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**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 Shellharbour on Friday, 19 May 2017**

**The Committee met at 12:40 pm**

**PRESENT**

The Hon. Lou Amato (Chair)

The Hon. John Graham  
The Hon. Natasha Maclaren-Jones  
Mr David Shoebridge



**WITNESS B**, Individual, affirmed and examined

**WITNESS C**, Individual, sworn and examined

**WITNESS D**, Individual, affirmed and examined

**WITNESS E**, Individual, affirmed and examined

**The CHAIR:** Before we commence, I note that this is an in-camera session and that you are bound by the confidentiality of today's proceedings. Your evidence is being recorded by our Hansard reporters. You have been advised that the Committee may publish the transcript of proceedings with your name and other identifying sensitive information suppressed. The secretariat will consult with you regarding the publication of the transcript.

**The CHAIR:** Thank you. Would you like to start with a short statement?

**WITNESS B:** Thank you so much for valuing my child's voice and their experience. Thank you so much for including me in this process with so much equity and value as his mum and advocate. I am very hopeful this inquiry will produce good outcomes for our children. However, for me I feel it should not have been necessary in the first place. The department should be able, like this inquiry, to identify systemic issues, qualify and quantify them, and identify solutions and in doing so, include the relevant stakeholders in a valued and equitable way. Obviously, they are not doing this well at the moment. I am very concerned about their awareness of the issues, how issues can impact on the relevant stakeholders in different ways and their current mechanisms in place to inform them and on what basis.

From our experiences, what has been expressed through many submissions here and the hearings so far, it seems the higher you go up in management there is indeed a concerning lack of awareness and acceptance of the systemic issues which have been strongly raised and detailed by other stakeholders here and as to the legitimate seriousness of the nature of these issues and the impact it is having on our children's lives. Sadly it is preferable for me to think of this as a potential cause as to why our children need to rely on a process like this, rather than the department, to instigate the potential changes they need instead. You can have all the commitment in the world to address issues and find solutions but this does not mean a thing if you can't identify, recognise and accept there is a problem in the first place. When a lack of commitment or poor, arrogant attitudes start to become reasonable and legitimate, either in perception or reality, in this consideration the changes our children need will not likely happen and in the way they desperately need them to.

For what our child has been through and how we as a family have been treated over the years, this commitment too I have had to question. I was initially hopeful and open to the department's messaging from the first hearing—reassurances their complaint system is reasonable, their recent efforts will strengthen this process, the system is open and encouraging to parents, reasonably accountable and supportive—for example, parents have a choice of who they feel comfortable to raise issues with. This was extremely difficult for me, considering our experience of the complete opposite.

For example, their lack of transparency about what they do. There is a lot they do not consider reasonable to share with students, parents and the public, including what they do in terms of restraint, behaviour management et cetera. With openness, I recently read the department's School Community and Consumer Complaint Procedure, January 2017. I did not feel equitably positioned. I found little to no messaging about

choice or support in being a parent who may need to use these procedures. There is referencing to a "toolkit" which presumably explains the procedures in more depth which we, as parents, do not have access to.

I personally do not feel the time given to complainants to appeal or respond is equitable. The ratio is 20 days for them to investigate and 10 days to lodge an appeal. This does not recognise any equitable consideration that complainants are, to some degree, not in the same equal position. For example they may not have the same access to resources and expertise they need to support them in this process

It was distressing to see a whole section on the procedures about recognising and what to do when complainants behave inappropriately and to talk about the impact it has on the wellbeing of staff. Where is the recognition we too can experience similar behaviour, similar impacts to our wellbeing and our children's. For me, the department talks the talk, but in balance fails to walk the walk. It is easy to say, "We value stakeholders and are committed to providing them with what they need. Working towards this, we consult and include stakeholders with equity". If the department was walking this walk, we would likely not be here today.

The most meaningful submission for me was number 257. It was from an autistic young person, articulating first hand what they had been through and why. If the department does not start to listen and be informed by the most relevant stakeholders like this, it is likely we will all be here in another few years. I hope you, the Committee, will consider this issue and address this when you make your recommendations. And if needed, as already put forward by other participants, perhaps an external body for accountability is required.

