

RESOLVED TO BE PUBLISHED BY THE COMMITTEE ON 11 AUGUST 2017

REPORT ON IN CAMERA PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 3 – EDUCATION

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

CORRECTED PROOF

At Newcastle on Monday, 8 May 2017

The Committee met at 12.45 pm

PRESENT

The Hon. Natasha Maclaren-Jones (Acting Chair)

The Hon. Duncan Gay
The Hon. Daniel Mookhey
Mr David Shoebridge

WITNESS A, Individual, affirmed and examined

The ACTING CHAIR: Would you like to make an opening statement?

WITNESS A: Yes, I would. I have a very brief opening statement.

The ACTING CHAIR: That is fine.

WITNESS A: As you know, I am a parent of a child with multiple disabilities, including autism spectrum disorder, Tourette syndrome and severe gross motor delay. My child was educated in a mainstream class from kindy to grade 6 and we moved to homeschooling in year 7 after a brief placement in a support class that did not go well. Our best experiences through my son's schooling were exemplary and a positive experience for all involved. The worst were deeply traumatising. My son and I hope that our experiences can, through this inquiry, contribute to bringing about positive change for children with disabilities in New South Wales schools and ensure all children have access to the best educational opportunities, outcomes and experience.

The ACTING CHAIR: Thank you very much.

The Hon. DANIEL MOOKHEY: Thank you, Witness A, for your appearance. Witness A, one aspect of your submission has been drawn to our attention, mainly because you are the first parent to come before the Committee with direct evidence that this is happening to your child. It is about the use of restraints and other forms of coercive behaviour on the part of schools. In fact you make reference in your submission to two or more incidents.

WITNESS A: Yes.

The Hon. DANIEL MOOKHEY: Can you briefly describe what happened to your child?

WITNESS A: I cannot describe in detail because my son is not able to give very clear descriptions of what has happened to him. I found that schools were reluctant to give detailed accounts of what had happened also.

The Hon. DANIEL MOOKHEY: We will unpack that.

WITNESS A: I know that when he was in first grade, so he was only five years old, he had been distracted and wandered around the classroom. He had a lot of trouble at that age in following directions and in sitting still, and understanding that he was supposed to remain seated. I think there had been a little bit of anger and that he curled up under a classroom desk. My understanding at that time was that he was then taken by the arm and pulled very sharply across the carpet. He did not let anybody know that he had been hurt at that time. That became evident when he came home. The injuries were not serious and I do not think the intent was to hurt him; nonetheless, it had a very profound impact on him.

The Hon. DANIEL MOOKHEY: You make reference as well to another incident with cupboards.

WITNESS A: Yes. It is my understanding that this was when he was about 11 and had just started high school. That was in a self-contained support class, so it was a special education setting. I do not know what led up to what happened. I know that he struggled in the support class because although there was a ratio of adults to children of 3 to one, because my son is quite intelligent and the other children all had intellectual impairment his needs were not considered by the staff there as genuine, for want of a better way of putting it, as were the other children. So he was not allowed to have any assistance from the aide. He also has a very severe dyspraxia and at 15 he still cannot actually write the letters of the alphabet in capital letters reliably and he was expected to do a lot of writing in the support class.

He would often become quite distressed and then refuse to do his work. Again, I think that a verbal exchange probably became heated. For years we had been trying to teach him not to get agitated and to take himself away to a quiet space at that time. He tried to do that. He subsequently disclosed to me that he was in a corner between the classroom and a cupboard, which was on the back wall and that in order to get him to come out of there, because they were very angry with him for doing that, they pushed the cupboard towards him. I do not know whether they actually did it or threatened to push the cupboard; he becomes quite incoherent at this point. But he was quite frightened.

The Hon. DANIEL MOOKHEY: Did you make any complaints about those incidents?

WITNESS A: Unfortunately, he did not actually tell me that until three years after the event, so I did not know at the time. I have been told, interestingly, by the staff not that he had been in the corner at the time but that he had tried to make a quiet corner and they had moved the cupboard. I had naturally assumed that that had happened at a time when my son was not in the corner. So I was quite surprised when, two years later, he suddenly started talking about this incident, because I had no idea he knew. Then when I asked him all about it that is when he told me what had happened.

