously. The interim funding model has been very problematic for us. That interim model finishes at the end of this year and we do not have any idea of what will happen after that.

The Hon. DUNCAN GAY: Is that for you or for the schools?

Ms McKAY: The interim funding model is for everybody—for schools and for AIS NSW.

The Hon. DUNCAN GAY: Sorry to interrupt—you were specifically talking about your umbrella organisation. Is the funding model problematic for your umbrella organisation or for the schools?

Ms McKAY: Both—very much so for both.

The Hon. DUNCAN GAY: Okay.

Ms McKAY: I am sure you will ask questions about that later. The independent schools receive a loading that goes straight to the school. That is calculated using the schools resourcing standard. Of our 478 schools, 103 receive no loading because of the way the formula is calculated and a number of those other schools receive very little because they are close to the resourcing standard—they are either on it or very close to it. So it has been a very problematic time in terms of funding, but we continue to support our schools and they continue to enrol students with disabilities, as they should.

The CHAIR: We will open the floor to questions.

The Hon. JOHN GRAHAM: Thanks for your submissions. One of the things that comes through in both of them is the very long history the systems for which you advocate have had in this area and a lot of the significant work that is going on. I thought I might give you up-front a chance to respond to one of the first points that is often made when it comes to discussing this area, which is that still most kids—in fact an overrepresented number of kids—end up in the public system. Would you like to respond to that issue? It really is two questions. Do you see that as a problem and do you see that changing in the near future?

Ms McKAY: Can I say that I am not sure about the overrepresentation. The nationally consistent collection of data from 2015 indicates that the percentages across the three sectors of students with disability are roughly the same. Yes, the government sector had a slightly higher representation of 19.4 per cent but the Association of Independent Schools was 17.1 per cent.

The Hon. JOHN GRAHAM: I am interested to hear any of those things. The department has put before us information that says that approximately 72 per cent of all school students with disability in New South Wales are supported in government schools and certainly that is one of the common views that has been put to us in the submissions.

Mr DAVID SHOEBRIDGE: No, I think their figures were different. Did they not say that 71.5 per cent of all students with a disability in government schools compared to—

The Hon. JOHN GRAHAM: I have rounded up the figures.

Mr DAVID SHOEBRIDGE: And non-government schools only have 28.4 per cent of students with disabilities when they should be 34.6, so there is a substantial underrepresentation.

The Hon. DANIEL MOOKHEY: If they were distributed in the same way as in mainstream schools.

Mr DAVID SHOEBRIDGE: If they were distributed the same way.

Mr BAKER: Well, yes, this is one of the contested areas. Colleagues have made reference and I made reference in my introductory remarks to the work being done around the nationally consistent collection. There is no nationally consistent collection, but work is being done. Arguably there is no internal State consistent collection.

Mr DAVID SHOEBRIDGE: This is the Productivity Commission. This is not the department's records; these are records from the Productivity Commission using those national definitions.

Mr BAKER: Well, I was trying to answer. Would you like to hear my answer or hear your own?

Mr DAVID SHOEBRIDGE: I beg your pardon?

Mr BAKER: Would you like to hear my answer? Have I come here to answer or are you answering for me?

The CHAIR: Order! I think he was trying to assist, Mr Baker, but please continue.

Mr BAKER: I was trying to say that we agree it is a contested area. As the Americans say, "No contest." The nationally consistent collection of data for students with disabilities is traversing this area. We are working with the consultants PricewaterhouseCoopers, but unfortunately we are not at liberty to table their work. There are a number of different variables which might give the impression that there are differences, not the least being that non-government schools are underrepresented in country areas of the State. That is partly an artefact of historic funding. We would love to have more schools in country areas of the State than we do. We know from our own data and also from the NCCD data and the work of PricewaterhouseCoopers that there is an underidentification of students with disabilities in our schools, particularly in country areas, which is to say in summation that using any of these figures that come from any of these reports and concluding that they are accurate and robust enough to make those sorts of distinctions is erroneous. That is not just my view; I think that is the view of PricewaterhouseCoopers, but I cannot release the PricewaterhouseCoopers report.

Mr DAVID SHOEBRIDGE: Why not?

Mr BAKER: Because it is not our report.

The Hon. DANIEL MOOKHEY: Whose report is it?

Mr BAKER: The national collection of data on students with disabilities is the subject of an Australian Government exercise originally set up by the Rudd-Gillard Government and continued by the current Federal Government. It is managed by a cross-sectoral steering committee. I will defer to my colleagues—both my own colleague, Ms Gray, and my AIS colleagues—who are more closely associated with it than I am. That steering committee has caused an evaluation to be undertaken by PricewaterhouseCoopers but that evaluation process is still underway.

The Hon. JOHN GRAHAM: And just so I am clear what position you are putting—

The Hon. DUNCAN GAY: I hear what you say about PricewaterhouseCoopers, but you also indicated that the difference in their report was, in part—I cannot determine whether it was in small part or large part—underidentification in the private sector. So is that an issue that you are raising as something that needs to be addressed?

Mr BAKER: We have raised that in our own submission in relation to rural schools, if I can put my finger on our report. The short answer is yes, particularly in rural schools.

The Hon. DUNCAN GAY: Yes to all of it? Yes to all of my question, or just part of it?

Mr BAKER: I am not trying to be evasive but we are talking about the identification of students in rural areas.

The Hon. DUNCAN GAY: Was that a large reason for the discrepancy between the figures? The second part of my question was: Are you happy with that underidentification?

Mr BAKER: The answer is we are not sure and neither is anyone else, in my belief, who looks at the figures.

The Hon. DUNCAN GAY: Not sure about what?

Mr BAKER: Well, whether it is the most significant factor. As I said, the jury is out. I said it is contestable; that was my basic response.

Mr DAVID SHOEBRIDGE: On your evidence you said that the figures we have here are likely to understate the extent that there is an underrepresentation of students with disabilities in independent schools, because independent schools and non-government schools have a lower footprint in regional areas and, in fact, there is a fairly large underreporting in regional areas. So these figures from the Productivity Commission are likely to understate the problem?

Mr BAKER: They could. That is what I am saying; it is contestable.

Mr DAVID SHOEBRIDGE: But all the contest is going in one direction. There is a significant underrepresentation in your schools of students with a disability and special needs. Why is that?

Mr BAKER: Well, first, I do not accept that. And to the extent that there is we would argue that there is less funding, less access to resources, and that it does become a bit of a chicken-and-egg argument.

Mr DAVID SHOEBRIDGE: I am sorry, I did not understand the answer. What do you mean a chicken-and-egg argument?

Mr BAKER: If you have more students you attract more funding. If you have more funding you have more resources and you can then attract more students. If you do not have more funding to begin with you will not have the services. Parents will feel that the school cannot meet the needs of their child and they will go elsewhere. If I abandon the chicken-and-egg argument it becomes a self-fulfilling prophecy.

Mr DAVID SHOEBRIDGE: Insofar as you do not provide the services, therefore children do not come to your schools?

Mr BAKER: Insofar as if the school has been underfunded and has not had the services, including the diagnostic services, historically it will have attracted fewer students because the funding is in many respects historical. My colleagues in the Association of Independent Schools of NSW made reference to the disability loading under the Australian Education Act, which is basically determined on historical figures. Then you have the consequence of history built into the funding and then it does become a sort of circular discussion. Because the schools have not attracted the students, they do not get the funding and because they do not get the funding they do not attract the students.

The Hon. DANIEL MOOKHEY: Mr Baker, on page 4 of your submission you make the point that, in 2014, extra funding that was allocated for students with a disability in addition to base funding for all students—I presume these are the figures for within the Catholic system—went from \$31 million in 2014 to \$90 million in 2015. My maths probably is not as good as a Catholic education would teach its students, but it would seem it has tripled in the course of one year.

Mr BAKER: Yes.

The Hon. DANIEL MOOKHEY: What difference is that making to representation in the Catholic education system?