**WITNESS C:** I have no opening statement.

**WITNESS D:**

I began teaching in the mid 1990s and have worked as a classroom teacher, assistant principal and principal, in both metropolitan and bush schools.

Importantly, I am certain that it was his involvement in the Reading Recovery program that was a major contributing factor to the deterioration in his mental health and behaviour.

I speak to you all today as a protective father and a dedicated teacher who fears that things will only deteriorate more rapidly as the experienced baby boomers retire in greater numbers and are replaced with the inexperienced and overconfident younger teachers.

**WITNESS E:** I am here primarily, not just for myself but for all people with disability but particularly with autism spectrum, because I feel that the spectrum is a huge place to be on and it is now accepted that there is a genetic component. And while not all parents who have children on the autism spectrum have an autism spectrum diagnosis, it is nevertheless highly likely that one or both of those parents will have significant traits or a full diagnosis. I fall into that category. It is important that you know that I am so high-functioning due to my IQ, that on my diagnosis form it says that I should be regarded as a variation on the norm. However, I am vulnerable, particularly in a situation of the complaints process used by the department and their attitudes to people with disability. It is not just their attitudes towards people on the autism spectrum, particularly children, but to all disabilities.

These attitudes, the way I and my family have been treated, make me think that for the education department, right up through the higher echelons from teachers to principals to regional directors to education directors to the Minister himself, that people with disability are less than human, subhuman, and therefore not accorded the same rights, respect, dignity and procedural fairness accorded to all other people living in Australia might expect. One of the reasons I feel that is that my particular diagnosis—I was proud of myself—I had come a long way. As a child, I openly admit, I was a very eccentric unusual child but as an adult I was proud of the achievements I had made.

I worked with children with disabilities across the autism spectrum and cerebral palsy for 14 years before I had my own children. The education department made me feel that not only should I not have been born but that I should not have given birth to my own children. Sadly, my children actually wish that they had not been born. I will carry that guilt until I die. I do not know how to remove that guilt. I cannot restore what the department has taken away. They have felt, many people not just one person, right up to the Minister, that a diagnosis of Asperger's is interchangeable with mental illness, it is not.

I am here today to tell you though that I did not have any mental illness or health issues before the treatment by the department. I have since been diagnosed with anxiety and depression that I did not have. However, that has not impacted on my parenting. My children are significantly more challenged than I am. I am here today, I am articulate, I am intelligent and I have feelings. I had a son who I was told would never talk.

I have been told when we first tried to enrol in a school and the problems began we were told, "We have enough people with autism in our school we do not want any more". We were told to go elsewhere.

I have had things written about me. One of the worst things that I ever read was I attended a meeting in good faith, I believed I would be helped. I am particularly vulnerable because when people are hostile towards me the problem—I should not say the problem about people on the autism spectrum—but it is highly likely that they will place extreme faith in the written word. To me it shines gold when I read the department's procedures, policies and guidelines. I was actually thrilled. I knew I would be helped, I knew my family would be helped. We would receive assistance, compassion and support. This was not the case.

That is the other issue I have. If the Minister for DOCS writes a letter to the department saying that they have no concerns and that what happened to my family is distressing and unhelpful the department should have no other choice but to accept tha

That principal told me that I should not have had children and that my children displayed symptoms of autism spectrum because of my parenting not that they actually had it.

Why the department has chosen to support those attitudes I do not know. I will never know. I want to know. Not one single question I ever asked the department was upheld or answered. As you know from reading my submission things escalated rather badly but they should not have. It does not matter if you do not like me, you can think I am eccentric and not want to be my friend. That is not what it is about. It is about my children and the right to attend a school. I too am homeschooling my children. It is not a choice they wanted or I wanted.

I have lived with shame and guilt for many years. I am still embarrassed and ashamed at what has been said and written about me and my family.

People on the spectrum have given much to this world because we are intensely observant. Sorry. It has to be remembered at all times that there are gifts with this disability. I told my children when they were born that they were not disabled. I thought I am different, not disabled, but I have felt disabled in this system. I have seen how the department is labelling people as disabilities and seeing them as just the disability, not the person.