The Hon. DANIEL MOOKHEY: Were you ever given or did you ever seek an explanation from the school?

WITNESS A: I did not; we had been homeschooling for two years at that point of disclosure.

The Hon. DANIEL MOOKHEY: Going back to the start of your experience of the education system, can you describe how easy it was to get your child enrolled in a mainstream school?

WITNESS A: For us the enrolment was easy because at the time of enrolment my son did not have formal diagnoses. It had been evident that there was something very different about him in the years leading up and we had seen specialists when it became evident that he probably had Tourette syndrome. Because he was so young they were actually reluctant to put a formal label on him, so at the time we entered into the school system he had no formal disability.

The Hon. DANIEL MOOKHEY: Diagnoses?

WITNESS A: Diagnoses, which meant that we just enrolled him at school. As soon as we did that it became very apparent that he was struggling and there were a lot of issues. We were then actually advised not to seek diagnosis; we were told it would make no difference and he would not get any help, and do not go down that road.

The Hon. DUNCAN GAY: Who advised you?

WITNESS A: That was the school psychologist.

The Hon. DANIEL MOOKHEY: So presumably you ignored that advice?

WITNESS A: Yes.

The Hon. DANIEL MOOKHEY: And then you received the diagnosis.

WITNESS A: We initially received the diagnosis of Tourette syndrome, OCD and AHD, although he was very obsessive again. I think it would be different now because people are much keener to give a diagnosis of autism spectrum disorder because we know that early intervention improves things, whereas 10 years ago there was a reluctance to give such a serious diagnosis if people were not 100 per cent sure. So that diagnosis did not come until about 18 months later.

The Hon. DANIEL MOOKHEY: And then did you seek any additional support or resources for your child?

WITNESS A: Yes, we did. Initially we saw an occupational therapist [OT] because the motor skills were the biggest standout problem. We were very lucky in that our OT had a good relationship with the school system and was able to come in and advocate for my son. So that was very positive. We sought help through a number of psychologists over a two-year period, and we sought help with specialists—a paediatrician initially and later psychiatry.

The Hon. DANIEL MOOKHEY: But then at some point along the journey you make a decision to homeschool your child.

WITNESS A: Yes.

The Hon. DANIEL MOOKHEY: In fact, in your submission you say it was after you had experiences of up to six mainstream schools.

WITNESS A: No, he was only enrolled in two mainstream schools but we attempted to enrol in other mainstream schools and were unable to do that.

The Hon. DANIEL MOOKHEY: What reasons were you given for why you could not enrol him?

WITNESS A: They never say to you it is because your child has special needs.

The Hon. DANIEL MOOKHEY: What language do they use?

WITNESS A: For instance, one school I rang was quite enthusiastic to hear from me and were very keen to offer me an interview until they heard my child had special needs. I cannot remember the exact words, but it sort of changed from, "Please come and see us" to "Look, we might send you a prospectus, but if it does not arrive, do not call us because it means there is not a place." It was those sorts of things. Another school that takes kids with milder problems, they did not exactly say, "We are not taking him." They said, "We do not have a place. Do not hold your breath. We do have an alternative school. You could try there. It is affiliated with us; try them."

The Hon. DANIEL MOOKHEY: Is it incorrect to say that they were playing essentially pass the parcel with your child?

WITNESS A: Yes.

The Hon. DANIEL MOOKHEY: During the course of all this—your experiences in both the education system and in trying to enrol your child in another school—did you ever utilise the department's education complaints procedure, the investigation procedure?

WITNESS A: I did not formally. I made complaints to the school principal. I did ring and speak to people at both district level and, the first time my son was suspended, I rang the Sydney office because I was very frustrated with the responses I was getting locally. I did not put in a formal complaint, largely because at that stage my son had actually made friendships within the school and we were very keen to maintain his enrolment in school. I was quite frightened that if we put in formal complaint procedures, the vibes created by that would make it impossible to keep him enrolled at the school.

The Hon. DANIEL MOOKHEY: You said you made contact with the principal and the district offices. What attitude did you encounter?

WITNESS A: A very frustrating attitude.

The Hon. DANIEL MOOKHEY: Were you frustrated or were they frustrated?