Mr BAKER: Over time it will make a very significant difference. But that was a one-off increase. That is all an artefact of the Australian Education Act, and the National Education Reform Agreement [NERA] and the bilateral agreement. That is allowing extra resources to be deployed across all the schools.

The Hon. DANIEL MOOKHEY: What effect has it had on enrolments?

Mr BAKER: It has only been happening for two full years—2014 to 2016.

The Hon. DANIEL MOOKHEY: What effect do you anticipate it is going to have?

Mr BAKER: Our view is it will help break that vicious cycle I was just referring to—that because schools have been underfunded and have not been able to offer the services students have not come. I will not recite all that again. In a nutshell, I would say it should help us break the vicious cycle.

The Hon. JOHN GRAHAM: I want to clarify the evidence you are giving on the point at which we started. Are you saying that this is uncertain, given some of the classification things you have talked about and the lack of nationally consistent data, or are you saying that the Productivity Commission and the Department of Education evidence is wrong—that you think the systems broadly represent the same proportion of students with disabilities as they do students? Which of those two views are you putting as evidence?

Mr BAKER: I am not putting either of them. I am saying the data is uncertain and I think it is unsafe to draw those sorts of hard conclusions on the data.

Mr DAVID SHOEBRIDGE: What is wrong with the data that the Productivity Commission relied upon? What are the critiques you have of the data the Productivity Commission relied upon?

Mr BAKER: I will have to take that on notice because it has been a while since I read the Productivity Commission report.

Mr DAVID SHOEBRIDGE: You come here and tell us we cannot rely upon that data. Why not?

Mr BAKER: I thought the line of questioning started somewhere else. The question, as I remember it, was about the Department of Education. I am not impugning their data; I am just saying that the reality of the

data analysis in these areas is that, generally speaking in my experience, it winds up being contestable and that is not just a personal view. I am not sure I can add much more to it.

Mr DAVID SHOEBRIDGE: Your submission is not very helpful either. You say on page 4, "The Catholic Education Commission [CEC] New South Wales advises that the above data"—you are talking about the data for students with disability [SWD] and the nationally consistent collection of data [NCCD]—suggests that the minimum proportion of the school-aged population requiring disability support is 5 per cent of all students. If that is the minimum what does your system think is the accurate proportion of students who require assistance?

Mr BAKER: Somewhere between that number—the SWD number and the NCCD number.

Mr DAVID SHOEBRIDGE: Why is it somewhere between those two numbers? Why is it not higher than either?

Mr BAKER: Because, believe it or not, I do try to be evidence-based. I do not have any evidence. They are the primary datasets we have—the SWD dataset, which is quite established, and the new and maturing NCCD dataset. From our point of view they are the two stakes in the ground. It is the 5.2 that we are funded on. And this is the point we made in our submission; that there is often the issue about the unfunded students. Well literally, from our perspective, the unfunded students is the difference between the 5.2 and 17.7. But the reason I am hesitating—it is not just my hesitation; it is the hesitation of everyone who has looked at the NCCD dataset—just how robust and accurate that 17.7 per cent is is contestable. I think I have been saying it is contestable. I am not going to say there is a magic number that is right for either the Catholic sector or anybody else.

Mr DAVID SHOEBRIDGE: So 14 per cent of students in the State system receive adjustments or additional support for disability. What proportion of students in the Catholic system do?

Ms GRAY: If we go on the national collection of data, we are looking at around 14 per cent.

Mr DAVID SHOEBRIDGE: So if a smaller proportion of students in your system have special needs but you are getting the same proportion of students receiving adjustments or additional support for disability, how is it that you are saying you are being disadvantaged?

Ms GRAY: I am not quite sure of the question. However, we are supporting and we can show planning that indicates there are 14 to 17 per cent of students for whom the school is making adjustments at a certain level and that is how it is reported to the national collection. But only 5 per cent of those students actually meet the criteria, which is a core criteria that is required to meet a student with disability criteria on the census. Those are the only students you can count for the loading, not the 14 per cent or the 17 per cent, but the 5 per cent.

The Hon. DANIEL MOOKHEY: Just to be clear, when you say you pick up the loading are you referring to State grants?

Mr BAKER: There are two elements to it. There is the loading under the Australian Education Act and then in relation to State funding SWD students attract funding at the highest category 12. The majority of Catholic schools are in the system at category 11, so it is the difference between category 11 and category 12.

The Hon. DANIEL MOOKHEY: The Association of Independent Schools protects the category 12 system and how that funding is both calculated and distributed. Your point was that it is not reflective of the cost it takes to deliver that education. Will you expand on that?

Ms McKAY: If you are a category 12 school then there is a substantial amount of money that goes per capita. All of our special schools are category 12 schools but many of our schools are not category 12 schools. The difference between what a category 12 school will get per capita for a student with disability and what a category 11 school gets is quite massive.

The Hon. DANIEL MOOKHEY: Is it your view that the hurdle to access category 12 is too high?

Ms McKAY: No, not at all.

The Hon. DANIEL MOOKHEY: It is your view that the funding for category 11 or below also requires revision and reform?

Ms McKAY: As my colleague Mr Baker said, this is very historical data. This has grown up over time and it is very complicated to unpack. Many people try to unpack it and each time a new funding model comes in the unpacking goes on again and again. It is always too hard to totally unpack and start again.

Mr DAVID SHOEBRIDGE: Do you think you educate a fair share of students with special needs in New South Wales in your system?

Ms McKAY: At this point in time, no I do not.

Mr DAVID SHOEBRIDGE: What should we be doing to equitably allocate children with special needs across the State in the independent system?

The Hon. DUNCAN GAY: I also add to that question, you said in your opening statement that you would talk later about problematic funding, to use your words. Would you detail your case where you think the funding is wrong?

Ms McKAY: I would not use the word "wrong" but I would use the word "inequitable" at this point. What is problematic for the independent sector is that we are a sector; we are not a system. We do not receive government money as a system to allocate to schools. We do not have a process where schools apply to us for funding and we hand it out. That does not happen. It used to happen under Commonwealth target programs but it does not happen any more. It has not happened since the end of 2013. This interim phase is a loading which was based on Gonski principles but ended up being very different to the Gonski recommendations in terms of the calculation of the actual loading. It means that that funding goes directly to schools but not to all schools and that is where the funding model is particularly problematic and particularly inequitable. You can have a student with the same level of need in one independent school where there will be a loading that is calculated on the purity of the model.

The Hon. DUNCAN GAY: Is that in part the answer to the question asked by Mr David Shoebridge on how it can be done better?

Ms McKAY: Yes, absolutely.

Mr DAVID SHOEBRIDGE: Are you proposing to take away the funding from individual school funding and return it to a more general pot?

Ms McKAY: That would be one solution. The other solution would be to actually get the formula right so that it is based on the need of the student, not on the SRS level of the actual school.

Mr DAVID SHOEBRIDGE: Surely if there is to be government funding for children's education it should be provided effectively to the child and for the needs of the child rather than to the system?

Ms McKAY: Absolutely.

Mr DAVID SHOEBRIDGE: We would not want to go backwards to a sector-wide funding allocation?

Ms McKAY: As I said, that would be one solution because we did provide service along with the money that went to the schools. We provided a totally free service to our schools to support students with disabilities and we have done so for many, many years. We are still doing it even though we do not get government funding.

The Hon. DANIEL MOOKHEY: When you say that you do not get government funding, are you referring to the association?

Ms McKAY: The association does not get funding from the Commonwealth or the State to allocate—that is what I mean by that.

Mr DAVID SHOEBRIDGE: Because it is meant to be based upon a needs base and the individual student's assessment. Where is your role for mediating? Do we just get another layer of bureaucracy between the Commonwealth and the State and the schools?

Ms McKAY: No, I am not suggesting that at all. We did do the moderation and the handing out of the money, which I think was a better solution than the current one. Whether it is an absolute optimal one I am not willing to say, but it is better than the current one because the current one is not based on the student's need.