They fail to understand the harm they are doing to people. We are people. I may make errors like everybody else but the department are the biggest bullies. Bullying is epidemic. You can read it in the news and see it on the news. The greatest bullies are in the department and those feelings must trickle down. If we are not shown respect and our children with disabilities are not shown respect why should the children in the classroom offer respect or care or compassion or even be interested in what we have to offer. I feel that my children have had their lives taken away from them. It was a simple matter.

If I had been granted a meeting I believe this matter could have been solved within an hour easily.

They used my son's medical

history as an excuse for her to get out of being held accountable. I feel this would not happen to an ordinary family. I have said too much.

**Mr DAVID SHOEBRIDGE:** It is not that you have said too much; it is just that we do not have enough time.

**WITNESS E:** I am so sorry. Feel free to tell me to be quiet.

**Mr DAVID SHOEBRIDGE:** If anybody ever says anything other than you are extremely persuasive and articulate just refer them to the amazing evidence you gave to this Committee.

**WITNESS E:** Thank you.

**Mr DAVID SHOEBRIDGE:** Witness C, your submission has a recurrent theme, which is the resource allocation funding that is allocated to a school for special needs students being redirected at the principal's discretion?

**WITNESS C:** Yes.

**Mr DAVID SHOEBRIDGE:** Could you introduce yourself to the Committee as to what your role is and elaborate on that?

**WITNESS C:** I am a school learning support officer, which is a new term for a teacher's aide. I personally look after one particular child at the school. We have numerous children at our school with quite a few disabilities and there are quite a few aides, school learning support officers, that work within our school. A lot of the students have got the funding for their disabilities but I am finding that a lot of the aides that might be employed to assist the teacher to assist the child are not actually spending time in the classroom with that teacher to help the child.

**WITNESS C:** We are always told that—well, the principal has even told us that the funding is not for the child, the funding is for the teacher, so it is up to the teacher how the funding is used, but what I see from my school is that aides, the school learning support officers [SLSOs], are not assisting the teacher to help the child.

**Mr DAVID SHOEBRIDGE:** You gave examples in your submission.

**WITNESS C:** Every day there is something.

**Mr DAVID SHOEBRIDGE:** Could you can flesh some of that out. When I read the SLSOs are regularly doing school lawns and school maintenance instead of being in the classroom, I was mortified.

**WITNESS C:** All the time.

**Mr DAVID SHOEBRIDGE:** You say all the time.

**WITNESS C:** Yes, absolutely. They could be doing lawns, if the principal wants something done, or there might be a function, "I will get such-and-such to do the lawns", or "Can you do a tip run?", or clean out a room when they should be in with the students. First thing in the morning the parents are there with the children, so the parent sees the aide go into the classroom, and as soon as the parents go the aide comes out and off he goes and does his own business.

**Mr DAVID SHOEBRIDGE:** Is this at the direction of the principal?

**WITNESS C:** Yes, and some particular aides feel they can just go and do willy-nilly within the school. But in most cases, yes, under the guidance of the principal. The principal will request these other things to be done, whether it is the lawns, maintenance, put up a board, or numerous other things—whatever needs to be done in the school instead of assisting the teacher with a particular child and their needs.

**Mr DAVID SHOEBRIDGE:** The core purpose, at least in this school, is often seen as discretionary?

**WITNESS C:** Yes.

**Mr DAVID SHOEBRIDGE:** This is like a jack of all trades to fill up whatever gap is applicable in the day?

**WITNESS C:** Yes.

a parent was straight at me, "My daughter has not had any assistance for the whole term."

her daughter had not had any assistance, and I know she has got the funding there for assistance. I know

she has three hours a day, quite a bit of time allocated, but she had nothing the whole term. The term was 10 weeks or something, but for eight weeks she had no assistance from an aide.

**Mr DAVID SHOEBRIDGE:** how was her education?

**WITNESS C:** It has lowered, dramatically. Even the parents complained to me. I said, "Do not come to me. Go to see the boss."