WITNESS A: I was frustrated. My concern was to improve things for everybody at the school. I felt that things were happening and they were a reflection of the fact that my son needed more assistance and that the teachers needed more assistance in order to manage things constructively for my son and for the other children in the class. That was my primary concern, and I felt that I was constantly met with the attitude that, "Well, you are not going to get any assistance. We will not get funding. This is your problem. You need to fix him up so that he can meet expectations at school."

The Hon. DUNCAN GAY: You took the decision to homeschool him. Is homeschooling working better?

WITNESS A: Yes.

The Hon. DUNCAN GAY: What would it take for him to go back to a mainstream school? What are you able to do in homeschooling that the mainstream school was not able to do? What is he missing out on that he could have got at the mainstream school?

WITNESS A: The thing that we can do at home is to be more flexible. I can be more flexible about how his learning needs are met. I can be much more flexible about when they are met. I can be much more flexible about when he takes breaks, when we do certain types of work.

The Hon. DUNCAN GAY: What about breaks for you? They are very important.

WITNESS A: There are not a lot of breaks when you are homeschooling. What he really got out of school was being in a class with other children. We were incredibly fortunate that my son was with a group of children who were very supportive of him. They provided good social support and a lot of good social modelling and training. They provided a sense of community. There was a sense of belonging. The other thing educationally that school was able to provide was the group learning experience that is much harder to provide at home—being in a class when something is being discussed and there are multiple points of view. That was one of the things that I always felt for my son was very beneficial at school. My son was home at least one day a

week for a lot of his schooling because of anxiety so he was unable to attend school. I used that to give him the education and a lot of the basic skills that he was missing at school, because while he sometimes had some aide time, there was no specialist teaching. But what was really good for him at school was group discussion and being part of a group and so hearing other people's opinions.

The Hon. DUNCAN GAY: How does he get that interaction with students? Does he have siblings?

WITNESS A: Mostly we have been very lucky in that the children that he was at school with, there is a group of those who have maintained social contact and we are able to maintain social contact that way. We have made a few friends within the homeschooling community. It has become hard as he has become a teenager; I think that would have been easier had he been younger.

The Hon. DANIEL MOOKHEY: In your submission you said you also made contact with the private system and you tried to enrol your child in the private system. Please describe that experience.

WITNESS A: One of the experiences I talked about, where they said if I did not get the prospectus it would mean they did not have a place, was the private system. I tried to enrol him into the Catholic system. I tried a couple of high schools, one that has a very good reputation for taking students with special needs. But we were out of area for that school very obviously.

The Hon. DANIEL MOOKHEY: According to your needs or according to them?

WITNESS A: According to their district, we were out of that area, so it was difficult. They were quite honest that they were overwhelmed and they did not have enough places. Our local high school refused to take him.

The Hon. DANIEL MOOKHEY: Private or public?

WITNESS A: It was our local Catholic high school. I cannot remember the exact words but it was along the lines of, "How can you expect us to take a kid that has the issues your son has?"

The ACTING CHAIR: In your submission you touched on training of teachers. I am interested to know about your experience a number of years ago and whether or not you are aware whether training has improved or more needs to be done.

WITNESS A: I cannot comment on change. I was saddened, I guess, by the lack of education for teachers. I think a lot of teachers wanted to be doing the right thing and wanted to have more knowledge, but did not have the knowledge and support had not been provided either during their training or subsequently. I was a bit surprised when we moved into special education about the apparent limits to the education. I did feel that there did not seem to have been a lot of teaching about inclusion. I feel we have a situation where we have a lot of kids with special needs in mainstream schools but perhaps not a lot of teaching of either mainstream teachers or special-needs teachers about the specifics of including a child with special needs in the mainstream, as opposed to teaching them in a special unit, which is quite a different scenario.

The ACTING CHAIR: Going back to the incident when you found your child had carpet burns, was the teacher trained in how to handle him after that incident? What process followed that incident?

WITNESS A: My understanding is that there was training, that she attended some sort of course.

The ACTING CHAIR: Do you know whether it was then rolled out to all teachers in the school?

WITNESS A: I do not know.

The ACTING CHAIR: Thank you for appearing before us today. If there are any additional questions, they will be sent to you separately by the committee secretariat.

WITNESS A: Thank you for your time.

(The witness withdrew)

(Conclusion of evidence in camera)