The Hon. DANIEL MOOKHEY: Mr Fitzgerald, you are a principal of a school. I have heard lots of good things about your school so I congratulate you on the service that you provide. As the principal can you explain what will it mean when you have to make decisions about how to run your school?

Mr FITZGERALD: To be honest I do not exercise my mind too much about funding.

The Hon. DANIEL MOOKHEY: Probably a wise thing.

Mr FITZGERALD: I deal with the resources that I have and try to apply them faithfully for the benefit of our children. All I do know is I still have a fairly significant gap between funding we receive from both Commonwealth and State and what it costs us to run the school.

The Hon. DANIEL MOOKHEY: What are the funding models costing incorrectly? When you say that there is a gap between the pool of funds available to you from Federal and State governments and the actual cost of delivering this education, what is accounting for the difference?

The Hon. DUNCAN GAY: What is that gap in percentage terms?

Mr FITZGERALD: In dollar terms we rely on raising not less than half a million dollars a year in about \$6.5 million to \$7 million budget.

The Hon. DANIEL MOOKHEY: Do you mean raising that from parents through fees?

Mr FITZGERALD: No, private fundraising efforts, private income. That is purely to meet the needs of the recurrent budget. Our school does not have orchestra pits, ovals, science laboratories, performing arts centres and specialists rooms. We have 12 classrooms and a floor with administration. That gap that we require to be filled by fundraising goes into the recurrent budget which is essentially paying for staff and for the resources that are required to run the school.

The Hon. DANIEL MOOKHEY: How many people are enrolled in your school?

Mr FITZGERALD: This year we would have 147 students from kindergarten to year 12.

The Hon. DANIEL MOOKHEY: Is that the maximum number of places you can offer?

Mr FITZGERALD: Essentially yes. That would be considered large for a special school.

The Hon. DANIEL MOOKHEY: How many applications do you receive per year?

Mr FITZGERALD: We would receive anything between 30 and 40 applications a year. We would generally have about 10 to 15 positions.

The Hon. DANIEL MOOKHEY: Three to one is the general ratio?

Mr FITZGERALD: That would be close.

The Hon. DANIEL MOOKHEY: Can we conclude from that that there is a large degree of unmet demand at your school for spots, as in there are more students who want spots than you can provide?

Mr FITZGERALD: It is not quite as simple as that because families would apply to send their child to Mater Dei who may not necessarily understand that it is not the best placement for them. In a sense the figures might be misrepresented in terms of the demand. But certainly there is no question that there is an increasing number of children with needs that are seeking places in special schools.

The Hon. DANIEL MOOKHEY: When parents apply to your school have they generally tried to obtain a spot in the public system?

Mr FITZGERALD: There would be a mix. On what that mix is, I could not be absolutely clear. In some cases they would seek a placement in a special school—in a schools for specific purposes school [SSP] in the public system. In some cases Mater Dei would be a deliberate choice because of the profile of the needs of the students that we have there. In the context of the earlier discussion it would be important for me to say that, albeit that Mater Dei is a Catholic independent school we would have only about 52 per cent of our children or families who would identify as Catholic. The rest of them would be non-Catholic. Although we are proud of our Catholic heritage we have a non-discriminatory enrolment policy. We take students on the basis of our capacity to best meet their needs.

The Hon. DANIEL MOOKHEY: We have been told by multiple parents that, after unsuccessfully trying to obtain a spot in the public system, their frustration with the department has led them to seek private and independent or Catholic alternatives. Is that reflective of the parents who are coming to your school?

Mr FITZGERALD: I could not comment on that. I would not say that I have swarms of people coming to me because they are unable to find a place in the public system or, alternatively, because they are unhappy with the public system.

Mr DAVID SHOEBRIDGE: I have some questions on the special measures that the Catholic Education Commission has taken to protect children with a disability in the Catholic school system. You would be aware of the Royal Commission into Institutional Responses to Child Sexual Abuse, which has been holding hearings for the past three years.

Mr FITZGERALD: Yes.

Mr BAKER: Yes.

Mr DAVID SHOEBRIDGE: What steps has the Catholic Education Commission taken to implement the recommendations from the royal commission to protect children with a disability in the Catholic system?

Mr BAKER: As with all schools in New South Wales we meet all the Ombudsman's requirements and the Working With Children Check requirements. While I am being hesitant because I am not trying to get into some league-table contest about who has done the most with respect to the royal commission, our schools are compliant with what the State regulators require. I think that the royal commission has acknowledged that the requirements of the regulators in New South Wales are ahead of the curve and are likely to become a model for the rest of Australia. Our view is that our schools are addressing that, but I do not want to say that in any sort of self-congratulatory way. We are doing that in lock-step with the State regulators.

Mr DAVID SHOEBRIDGE: Sorry, I was not asking about the State regulators. I was asking about the recommendations from the royal commission. For example, have you read the report that they released at the end of last year that suggested that children with disability have about a 14 per cent chance of being sexually abused in an institutional context? Are you aware of that research?

Mr BAKER: We are aware of the case studies and we are waiting for the recommendations of the royal commission. The royal commission has a series of case studies.

Mr DAVID SHOEBRIDGE: That was not a case study that I was talking about. To be clear, I am talking about the detailed report that was produced in November last year on the extent of child sexual abuse of children with a disability in institutions—one of the key institutions being schools.

Mr BAKER: Yes, we are. We are absolutely committed to all of the reforms which have been taking place in New South Wales since the Wood Royal Commission. It is often forgotten in New South Wales. The answer to your question is: yes, our schools are totally compliant. We are obviously carefully monitoring the royal commission and its case studies.

Mr DAVID SHOEBRIDGE: I might ask you this on notice. What actual steps have you taken—apart from making general statements—to implement the recommendations and the findings of the royal commission to ensure that children in the Catholic system are protected from child sexual abuse?

Mr BAKER: I am happy to do that.

The Hon. DANIEL MOOKHEY: Can I just ask the independent schools the same question?

Ms McKAY: It is a very difficult question for us to answer because we are not a system. We do not have any control over what our schools do. They are required to comply with legislation. They are supposed to comply with all of the child protection issues. We have a division within the Association of Independent Schools of New South Wales [AIS NSW] which makes sure that all schools have access to child protection training and that they have access to good advice about the regulations in terms of child protection. The AIS NSW provides all of those things for them to access. We are unable to ensure that they access them because we are not an education authority over them. We certainly do our level best to make sure that they have access to absolutely everything that they need.

Mr DAVID SHOEBRIDGE: Do you have somebody staffed to look at the recommendations that are coming out of the royal commission to ensure that they are being communicated to your schools? Is there then someone checking to see whether or not they have been implemented?

Ms McKAY: We cannot check to see whether they have been implemented. That is not our role. We are not a system; we do not have that authority. But, as I said, we are a peak body that supports the schools. Yes, we have a whole division that is employed on this issue. We have a manager of child protection. We have child protection investigators. They certainly go through all the legislation. They go through the recommendations of the royal commission. We have had principals appear before the royal commission who have been supported by our staff. In a very proactive way, we are very active in making sure that they have all the information that they need. Can we ensure that they do it? No, we cannot because that is not our role.

The Hon. DANIEL MOOKHEY: Did the AIS put a submission into the royal commission?

Ms McKAY: I cannot answer that because it is not the division that I work in.

Mr DAVID SHOEBRIDGE: Did the Catholic Education Commission put a submission in?

Mr BAKER: We input to the royal commission through the Truth, Justice and Healing Council.

The Hon. DANIEL MOOKHEY: The royal commission proceedings are public. Given that your submission, or the submission of any such body, would be public, would it be possible for you to provide us, on notice, with the sections of those submissions that are pertinent to the disability aspect that my colleague is asking questions about?

Mr BAKER: Yes we can. Thinking of the people who might be reading the *Hansard*, I would like to reiterate that all of our schools are oversighted by the New South Wales Ombudsman, fully and transparently, right now.