**Mr DAVID SHOEBRIDGE:** What about the little girl? How does she feel when she has episodic assistance?

**WITNESS C:** I cannot question her. She does not say much to me. You know with the work they are doing they have regressed. They have regressed quite a lot, which is unfortunate because they are quite capable in the first place—very capable, with many autistic children, or children on the spectrum. This particular mother told me that she rang up the department herself and asked about the funding, and the people told her the principal can use the funding as he sees fit. They were her words.

**The CHAIR:** From reading your submission, I get the impression that the issues seem to be the principal and how the principal is managing the school?

**WITNESS C:** Yes.

**Mr DAVID SHOEBRIDGE:** I do not know if you were there, but The Hon. Natasha Maclaren-Jones was chairing the inquiry in Newcastle. We were told, at least in Newcastle, there really was not any comprehensive system to work out how schools are allocating their RAM funds and special needs fund. I might ask Witness C and Witness C what your understanding of the scrutiny of these kinds of decisions is?

**WITNESS C:** I have got no idea how they do it. With the RAM, that is not my expertise. I have no idea.

**Mr DAVID SHOEBRIDGE:** Does anyone externally ever come in to find out what work you are doing and where the money is going, so far as you know?

**WITNESS C:** So far as I know, no.

**Mr DAVID SHOEBRIDGE:** Witness D, you are unique. You are a teacher, a parent and a principal.

**WITNESS D:** I have insight. I can give you some answers. First of all, you need to understand that principals are demigods. They have carte blanche authority over so many areas.

The other thing we need to understand is the way that the department—the line in the sand, if you like, that the children fall under is called the group bucket, or the main part of the RAM allocation. Because we have few students who are above that line who receive the special funding, what is common practice is if a child, for argument's sake, is receiving 20 hours for the week, the principal will use that 20 hours to perhaps give 10 to that child and the other 10 will go to other classrooms, unrelated to that child where it is allocated. It will go to children who are deserving but who are under the line of the additional funding because the bucket is grossly insufficient to meet the needs of the children with disabilities in our classrooms.

**The Hon. JOHN GRAHAM:** We talked about this problem in a couple of hearings. There are two ways you could tackle a problem. I am interested which of these you think is more important. Presumably they are both important, but which is more important? One is to acknowledge that principals have this power and really work to make sure they are brought up to speed; they are learning off some of the best principals who

understand these problems. So tackle the principal issue, or try to tie down this funding to set more rules around inspections or make sure that it is going into these areas? Do any of you have a view about which of those approaches would bear the most fruit?

**WITNESS D:** If I may speak first. I do not know if now is the time, but I have a document I would like to table for the Committee with my personal suggestions

**Mr DAVID SHOEBRIDGE:** Just tender it now.

**WITNESS D:** Thank you. I have made 10 copies. I believe that we need to take a different approach—while I think they are good suggestions, I feel the only way—because I have read the submissions from the other hearings in Newcastle, there are huge problems with the department scrutinising itself with directors scrutinising their principals who are often seen as change agents, so when they are unpopular with the community, in a way, they are given a gold star by the director because that is why the director chose that person, if you like.

First of all we need to disband the New South Wales Institute of Teachers. I see it as an absolute waste of everybody's money and time because we are now moving where the principal will endorse the staff. I can tell you now principals have no time to get into classrooms and watch what is going on. I propose that the New South Wales Education Standards Authority [NESA] be given wide powers.

I think the NESA needs to have the powers to go into every classroom to scrutinise every program to test.

All teachers must be tested annually on our legislation duties, as well as curriculum and as well as how to care for the children in our care. The only way we are going to see true change is if NESA gets some teeth because they are the curriculum experts and they go in there and they have the power to ground, so to speak, "Right, you're out of the classroom. You've got a week of extra training. Here it is here." The principal then must do something about it. If you fail the second test you are up for performance management and you are out on your ear. I do not see it as punitive; I see it as we are there to care for children.

Parents give their most precious asset to people for six hours a day and far too many teachers see it as an absolute joke. They have no care. They have no responsibility. They do not know the curriculum, they do not know the legislation and it is ruining lives and it is affecting families. It has affected my family. Even now I am fighting something at my own school and nobody cares. I have been blacklisted for simply wanting the curriculum with excellence and teachers are not made to improve.

**The Hon. JOHN GRAHAM:** It would really give it some level of independence?

**WITNESS D:** Complete independence.

**The Hon. JOHN GRAHAM:** You are stuck bouncing around the system where you cannot quite tell what the relationships are around you.

**WITNESS D:** It must be away from the department, absolutely.

**Mr DAVID SHOEBRIDGE:** I refer to teachers and oversight. Witness B, in relation to \_\_\_\_\_ you talk in your submission about physical restraint and how there is no independent oversight of how, when and why physical restraint is being used.

**WITNESS B:** If I could express it this way. As a parent I have my own personal views about how I feel about someone at a school touching, or it being necessary for someone to touch another child, because he has associated behavioural concerns with his disability. As a parent I want to reduce that risk of him having to experience that and also the risk of him being suspended. What do I do as a parent? The only way I can think is: What else needs to be put in place? How do I find out about their use of physical restraint? As I said, there is no departmental policy on it. There are no procedures on it—at least our school. I cannot talk for all schools but apparently it is up to each school to decide their policies and procedures with regard to physical restraint. I hope I am making sense.

**Mr DAVID SHOEBRIDGE:** You are making sense.



**WITNESS B:** Where our school informs their practice is its training manual. The staff at the school do not get trained by outside organisations. They train people in the department, then go through a train the trainer, and then train people. But they work from the manual basically that they got from the private training providers. We cannot get access to that because apparently it is copywrited. The NVC—non-violent crisis intervention—for someone at a school to be trained and permissible, and you would hope that it would be a trained person that actually did the restraining, they have to do the NVC in non-physical restraint, de-escalation strategies or whatever. It is difficult when something happens because, as I said, my child came into the school. The school had full knowledge of his behaviours of concern—a behaviour support plan, behaviour de-escalation plan—so when he got restrained, for me as a parent I try to sit and think, "Okay, what went wrong that day?"

**Mr DAVID SHOEBRIDGE:** Was that reasonable?

**WITNESS B:** How could I when I do not have access to information in terms of what they do.

**Mr DAVID SHOEBRIDGE:** I completely understand your issue. If you do not know what they are meant to be doing how can you test what they did do?

**WITNESS B:** Yes.

**Mr DAVID SHOEBRIDGE:** Is that a common position that the policy is, in this case, owned apparently by a private entity and copywrited and therefore you cannot get access to it, or is there just no policy or a statewide policy.

**WITNESS C:** I am sure there is a policy.

**Mr DAVID SHOEBRIDGE:** On non-violent crisis intervention.

**WITNESS E:** I think the bigger issue is people not following the policy and guidelines in all those areas.

**WITNESS C:** People do not know what to do.

**Mr DAVID SHOEBRIDGE:** Witness B's, point is that she cannot find the policy so she cannot critique as to whether it was followed.

**WITNESS C:** It is called restraining and something else.

**WITNESS D:** I have no knowledge of that policy.

**WITNESS C:** Whether it is an in-school thing, as you said, every school has their own—

**Mr DAVID SHOEBRIDGE:** Witness C, you are in schools on a daily basis. That is your job?

**WITNESS C:** Yes.

**Mr DAVID SHOEBRIDGE:** Witness D, you are in schools on a daily basis. That is your job?

**WITNESS D:** Yes.

**Mr DAVID SHOEBRIDGE:** Neither of you can put your finger on the policy or identify what the policy is on non-violent crisis intervention or restraint?

**WITNESS C:** No. If we need to follow a policy we keep going through our site and all the policies apparently have changed since December.

**Mr DAVID SHOEBRIDGE:** But this is not a policy that you should be externally referencing on the internet; this is a policy that you should be trained in, up to speed on and implementing on a daily basis. How did we get to this?

**The Hon. JOHN GRAHAM:** And if you need to implement it you will not have time to go and check the manual.

**WITNESS C:** Give me a minute; hold on.

**Mr DAVID SHOEBRIDGE:** Hold on there. Put the scissors down. I am going to check the policy.

**WITNESS C:** That is right.

**Mr DAVID SHOEBRIDGE:** It will not happen?

**WITNESS C:** That is right.

**Mr DAVID SHOEBRIDGE:** So what is going wrong?

**WITNESS C:** If it is an emergency or it will hurt or injure someone else, or someone is going to get hurt or something.