Mr DAVID SHOEBRIDGE: But schools where terrible child abuse has been happening—it has been reported that it was happening in Knox Grammar School, for example—were being oversighted by the Ombudsman. That clearly failed. You cannot be reliant upon that minimum standard to protect, particularly, the most vulnerable children—the children with a disability. That cannot be your answer, Mr Baker.

Mr BAKER: It is not my answer; it is your answer.

Mr DAVID SHOEBRIDGE: What is your answer?

Mr BAKER: My answer is that, yes, the Catholic Church has worked fully and cooperatively with the royal commission through the Truth, Justice and Healing Council. The submissions are public so, yes, we can see what sections of submissions can be made available. I just want to keep reiterating that we are, as we sit here, fully oversighted by the NSW Ombudsman.

Mr DAVID SHOEBRIDGE: The Truth, Justice and Healing Council does not bind you, and cannot direct you. So, do you accept every one of their recommendations?

Mr BAKER: Whose recommendations are we talking about?

Mr DAVID SHOEBRIDGE: The recommendations of the Truth, Justice and Healing Council.

Mr BAKER: The Truth, Justice and Healing Council speaks on behalf of the Australian bishops and all Catholic agencies in Australia.

Mr DAVID SHOEBRIDGE: Do you say that you are bound by their recommendations?

Mr BAKER: It speaks on behalf of all of us.

The Hon. DUNCAN GAY: Ms McKay, I am just a little bit confused. In your last answer you said that the association does not have the power over the schools, but you also said that you have investigators. What do the investigators do when you when you do not have power over the schools?

Ms McKAY: The schools need to invite those investigators to come in. If there is an issue within the school they can contact our Workplace Management Division and ask for support. An investigation has to happen.

The Hon. DUNCAN GAY: You also said that you support the principals. By that I mean the heads rather than the principals. How independent are these investigators, given your role—which is a role that you have to have?

Ms McKAY: They are trained investigators—that is what they are employed to do.

The Hon. DUNCAN GAY: That was not what I asked.

Ms McKAY: Of course they are entirely impartial. They go into a school and they investigate what has happened with that particular case and they write their report.

The Hon. DANIEL MOOKHEY: Who do they give that report to?

Ms McKAY: I am not exactly sure because, as I said, it is not my division.

Mr DAVID SHOEBRIDGE: But Mr Gay's question was how can you represent the principal on one hand—and obviously therefore you are an agent for the principal—and also have an independent investigation of what went on at the school? How can you have that? Is there not an inherent conflict there?

The Hon. DUNCAN GAY: You said, "We support the principals".

Ms McKAY: Yes, and our role is to support schools and heads of schools, absolutely.

The Hon. DUNCAN GAY: Which I accept, that that is your role. How can you also say that you are putting independent employees of yours into those schools?

Ms McKAY: I would have to take that on notice because it is not my division.

The Hon. JOHN GRAHAM: Can I just ask a similar question in a slightly different way? Noting all you have said about the relationship with the schools, I think really the committee is looking for some reassurance, some perspective, given all the contact you do have with these schools—the advice you give them, the relationships you have got, the investigators you may have—is the independent schools system—

Ms McKAY: It is not a system, it is a sector.

The Hon. JOHN GRAHAM: Is the sector in a position to provide us some reassurance that these vulnerable kids are protected, given all we have heard, all that has been spelled out in public over recent years? Given your close contact, can you give us some of that reassurance?

Ms McKAY: You are asking someone who works in the student services division to give you assurance about something that happened outside the division. I can assure you that with the very best will and the very best of research, we provide the schools with the information that they need to make sure that kids are safe. In terms of kids with disability, I can certainly answer that question. We do very proactively talk about safe environments for students with disabilities and how they may be created—that is part of our professional learning, it is part of our in-school instructional leadership, it is part of our in-school mentorship of people within schools. In terms of advocacy for people with disabilities, the people within my division, including myself, advocate on a daily basis for the quality education, care and safety of students with disabilities.

The Hon. DUNCAN GAY: Before we get too bogged down in important but negative issues, one of the things that we are looking for is positives going forward. Would either or both sectors like to put your strongest views on what needs to be done to improve the disability area going forward?

Ms McKAY: Part of the issue, and I am not being negative, is that yes there has been movement since the 2010 inquiry and there has been a lot of proactive work done and a lot of good negotiations with our colleagues—our Catholic colleagues, our department colleagues. We do not see one another as adversaries, and I think that is a very, very positive thing. The three sectors work very well together to cater for kids with disabilities and we support one another to do that. I think that is a huge positive and one that I would not like to lose going forward. One example is that at the moment we have a number of young school leavers who need assessments for post-school placements and in the department sector there are people who are employed that can do those assessments. Catholics have a different way of doing it as well; we find it more difficult.

Our colleagues have rallied around in the last few weeks to support us to be able to meet the needs of the kids in the independent sector so that they are not disadvantaged, and I think that cooperation is vital. We do not want an adversarial system; we just want a fair system where kids, based on need, are funded in the context that their parents choose so that they are safe, get a good quality education and can transition to society.

Ms RIDINGS: And I think, to add to that, it would be additional training for teachers that is distributed over time to allow for the embedding of evidence-based practices in supporting students with additional needs as well as access to postgraduate courses for specialist teachers as well.

Ms GRAY: Could I just add to that also? Totally agreeing with them—we have been part of the discussion with the Department of Education over the last few weeks in a situation that was brought about by NDIS. What we would really like is to continue to collaborate together, and that is going to be very important as NDIS comes more into the play, so that we ensure that all students coming into our schools and leaving our schools are able to go on to the next stage of their lives successfully, and we all do that a great deal. I would also like to add that I totally agree about evidence-based research and pre-teaching courses. We for many, many years in New South Wales have had a mandatory two-unit course; we were the first State in Australia to do that. It goes up and down in quality but the sectors together are working on ensuring that quality improves.

The Department of Education has assisted the Catholic sector in working on e-learning courses to ensure that they are a mixed course of face-to-face support by qualified people, and they have collaborated with us to ensure that we can access those courses. These sorts of things are really important and their collaboration, but we cannot continue to do them. First of all, we need the support so that we can all do this together and we need the resourcing to back it up.

The CHAIR: On that one—obviously what we are asking for are detailed answers in relation to future initiatives and things that can be achieved—could I ask that both the groups take that on notice and come back to us with a detailed response? We have got five minutes left and I know there are a couple of questions still to go.

The Hon. DANIEL MOOKHEY: This is specifically to the Catholic system and specifically about autism-related programs that the commission either allows or the education office teaches in its schools. I have had multiple parents contact my office about particularly the work of this Arrowsmith Program by Barbara

Arrowsmith, and this program being sponsored and rolled out in Catholic education schools. Are you aware of this program?

Ms GRAY: Yes.

The Hon. DANIEL MOOKHEY: Parents have contacted me with a view—you mentioned evidence-based practice—that this is not evidence-based but in fact this is a program that has not been subject to purity of study, there is no document or record. Ms McKay, you are nodding.

Ms McKAY: My colleague knows an awful lot about it.

The Hon. DANIEL MOOKHEY: Then I am happy to broaden this question out.

Ms GRAY: Could I come back to answer your question first?

The Hon. DANIEL MOOKHEY: I will finish the question and the panel can feel free to answer it. There is also a view that this program is obtaining funding which is perhaps not commensurate with the results that it produces and I have been pointed to examinations by other jurisdictions, particularly in Canada and courts in Canada, that have inquired into this program and have deemed it not to be necessarily suitable for rollout at scale because it is not yet at that point. In addition, multiple people have pointed me to academic research from Oxford University especially into the efficacy of this program and it suggests that it is also not worthy of investment. Is this incorrect, and if it is incorrect what steps did the Catholic education office undertake before it signed off on this program being rolled out? What measures are in place to measure its effectiveness and what plans are there in the future for either its expansion or contraction? Incidentally, in addition, do the Australian independent schools have any views? Have you considered this program, have you reached any conclusions about it as well and are you rolling it out in your schools?