**WITNESS D:** My only comment on this is we do not have any children who would require any form of restraint. That goes against my philosophy as well in terms of touching—sometimes it escalates a situation when you physically restrain anyone. So personally it is against my pedagogy, if you like. Unless a person is going to fall off a cliff or something that is probably the only time I would do that. For me it is more of a reaction. If someone said, "Witness D, he needs to be restrained" then I would probably look for it. But at present there has been no need.

**Mr DAVID SHOEBRIDGE:** A non-violent crisis intervention policy actually says that. It says physical restraint must be the very last element you do. You de-escalate, you understand the behaviour, you treat the underlying cause rather than the behaviour that has happened.

**WITNESS C:** Yes.

**Mr DAVID SHOEBRIDGE:** That is the policy that you should have all been trained in or be able to access. Does it exist? Are you trained in it? Can you access it?

**WITNESS D:** No. That is a very good question.

**WITNESS C:** Yes, actually I did it quite a few years ago, maybe eight or 10 years ago but I cannot say there is a policy there. Can we talk about it and discuss it.

**Mr DAVID SHOEBRIDGE:** Witness E, have you found it?

**WITNESS E:** That is a pretty hard one. My children have never needed to be restrained although my son, I suppose, did need some kind of restraint due to being bullied. I mean, he panicked and ran. I would have to say the teachers managed it in a more appropriate way such as guiding him to a place. They set up a safe place so I do not have a problem with that particular issue—almost everything else but not that one.

**Mr DAVID SHOEBRIDGE:** I suppose the question is about the policies and the training that prevent it being used. Have you been told that?

**WITNESS D:** Each school has their own behaviour management policy. The way it works is if the school does not have one it always reverts to the common Department of Education one which is on the internet. However, schools have the authority to change it according to their community's approval and that would be something that you would ask the individual principal for access to.

**WITNESS E:** They did have a dangerous policy, I thought, at that school which was that no teacher or staff member was present after 3 o'clock. So if there was an incident in the playground—and my son was often bullied so there would be meltdown behaviour, and sometimes children had hold of him—they had a very strict policy that you could not interact or touch another child. If my child had three children on him and he was completely having a huge meltdown, as you would—and they gave everyone letters—you were not even allowed to say, "Let go of my child", or, "Get off." What you have to do is find your way across the playground, go into the office, wait in a queue until the secretaries can see you and then speak to someone. Because of those kinds of issues I could not leave my son. Often I was trapped watching my son having his head bashed into the wall or being dragged and pulled or chased in the playground and unable to do something.

When there was that strange rule passed

I stood there in the playground once for half an hour while children abused my son. Then when I did try to intervene I was sent a letter immediately saying that I could be taken to court and in trouble because I had tried to get a child off my own child. It was so, so dangerous. I wrote letters to the education director. I tried to do everything I could about that situation and literally there was nothing that I could do. I cannot understand how anyone would think that there is a Tardis and magically all the children at 3 o'clock are home safe, or their parents are all there, or their older sibling who is coming from a high school to collect them is there. It was extremely dangerous but we were told that it was the school's policy that no teachers would be on the playground after 3 o'clock and all children were expected to be gone.

**Mr DAVID SHOEBRIDGE:** That is not the reality.

**WITNESS E:** No.

**The Hon. NATASHA MACLAREN-JONES:** Witness B, what is a restricted time program and how does it work? I am not familiar with it.

**WITNESS B:** Basically it is just reducing the hours a child is attending school. For our child at the moment it is an hour a day. Previously it has been four hours a day. It is just reducing the amount of hours that they are actually attending school.

**The Hon. NATASHA MACLAREN-JONES:** What is that based on or how is it determined? In your submission you said you were concerned because it fluctuated.