Ms GRAY: We pointed out at the beginning that the commission does not have any authority over the schools. There are 11 dioceses. I may be incorrect here but I believe at least one of those dioceses runs or supports schools who have a program under Arrowsmith. I would have to take the question on notice.

Ms RIDINGS: Again, not being a system, we would not have any say about whether or not a school would implement a program. If we were to be queried about the program, we would only encourage the school to look at the evidence base underpinning the program, and, as you said, to ensure that there is empirical evidence.

The Hon. DANIEL MOOKHEY: Has that happened in respect of this program?

Ms McKAY: It has.

The Hon. DANIEL MOOKHEY: Was the conclusion reached that it was supported by the evidence?

Ms McKAY: No.

The Hon. DANIEL MOOKHEY: So it is not supported by the evidence?

Ms McKAY: Yes.

The Hon. DANIEL MOOKHEY: As a result of that has it been used by any schools in your sector?

Ms McKAY: Yes, it has. However, that is not to say we did not provide the advice.

The Hon. DANIEL MOOKHEY: You did provide the advice?

Ms McKAY: Yes.

Mr DAVID SHOEBRIDGE: To how many schools?

Ms McKAY: I cannot answer that because I am not aware of what is happening in all 478 schools. I know of two.

Mr DAVID SHOEBRIDGE: You gave them the advice and showed them the evidence that it does not work—it might be contraindicated—and they continue to provide it. What happens then?

Ms McKAY: From our point of view?

Mr DAVID SHOEBRIDGE: Yes.

Ms McKAY: We can only advise them, and we do; we continue to advise them. We also continue to provide them with good evidence and empirical research about the way to teach literacy to students, particularly those who are behind, and about how to teach good early literacy. We spend a lot of our time doing that as part of the New South Wales Literacy and Numeracy Action Plan. We have a little bit of control with some

schools—that is, those with which we have contracts—because they receive State money. Those contracts ensure that what they are using is based on good evidence and good empirical research. We would not accept those schools with which we have contracts implementing such a program.

The Hon. DANIEL MOOKHEY: So this program would not qualify.

Ms McKAY: No.

The Hon. JOHN GRAHAM: Has a similar evaluation been undertaken in the Catholic system?

Mr BAKER: To my knowledge, the Arrowsmith Program runs in only one dioceses. I understand that evaluations have been undertaken by that particular Catholic school authority. I am a happy to take the question on notice. However, I point out that there is no system—state or national—for accrediting interventions. Perhaps there should be.

The Hon. JOHN GRAHAM: Should there be?

Mr BAKER: I hesitate because the danger is that you wind up spending a lot of money on the compliance associated with accreditation processes. It comes at a cost. My hesitancy would be that it could divert a lot of funding from school-based delivery. At the moment, as far as I am aware, there is no accreditation process for intervention programs.

The Hon. DANIEL MOOKHEY: You would understand that parents who have children with complex needs could be attracted to the prospect of a program promising dramatic results and transformations over a very short timeframe. That would be an attractive proposition and therefore a worthy use of substantial funds. Do you recognise that those parents are vulnerable in that scenario?

Ms McKAY: There has been for years.

The Hon. DANIEL MOOKHEY: Do you think that should be a relevant consideration in an argument in favour of an accreditation scheme?

Ms RIDINGS: There are proactive initiatives such as the New South Wales Literacy and Numeracy Action Plan. Phase 2 goes from 2017 to 2020 and it is focused on supporting schools across all three sectors to implement evidence-based approaches in literacy and numeracy. That is certainly some way forward in supporting schools in that area.

The Hon. DANIEL MOOKHEY: I have had parents contacting me saying that their children have undertaken this course and that the results were not what was promised. The moment they have suggested publicly that promises were not being delivered they were threatened with legal action. Was that considered in that dioceses as being a relevant factor in sponsoring the program? If it was not, do you think that type of behaviour is reflective of a program that is worthy of support?

Mr BAKER: We are happy to take that question on notice. I am not defending it.

The Hon. DANIEL MOOKHEY: I am not suggesting that you should. That is the tactic one associates with people aggressively selling a commercial product, not those whose dominant consideration is educational outcomes.

Mr BAKER: I am not defending any of that. However, as I am sure you can imagine or recognise, sometimes the pressure is the other way around. There might be desperate parents who have heard of an intervention and they more or less insist that the school support it.

The Hon. DANIEL MOOKHEY: Of course, no-one wants to inhibit innovation.

Mr DAVID SHOEBRIDGE: Public schools operate on the basis that, like every other student, students with special needs have an absolute right to attend school and to be provided with an education. What philosophy drives each of your organisations? Is it the same philosophy?

Ms McKAY: Yes.

Mr DAVID SHOEBRIDGE: Where would I find that philosophy in the policy documents that parents would see when they look to enrol their children in your schools, and how is it enforced?

Ms McKAY: NESAs requirements for policies are followed by all schools. They are required to be legislatively compliant. The disability standards for education make it very clear that children with disabilities and their families have the right to enrol in the school of their choice. We as an organisation absolutely support that in all our briefings dealing with disability and in interactions with schools when we support them in enrolment meetings regarding students with high support needs. We make it very clear to the schools that it is

their obligation to enrol and they must follow the procedures and the disability standards to ensure the child and the family are not disadvantaged in any way.

Mr BAKER: They have the right to enrol on the same basis as every other child.

Mr DAVID SHOEBRIDGE: On the same basis?

Mr BAKER: That is the wording of the Disability Discrimination Act 1992. Every child has the right to enrol on the same basis as each and every other comparator child.

Mr DAVID SHOEBRIDGE: Where is that policy statement on the Catholic Education Commission's website?

Mr BAKER: As I explained in my introduction, the commission does not enrol any child. As an artefact of the Disability Discrimination Act and the Australian Education Act, which we implement anyway, every child has the right to enrol on the same basis as every other child. It is a level playing field.

The ACTING CHAIR: Unfortunately, we have run out of time. A few questions were taken on notice. Once they have been received, answers are required within 21 days. Thank you for everything you do in the education sector and also for attending the hearing today.

(The witnesses withdrew)

ELIZABETH GADEK, National Director, Aspect Education, Autism Spectrum Australia, sworn and examined

ROWENA PERRITT, Deputy National Director, Aspect Education, Autism Spectrum Australia, affirmed and examined

The CHAIR: I remind witnesses that Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I request that witnesses focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily. Would either of you like to make an opening statement?

Ms GADEK: Yes. We come from Autism Spectrum Australia to this inquiry and we are specifically talking about the education of students on the autism spectrum. We want to highlight the particular educational challenges faced by this group. Recent research has put the prevalence figures at one in 100. The 2016 Australian Bureau of Statistics figures state that there are 18,000 children aged nought to 18 living in New South Wales on the spectrum. These high prevalence rates of students on the spectrum highlight the urgent need to make available appropriate education provisions.

Aspect operates eight schools in New South Wales and one in South Australia for children on the spectrum. We are one of the largest autism specific school programs in the world and service over 1,000 students. Our schools have a waiting list of about a third again of students seeking placement in our specialised program. Aspect has been going for 50 years and we have developed a specialised education program for school aged children on the spectrum that we call the Aspect comprehensive approach for education.

This approach recognises the education needs of all school age children on the spectrum and provides an intensive specialist solution to meet those needs within a reasonable economic framework. We believe by giving the students the skills instruction that will enable them to function well in a mainstream environment we can transition approximately 20 per cent of our total population every year into more inclusive settings. Aspect schools are part of Autism Spectrum Australia which provides services across the life stages servicing about 15,000 families each year.

We only responded to those terms of reference relevant to our system because we are an independent school system. To support the complex educational needs of students on the spectrum some do require a high level of funding. We note that students on the spectrum have challenges with impairments in social communication and social interaction, restricted and repetitive patterns of behaviour, and sensory issues. That makes being in an educational setting significantly challenging for some of these students. We know that these students struggle in the education system facing problems such as school exclusion, bullying, depression, anxiety and are often misunderstood by educators and peers in the wider community.