**WITNESS B:** Structurally I could not comment from a departmental base but they determined that my child is not coping, so they are not going to cope with a full day of school. For that child to feel more at ease at school they can reduce their time. That might be successful but in the situations that we have been in the restricted time has continued. There was not a lot of work to actually work from that, to increase the time that my child was spending at school. I do not know whether it is a good decision or a bad decision but I know that my child has missed out on a lot of access to education as a result of it.

**Mr DAVID SHOEBRIDGE:** And it feels like a one way street: there is a policy to restrict time but you are not quite sure how you go back the other way?

**WITNESS B:** When it is deemed as necessary for health and safety we as parents do not have a say.

**The Hon. NATASHA MACLAREN-JONES:** It is not a joint decision?

**WITNESS B:** No. The last hour was imposed coming out from a suspension. If we wanted our child to walk back through the door we had to accept that.

**The Hon. NATASHA MACLAREN-JONES:** Witness D, you were nodding. I would be interested in your comments.

**WITNESS D:** It is called a partial enrolment. There are two circumstances, in my understanding. The first one is usually pulled out in relation to behaviour management or a long suspension. My understanding is you are not allowed to do that unless the parent chooses to agree. My understanding is the parent must be amenable to a partial enrolment otherwise we have no authority to make it happen. There is one which is six weeks maximum. It goes to the school director for approval. There must be a behaviour management plan attached and other documents. The other one is a long-term partial enrolment and you must have medical practitioners, paediatricians, psychiatrists, psychologists and whatnot for medical reasons. You may have a child with a severe allergy as an example, so it is not just about behaviour. They are the two circumstances according to my knowledge of that policy.

**WITNESS E:** That is how I got off on the wrong foot with the school.

**The Hon. NATASHA MACLAREN-JONES:** But you would assume that there would be documentation from the school. Should it be provided to parents?

**WITNESS D:** The parent must sign the form because it goes to the director.

**The Hon. NATASHA MACLAREN-JONES:** Was that the case for you? Do you recall signing anything?

**WITNESS B:** I did not sign off on that but my partner has been going to school regularly. I think it is every month or so he has to sign to basically legitimise the fact of the low attendance.

**Mr DAVID SHOEBRIDGE:** That must make it next to impossible for transport. There is no school bus that comes at 11 o'clock, 2 o'clock or 1 o'clock. How does that work? Do you just have to make an alternative arrangement or is transport provided?

**WITNESS B:** Previously to the school that he is attending he caught a bus from assisted travel for a number of years. Because he was on a restricted time program he used to travel by himself on the bus and they were able to accommodate that because he was on a reduced time program.

**WITNESS E:** I was told when we moved from Sydney to \_\_\_\_\_ that my children could only attend for three hours even though they did not have any behavioural problems and that I had to collect them at that time. That is what I was told by the principal. I refused because they had been attending full-time at every school. She said, "Well, children with autism can't handle a full school day and I can't handle them so you will be here at midday to get your children."

And that is how all the trouble started for me, because I said no, I will not be collecting them, and then I was phoned and told, "You will come". That is when I was first told, "You will regret not coming to pick them up because I am in charge and I've got enough on my hands. There are too many children with autism in my school and you will collect them". But my children were really well behaved and I refused, and there were serious consequences for me.

**The Hon. JOHN GRAHAM:** And in both situations you are describing there may have been some sort of sign-off, in one instance and not in the other, but really you are given no choice is the situation you are describing. The choice is you are excluded from the school, you have to do this, is really how it has been put to you in the school environment.

**WITNESS B:** I guess we could choose that we no longer wanted to send our child to that school, but I do not know how they can under those circumstances—you get enrolled in another one.

**Mr DAVID SHOEBRIDGE:** That is not a choice. Children have a right to go to that school.

You made some complaints and he said, "Put it in writing". How successful was that?

**WITNESS C:** Terrible. Ever since then I have just been blacklisted, humiliated every day to this day—just a target.

**Mr DAVID SHOEBRIDGE:** What happened at the \_\_\_\_\_ meeting?

here were a lot of letters back and forth over that matter, and it was only after I sent the department's defamation policy to them that I would take it further, which I did. I went and saw a solicitor, he sent it off to his barristers and he said, "This is defamation. How do you want to proceed?"