We believe that our comprehensive approach to education offers that intensive autism specific educational approach to give skills to the student to become as independent as possible and enable them to transition to a less specialised setting. With the introduction of the Australian Education Act we had great hope that it would allow greater choice in education options for families with a child with a disability. But, based on the workings of the Act, we found that Aspect schools are calculated to be above the schools recommendation schemes [SRS]. Each year we receive only the 3 per cent indexation. We know the costs of operating the school system are greater than that. We are trying to operate the same autism specific intention educational model that is needed by students with less money in real terms.

We remain committed to needs based funding, however, we are not sure that this method is delivering equitable access to all students in metropolitan and regional areas at this time. The other term of reference that we commented on was the complaint and review mechanism within school systems. Aspect takes complaints very seriously. Last year we were the target of media commentary and we have been very proactive following those allegations. We thought the media was overly harsh, but any feedback that was given we took very seriously and as an opportunity to improve our practice.

The allegations were independently investigated by the NSW Education Standards Authority, who found no evidence of systemic noncompliance. Aspect had in place policies and procedures and offered a safe and supportive environment to students in schools. We have taken on board recommendations to improve our own practice. We value working alongside our families and continuing to work on establishing positive relationships so they can readily feed back into schools and improve the outcomes for students with autism.

The CHAIR: Ms Perritt, do you wish to make an opening statement?

Ms PERRITT: No. I am prepared to go into detail about the Aspect comprehensive approach.

The CHAIR: We will go to questions and that will give you an opportunity to explore the opening statement and the written submission.

The Hon. JOHN GRAHAM: Thank you for your opening statement and your submission. We are conscious that you are at the frontline of a growing part of the education system. We are particularly interested in some of those views. I was interested in your discussion about transitioning students and the significant number that do. What does that look like when it works well? What are the things that make it possible for a smooth transition after the work you have been doing?

Ms GADEK: Preparation and planning, to answer you in two words. As soon as a student enrolls we work very much with the family. Each year our student has an individual education plan. We look at the areas on which we can work with the child. We look at their strengths and interests. We work with the family and the student if possible to develop that plan for the year and we always talk about their next setting. We are always working towards that next setting with the families. It is a very different time for each individual family and student but we are concentrating on developing the skills to be able to move on to the next setting from the minute they enrol.

The Hon. JOHN GRAHAM: If you thought about a school system in, say, 10 years time with schools that were much more able to cope with students with autism, a system that had really made a big leap forward in being able to deal with this change that is happening with the number of students being diagnosed, what would it look like? What sorts of changes would need to take place in other schools for that sort of culture to be developed?

Ms PERRITT: I think there is a need for special education training. A lot of our teachers in other organisations have general training so we need to focus a lot more on specific training for teachers within their practice and their pre-teaching placements in how to deal with different sorts of disabilities. In terms of autism, teachers need very specific training. A lot of our families are finding that their needs are not being met within a mainstream system because the staff do not have the ability to offer an individualised program and make sure that all their individual strengths and interests are being considered when they are looking at the different learning styles of students with autism.

The Hon. JOHN GRAHAM: I am interested in your view about why the number of students diagnosed has been increasing so much. I am also interested in whether you think that trend will continue.

Ms GADEK: It is an age-old question.

Ms PERRITT: It is generally around better identification. With the DSM-5 there has been social—

The Hon. DANIEL MOOKHEY: For the *Hansard* record, what is DSM-5?

Ms PERRITT: It is entitled "Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition".

Mr DAVID SHOEBRIDGE: It is the bible for determining psychological conditions.

Ms PERRITT: Yes. It is looking at areas of social communication, behaviour, sensory issues and social interactions. So we are looking at all of those issues. They are being better identified now at an earlier age by paediatricians. I think a lot of these people have been out there—it is just being better identified and they are fitting more into looking at more options for schooling for students with these needs.

Mr DAVID SHOEBRIDGE: Witnesses from the department in their evidence indicated it was a mixture of better identification—so better diagnostic criteria, and that is probably DSM-5 that is working there—but they also said their view was there was an increased incidence of autism. What do you make of that second part of their answer?

Ms GADEK: I agree that is definitely a theory that is out there. Aspect is actually involved in the Cooperative Research Centre for Living with Autism [Autism CRC] funded by the Commonwealth Government which involves some universities and service providers around Australia. Definitely one of their streams is on diagnosis and looking into that in a lot more depth, so there is a lot more research being done on those factors about the prevalence, but I think it is probably both factors that are happening.

Mr DAVID SHOEBRIDGE: We were looking at the funding figures within the State system. The number of students receiving integration funding support—the number of students with autism—has increased from a little over 2,000 in 2012 to a little over 3,000 in 2016. Do you think that near 50 per cent increase could wholly be explained by differences in diagnostic methods?

Ms GADEK: And prevalence. I think there is a combination of factors working together.

Mr DAVID SHOEBRIDGE: So you would adopt that evidence that it is a mixture of the two.

Ms GADEK: I think there is a range of factors working together, and that could be two of them—yes.

Mr DAVID SHOEBRIDGE: We find the same in regard to students in special support classes in the State system—it has increased from a little over 4,000 to almost 7,000 in that same period. If we were to reflect upon Aspect, what have your student numbers done in that same period?

Ms GADEK: Our student numbers have increased too. Off the top of my head I do not know, but we have had a steady increase over the years.

Mr DAVID SHOEBRIDGE: But not that kind of 50 per cent increase that we have seen in the State system.

Ms GADEK: No. We have had a steady increase over the years.

Mr DAVID SHOEBRIDGE: So in regard to waiting lists and the ability to get into your schools—I do not know whether there are waiting lists; maybe there are pools—

Ms PERRITT: There are.

The Hon. DUNCAN GAY: Thirty per cent.

Mr DAVID SHOEBRIDGE: They have had a 30 per cent increase, have they?

The Hon. DUNCAN GAY: No, they have a 30 per cent waiting list.

Ms GADEK: Yes—approximately.

Mr DAVID SHOEBRIDGE: So what has happened to the waiting list? Has it increased?

Ms PERRITT: It has increased. It depends on the areas. In the regional areas obviously they pay fees to go to the school so it has to be parental choice. In the metropolitan area I was principal at Aspect South East Sydney School for 11 years prior to this new role and our waiting list has always been around the 200-client level. That is because families—

The Hon. DANIEL MOOKHEY: For how many spots?

Ms PERRITT: For 175 spots in the school. Because we are an independent system we have a set number of classes. We cannot just create a new class to meet the need. We obviously have to work with what we have. There is a great need and that is why we have a transition focus so that we can work with the students to develop those skills and then assist them to move on to the next least restrictive setting so that they are able to use the skills that they are developing and generalise in a larger setting with the hope that they will keep moving through that education system.

The CHAIR: Are there any areas of the State in which you are seeing exponential growth in comparison with other parts of the State? You mentioned regional versus metro. Are there figures available that you have seen that might assist?

Ms PERRITT: No, I am not sure.

Ms GADEK: Not for our schools. We do not cover all regions. We are in the Riverina, the South Coast, metropolitan Sydney—

The Hon. DUNCAN GAY: Can I ask a question on funding?

Ms GADEK: Yes.

The Hon. DUNCAN GAY: I think you were in the room when Mr Fitzgerald talked about the funding at Mater Dei. I did a quick back-of-the-envelope calculation which indicated to me that they had to raise about 15 per cent on top of State and Federal government allocations.

The Hon. DANIEL MOOKHEY: And parental contributions.

The Hon. DUNCAN GAY: Yes, and parental. What is your gap, if I can use that word?

Ms GADEK: We have school fees in New South Wales of \$5,500 so that would be part of the gap. We also raise funds from the community.

The Hon. DANIEL MOOKHEY: Sorry, was that \$5,500?

Ms PERRITT: It is \$5,500 per annum.

The Hon. DANIEL MOOKHEY: Is there any differentiation between primary and secondary?

Ms PERRITT: It is the same.

Ms GADEK: We also do a lot of fundraising with the community to support our schools.

The Hon. DUNCAN GAY: My granddaughter is at an autistic school and they tell me they have to raise about 50 per cent. They probably do that to make me work harder. Is that about where you are?

Ms GADEK: No, it would not be 50 per cent. In fact, the figure from the My School website for one of our schools, for instance—the Aspect Central Coast school—for the 2015 financial figures was about \$50,000 a year to educate one of our students and we would have got roughly 80 per cent of that from the Government.

The Hon. DUNCAN GAY: So you are close to the Mater Dei; you are about 20 per cent.

Ms GADEK: Yes, closer to those.

The Hon. DUNCAN GAY: Off the top of my head I brought them back at about 15 per cent.

The Hon. DANIEL MOOKHEY: In the same vein of clarification, when you say that you have approximately 1,100 students enrolled in Aspect schools, is that in the eight schools?

Ms GADEK: It is at the nine schools.

The Hon. DANIEL MOOKHEY: And so when you have the 113 satellite classes, how many students are in them?

Ms PERRITT: There are six students in each of the satellite classes.

The Hon. DANIEL MOOKHEY: So it works out to be close to 639?

Ms PERRITT: Most satellite units have two classes, so it is a K-2 and a 3-6, so there would be 12 students per satellite site.

The Hon. DANIEL MOOKHEY: So it is an additional roughly 1,200 to 1,300.

Ms GADEK: No. Those students are within the 1,000 number. Is that what you meant?

The Hon. DANIEL MOOKHEY: No. Sorry. I think I may have confused both you and me.

The Hon. DUNCAN GAY: Well, that is unusual.

The Hon. DANIEL MOOKHEY: You say that in total there are approximately 1,100 students enrolled in Aspect schools in Sydney, the Hunter and the Central Coast.

Ms GADEK: Yes.

The Hon. DANIEL MOOKHEY: So that is the 1,100 in your nine schools.

Ms GADEK: Yes.

Ms PERRITT: Correct.

The Hon. DANIEL MOOKHEY: And in addition to the 1,100—

Ms GADEK: No.

Ms PERRITT: Inclusive.

Ms GADEK: Each of the schools has a variety of classes that we offer. One of those classes is called a satellite class where it is a class of our school but it is actually located on the grounds of another school.

The Hon. DANIEL MOOKHEY: Oh, I have got it.

Mr DAVID SHOEBRIDGE: So the children get exposed to the general population.

Ms GADEK: Yes. So it is a stepping stone for the children. They are still counted as part of those 1,094.

Mr DAVID SHOEBRIDGE: For those students who are in a position to transition into mainstream schools, is that your pathway?

Ms GADEK: A lot of our students do take that pathway, yes, and it is a very beneficial pathway because they get to practice the skills that are required in a mainstream setting while they are still getting that intensive, autism-specific program.

The Hon. DANIEL MOOKHEY: What is the average tenure, therefore, of a student in your school system? I spent 13 years in the public school system in various schools. How long do they spend in yours?

Ms PERRITT: It varies on the individual need but we would say between two and five years most of our students would stay with us.

The Hon. DANIEL MOOKHEY: Over what ages is the highest point of concentration?

Ms PERRITT: We do go up to year 10 and some of our students may transition and come back to Aspect for a high school satellite program. Where it becomes more complicated for the students in terms of their executive functioning within a larger school system, where they have to go to lots of different classes, they can come back to an Aspect program where they can have a home room, they can have that program delivered, and they do not have to worry so much about going to different classes and different teachers for different subjects. So while a lot of our students do improve and develop some really great skills, some do require some more support further on.

The Hon. DANIEL MOOKHEY: Excuse my ignorance but for how long has your system been around?

Ms GADEK: Fifty years. It started in 1966.

Reverend the Hon. FRED NILE: Has there been any attempt by the education department or universities to incorporate your methods, to produce more teachers skilled in handling children with autism?

Ms GADEK: We do work closely with the education department and we also work closely with a number of universities. We do a lot of research on our school system and we also have been involved in some teacher training courses. There is one recently been set up at the University of Wollongong and which we were involved with as well.

Reverend the Hon. FRED NILE: That is just on a small scale, not something becoming statewide?

Ms GADEK: No.

Reverend the Hon. FRED NILE: Do you think it should?

Ms PERRITT: We do educational outreach and consultancies to schools. We can do it on a small scale. I think it needs to go right back to the university where we start the training and it is more specialised. It could be one of the options if you are going to end up working in special education, that you complete a course and your last 12 months is spent purely on disability studies.

Mr DAVID SHOEBRIDGE: When parents approach an Aspect school—we have heard from a number of parents both in submissions this morning and also in the written submissions—they either get turned away directly or implicitly at their local State schools and they then start searching anywhere for somewhere to place their child. From your experience with the parents that you deal with, is that a common pattern, that they have failed to get a place in the State system and have then come to you, or do they come to you directly? How does it happen?

Ms GADEK: Most of the time, following a general pathway, a child is usually diagnosed in their preschool years. So then the services that are involved there, the paediatrician, the childcare, would generally talk about a range of services that are available in their area and where they would mention Aspect. Aspect does also offer some therapy for early childhood students so that is another pathway where they would hear about us. Then it is basically parent choice, whether they want to investigate what we offer or they want to go to the local independent school, Catholic school or state school.

Mr DAVID SHOEBRIDGE: Do you get that flow of parents who say, "Well, I just could not get anywhere in the State system and that is why I have come to see you", or are you more getting people who are referred from these specialists?

Ms PERRITT: We get both. We get some parents who recognise the fact that the program running in a State school does not necessarily suit the learning needs of their child, so they are looking for something that is more designed for, an autism-specific program. We have also had parents who have chosen to home school, rather than send their child to the regular school, because they thought, "We need a smaller, modified program and I can deliver that" and then, because of the social needs of our students they have wanted to actually join into an autism-specific school so that they can access being in a real school setting. So we do get from both areas. And there are pluses, positives and negatives, in all education systems. Every school system does not fit the needs of every child.

Mr DAVID SHOEBRIDGE: Can I just ask you now about those quite distressing images that were seen of what was portrayed as a cage at the Aspect Macarthur school? Initially there was an internal investigation, which cleared the school of any wrongdoing. What happened after that?

Ms GADEK: The NSW Education Standards Authority [NESA] has conducted an investigation and has come back and found that there was no systemic evidence.

Mr DAVID SHOEBRIDGE: You say they found there was no systemic evidence, but what about the specific case study? Did they find any failings at all?

Ms GADEK: No, they immediately went to visit the school the next day. They had a look at the setting and could see that there was no cage. They understood that there was a child enrolled in our school, as are all our children enrolled in our school, who have individual plans and often have challenges. As I said, we worked very much on supporting that child and being proactive to learn the skills to be able to self-manage and learn strategies to be able to cope, within even our small classrooms. But sometimes there are occasions when the safety of other children is paramount and we need to use a playground as a safe space where a child might be able to calm down. So the authority made recommendations into doing more site-specific flow charts for easy understanding by the staff, so the interpretations are there of the policies and procedures and provide easier interpretations. So the policy decisions were there.

The CHAIR: The child that was involved in this case, is that child still at the school?

Ms GADEK: No, he left in 2013.

Mr DAVID SHOEBRIDGE: Is it true that part of the options available are effectively to isolate the child in a physically constrained environment?

Ms GADEK: No, no.

Mr DAVID SHOEBRIDGE: Then perhaps you could clarify what your evidence is about of removing the child and putting them in a safe environment.

Ms GADEK: In the playground.

Mr DAVID SHOEBRIDGE: Is that physically constraining them in an environment and, if so, how?

Ms GADEK: Children often go to the playground as a space to calm down. Our playgrounds are fenced by the usual standard external fencing that you see around schools. That is it. They have playground equipment in them and they are just the usual type of school playground.

Mr DAVID SHOEBRIDGE: The images that were shown were of a fence very tightly around the piece of playground equipment. Is that an inaccurate image?