**Mr DAVID SHOEBRIDGE:** And the threat of litigation sorted it?

**WITNESS C:** Yes. I could not afford to take it further and then I sent these letters off to the director and she eventually apologised.

**Mr DAVID SHOEBRIDGE:** Witness B, what about yourself when you hit roadblocks in the complaint process?

**WITNESS B:** That has changed over a number of years. When it said the best place to resolve your issue is, say if it starts within the classroom, the teacher, and then up and up. But, to be honest, sometimes you could waste too much of your time and it could have too much of an impact on your health, because sometimes it just feels like you are beating your head against a brick wall. Then you do try to think okay, you need to start accessing parts—go higher up, and sometimes that is difficult to have a choice to do that, particularly with the central messaging. I could ring up our local wellbeing coordinator and start to try and raise an issue or complaint, and they were like "You need to go back and talk to the school". It does not matter if I felt uncomfortable with the principal, whether it was referred or was about the principal or not—because sometimes you just do not feel comfortable talking to the principal for whatever reasons, whether that be your personal relationship—

**Mr DAVID SHOEBRIDGE:** Or the sheer amount of power the principal has over your child.

**WITNESS B:** I do not know whether it is because I am becoming smarter, because I feel almost guilty when I did this, but recently my child on a particular day almost got suspended. The NCI team was called; I ended up asking them to do an ABC for that day. An ABC is a bit like an incident report where you put down what happened before the behaviour, try to work out if there were any triggers, the behaviour itself, and then the consequences afterwards in terms of what my child did, what the staff did and if there were to be consequences like suspension or something like that. I asked the teacher at a meeting and it was "Oh no, you've been provided with enough information on this". I tried to explain when people were communicating to me they were doing it over the phone, the principal was talking to me on the mobile and was dropping in and dropping out, and I would feel like this is not going—it would be good for it to be documented because it would be useful in the future. I went, "Okay, fine".

I immediately rang the wellbeing coordinator. I was lucky because they were not my usual wellbeing—actually, I am only allowed to talk to the wellbeing coordinator locally; I am not allowed to speak or develop a relationship with the wellbeing officer who is connected to the school, but luckily there was someone in relief, and they said, "Let's not put in a formal complaint yet. Would you feel comfortable with me trying to see what is going on?" So within a couple of days I received it from the school. But it is such a horrible feeling that sometimes you have to be the experts in terms of what your rights are and continually test that.

**The CHAIR:** Thank you Witness B. I am conscious of the time. We have time for one last question.

**The Hon. NATASHA MACLAREN-JONES:** I am happy for this to be taken on notice. Witness D, in relation to your comments in your submission about the full integration system that does not always work, I am interested to know—because there is a lot of discussion about children in mainstream schools or selective schools or being home-schooled—your view in relation to the ideal model that would work. I know that is if we had a big pot of money.

**WITNESS D:** In a nutshell, I am a firm believer that the parents are the best educators of their own children and advocates. I am happy to take that on notice but I do want to note the current complaints policy, which changed from the previous one. The previous one—the date would be about four or five years ago—stated that if the complainant wished an advocate from the department, the department would supply a staff

member—if you like, an insider person who knows the system—to the complainant. That has now been removed from the current policy. I have never known a parent to say, "Look, I don't know how to traverse this system. I need a person to be my advocate". That has been removed, and I think that is deplorable.

**WITNESS C:** Can I just go back to your questioning about the complaints? When I was putting in that first complaint, it took me 18 months of letters back and forth, and these directors kept on ringing me up at night or when I was on a sick day at home, interrogating me about what I want from the complaint and whether I had physical evidence of these issues. That was disgraceful in itself.

**The CHAIR:** I thank everyone for being here today and for giving up your time. The Committee is resolved that answers to questions taken on notice be returned within 21 days and the secretariat will contact you in relation to the questions that have been taken on notice.

**Mr DAVID SHOEBRIDGE:** On behalf of all of us, when we read your submissions and we see the challenges you have and how you deal with them with amazing tenacity, I find it both challenging and inspiring. So thank you.

(The witnesses withdrew)

(Conclusion of evidence in camera)