Ms GADEK: Yes, it was an image taken from one particular angle.

Mr DAVID SHOEBRIDGE: Can you describe how it was inaccurate?

Ms GADEK: It was taken from one particular angle.

Mr DAVID SHOEBRIDGE: How did that not portray the reality?

Ms PERRITT: It was a cubbyhouse within a fenced area, so when they took the photo from the front, the fence was fairly close to the front of the cubbyhouse. Around the back area was a big grassed area so it was much more open and a lot of the students play in there. Sometimes we have students of different ages in the playground, so we like to have a place where the younger students can play, where the older students can play, also where kids can go in and have some quiet, calm space, if they want to be on their own.

Mr DAVID SHOEBRIDGE: So you reject utterly the concept that there are close confined areas for students?

Ms GADEK: Yes, I reject it utterly.

The Hon. DANIEL MOOKHEY: Is it possible, on notice perhaps, that you could provide us either with the report that NESA issued and further detailed information about the implementation that the system has pursued in response?

Ms GADEK: We can take that on notice, yes.

The Hon. DANIEL MOOKHEY: You were here earlier when I was asking some questions of the earlier panel about the Arrowsmith program?

Ms PERRITT: Yes.

The Hon. DANIEL MOOKHEY: Is that program used in your system?

Ms GADEK: No. I was aware of the program but I was not aware that it was for children with autism specifically.

The Hon. DANIEL MOOKHEY: Do you have any further views or anything you would like to add in that respect?

Ms PERRITT: I cannot answer that, I do not know enough about the program. I am aware of the program. I know some staff went over to visit the program in Canada, not from Aspect, from other organisations. That is the limit of my knowledge.

Reverend the Hon. FRED NILE: You said in your submission that you are meeting all these needs for the students with less money in real terms. How do you make up the gap then?

Ms GADEK: By scrimping and saving, I guess. As one of the previous witnesses said, we do not have orchestra pits and ovals; we just have classrooms. We make do with what we can. We get a lot of community support—playground equipment and things like that. We have been very lucky to have some very generous supporters lately to be able to build playground equipment. We try avenues like that.

Reverend the Hon. FRED NILE: Do you have fundraising activities?

Ms PERRITT: Yes, we do. We work very closely with our parents and friends committee and its major focus is to fundraise for resources within the school. Our parents are really happy to support fundraising when they know it is going directly to the children, and that is what we do.

The Hon. DANIEL MOOKHEY: In respect to funding, on page 2 of your submission you talk about the consequences of the Australian Education Act 2013 essentially not being renewed or at least the funding component of it not continuing beyond 2017. Of course, there is a national conversation taking place about how to fund the final two years of the transition. At what point this year does it become too late for you to be able plan next year if this is not resolved?

Ms GADEK: It is extremely difficult to do forecast budgeting obviously for future years which we need to do for staffing, et cetera. I can remember four or five years ago that we got the agreement signed off in the last weeks of December. I think we had to take from the Commonwealth Government an assurance that it basically would be, and did our budgeting work of that actually happening. But I would say for proper planning and budgeting purposes that is miles too late. I am upset that we have not had action now already to get a sense of what might happen. It is very disconcerting when I hear statements about the above-the-line schools are over funded and we should not be funding them because that means Aspect schools, and we are scrimping and saving and fundraising for the equipment that we need.

The Hon. DANIEL MOOKHEY: That is a proposition that was made by the Federal education Minister about above-the-line schools?

Ms GADEK: Yes, I believe that was reported in the media.

The Hon. DANIEL MOOKHEY: How would your system cope should that funding not be renewed at all?

Mr DAVID SHOEBRIDGE: It is not a suggestion of not renewing, it just a suggestion of flat lining—

The Hon. DANIEL MOOKHEY: The proposition is that we revert back to the earlier model or alternatively we adjust this one to reduce the amount of money that it costs. What does that mean? What additional programs have you implemented in the past four years because you have had access to this money that you cannot ramp up?

Ms GADEK: We have not had any additional programs.

Ms PERRITT: No, it would just be our ability to increase programs.

The Hon. DANIEL MOOKHEY: Are you planning to increase programs?

Ms PERRITT: We are. Currently we are looking at a transition college model. A lot of the feedback from our families is that when students finish in year 10 they either go on a transition-to-work program or they transition out of Aspect into a Department of Education school support unit for the last two years of schooling. This can be a little disruptive for the student at that time who has maybe spent four years in the high school

program and then has to move and adjust to a new program or they are staying with us for an additional year because they have not turned 17 by the time they have finished year 10. We do get a lot of students who may request to repeat year 10 so that they then can transition into a work program.

We would like to be able to offer something along the lines of a transition college where we can apply for registration and accreditation up to stage 6, which is year 12 of the school program, and then look at some options for those 18- to 20-year-olds to work with other parts of our organisation to look at transition into community participation or a workplace environment.

Reverend the Hon. FRED NILE: Have you had an opportunity to get capital funding for the buildings? How do you finance the buildings for the schools?

Ms GADEK: We struggle to build, again with the support of generous donors in the community. We are a member of the Association of Independent Schools, so we can apply to its block grants authority to be part of that process.

Mr DAVID SHOEBRIDGE: You said that your wish is to be able to continue students to perhaps until 18 to 20 to transition them into the workplace, but particularly accreditation to do year 12. What are the barriers that prevent that from happening?

Ms PERRITT: The barriers are around space for us and having the facilities to be able to do that. Currently we do not have the space. Aspect does not own property—I think it owns two of our schools—but we lease all the other spaces. We are reliant on places like the Department of Education and the Catholic Education Office to lease us more space. As you are aware, schools in the Sydney metropolitan area are very tight. There is not a lot of availability.

Mr DAVID SHOEBRIDGE: It is either physical space or capital to go up—both of those are the hindrance?

Ms PERRITT: That is correct.

Ms GADEK: Yes.

Mr DAVID SHOEBRIDGE: In your submission you state "using the most conservative measure" you would expect about 18,000 New South Wales children aged nought to 18 to be on the autism spectrum. If we use the prevalence in the United States of America it would be close to 24,000 or so. Do you have any understanding about how many children within the New South Wales education system are therefore not having their autism identified and not getting access to special needs funding?

Ms GADEK: I think that would be very hard to say. I would like to say in the first place that not all people on the spectrum need extra support. There are many students coping very well without the extra support. I think what we have to be aware of is the ones that do need that extra support at various stages in their journey through school get the support that they need. I could not answer the question about the prevalence in the department.

Mr DAVID SHOEBRIDGE: In your experience is the system flexible enough so that if a child identifies a need for some special assistance it can happen in sufficient time to actually meet the need and, hopefully, transition them away from special assistance?

Ms GADEK: Are you saying within the department?

Mr DAVID SHOEBRIDGE: Yes, how long does it take from diagnosis to get funding and actual support?

Ms GADEK: I am not quite sure of the question. Would you clarify it for me?

Mr DAVID SHOEBRIDGE: You say that some children develop a need for funding for a period.

Ms GADEK: Yes.

Mr DAVID SHOEBRIDGE: But then that funding may actually resolve the matter. Does it happen in practice that the funding is made available in a timely fashion to deal with a child's needs?

Ms PERRITT: In the State system?

Mr DAVID SHOEBRIDGE: Yes.

Ms PERRITT: They do get access to funding but there is a document on which they rate the student's needs. The funding is related to how they score on that assessment need. So the funding may be available but my understanding is also that that is a pot of money that the school gets, and it is up to the discretion of the

school as to how they use that funding and whether it actually goes with the child or whether it is within the school system to use.

The CHAIR: Thank you for your participation and your submission and evidence. I understand that you have taken at least one question on notice. The Committee has resolved that answers to questions taken on notice be supplied within 21 days. The secretariat will be in contact with you to assist you with the progress of those. Thank you for the great work that you do in the organisation that you represent.

(The witnesses withdrew)

(The Committee adjourned at 4.47 p.m.)