

REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 3 – EDUCATION

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

At Macquarie Room, Parliament House, Sydney on Friday, 23 June 2017

The Committee met at 9:00 am

PRESENT

The Hon. L. Amato (Chair)

The Hon. John Graham

The Hon. N. Maclaren-Jones

The Hon. T. Martin

The Hon. D Mookhey

Reverend the Hon. F. Nile

Mr D. Shoebridge

The CHAIR: Welcome to the sixth hearing of the inquiry of Portfolio Committee No. 3 into the 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; the Every Student, Every School policy; and current complaint and review mechanisms. It is important to point out that this inquiry is not intended to investigate cases, but rather to consider broader policy solutions to the issues raised in the terms of reference.

I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginal people present. Today we will hear from the New South Wales Department of Education, service providers, statutory authorities, teachers, principals and a former student. Before we commence I will make some brief comments about the procedure for today's hearing.

In accordance with the broadcasting guidelines, while 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 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 their evidence at the hearing. 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 will not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines for the broadcast are available from the secretariat.

There may be some questions that a witness could answer only if they had more time or if they had certain documents to hand. In those circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. I remind everyone here 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's terms of reference and avoid naming individuals unnecessarily. To ensure the audibility of the hearing, I remind both Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved in the front row of the public gallery for persons who have hearing difficulties. Finally, please turn mobile phones to silent for the duration of the hearing.

I now welcome representatives from the Royal Institute for Deaf and Blind Children and the Specific Learning Difficulties Association of NSW, who are our first witnesses.

BART CAVALLETTO, Director, Services, Royal Institute for Deaf and Blind Children, sworn and examined

JACQUI CASHMORE, Coordinator, Continuing Professional Education, Royal Institute for Deaf and Blind Children, sworn and examined

SANDI AMBLER, Principal, Royal Institute for Deaf and Blind Children, Garfield Barwick School, sworn and examined

DONALD GILLIES, Member of the Board - Advocacy, Specific Learning Difficulties Association of NSW, sworn and examined

RHONDA FILMER, Vice-Chair, Specific Learning Difficulties Association of NSW, sworn and examined

The CHAIR: Would anyone like to make an opening statement?

Mr CAVALLETTO: If I could on behalf of the Royal Institute for Deaf and Blind Children? Thank you for allowing us to attend and present. The Royal Institute for Deaf and Blind Children has very specialist schools for children who are deaf or hard of hearing or who are blind or have low vision, including an Auslan school. We are also a provider of postgraduate education in the field of sensory impairment education through the University of Newcastle and Macquarie University. Our commentary, however, is equally applicable across all sectors of education, including government, Catholic and the independent sectors.

There are three areas we wish to cover in our opening statement to the Committee: equity, access, choice and control; quality and outcomes; and cross-sector collaboration and partnerships. Children with disabilities do not have the same range of schooling options available to them. It makes it critical that they have access to schools that best match their individual needs and optimise their outcomes and their potential on the same basis as their peers. Access to the right school should not be impacted by arbitrary restrictions such as travel limits imposed by assisted school travel programs that prevent that access and, in fact, limit the choice of control of parents and their children and impact outcomes.

The application of the teacher Supervisor Subsidy Scheme requires a more equitable application to reflect and address the functional needs and strengths of individual children as opposed to being diagnosis-based with little or no consideration of the range of actual abilities and needs across diagnoses and individual children. The Disability Discrimination Act requires that schools be responsible for the adjustments of provisions that a student requires to access the curriculum and whole-of-school experience. There are, however, quite limited, or non-existent, funding provisions, grants or other mechanisms available to schools to enact this, particularly when student equipment or structural building works are required. In many cases, children at these schools will miss out on that whole-of-school experience.

Authentic inclusion relates to more than physical. A child using sign language with no access to interpreting out of classrooms is not able to be part of their community and access that whole-of-school experience. There needs to be an accountability with no opportunity to shift responsibility between departments. The NDIS cannot be used as a further opportunity to shift responsibility for elements of schooling for children with disabilities.

In order to foster authentic inclusion and enable schools to fully integrate Auslan users into schools, New South Wales needs to give consideration to adoption of the national Auslan curriculum throughout all schools and to continue to ensure that all other curricula that are developed are accessible for all students with a disability. Teaching qualifications and standards have received significant media attention over the past few years with a specific focus on quality of outcomes. For children who are deaf or hard of hearing and who are blind or have low vision, specialist teachers are an essential element to achieve successful outcomes for these students. A recent trend has been seen of a move to generalist specialist teachers to cover a range of children with varying disabilities. In addition to the teaching standards, elaborations have been developed by peak groups, including the South Pacific Educators in Vision Impairment and the National Association of Australian Teachers of the Deaf.

I would like to table these documents for you for your consideration and interest. In essence, the documents provide professional standards and ensure that teachers who work with these children have a specialist skill set and knowledge base to optimise the outcomes for these children in their education. Teachers working with these students who are deaf, hard of hearing, blind or have low vision should be required to meet these elaborations in addition to the base teacher standards. Cross-sector collaboration and partnership models,

particularly the specialist education resources, can be difficult to find and engage with, particularly in rural, regional and remote locations. The abilities of the schools to collaborate, have joint sessions and pool resources need to be considered and facilitated to maximise exposure of children with hearing and vision impairment to all elements of the curriculum and school life.

RIDBC has demonstrated that specialist skills such as Auslan and braille can be provided through telec practice to a high level with extraordinary results. Currently there are a small number of providers of education materials across braille and large print. These are high-cost, low-volume services yet, to the best of our understanding, there is no centrally coordinated register that provides access to these resources across all sectors, resulting in significant duplication, increasing costs and significant inefficiencies.

Specialised equipment that is purchased for an individual student should belong to that student and not to a specific school. This would allow equipment to move between schools and possibly sectors, which is a child-focused and much more efficient use of resources. Enabling the maximum number of children to access such teaching and associated resources regardless of which sector they are enrolled in would not only be more financially responsible but also give children the education and opportunities they need and deserve. We need to break down the imposed and artificial barriers that prevent children from being successful learners and confident, independent and active citizens of the New South Wales community.

The CHAIR: Would anyone else like to make an opening statement?

Ms FILMER: I would like to make an opening statement for SPELD NSW. In our submission, SPELD NSW established our credentials as a public benevolent institution and a not-for-profit association that is concerned with the specific learning disabilities of children. We really sought to highlight those important systemic and holistic issues that are affecting the education of children in general and are of course then having a significant impact on education of students with specific learning disabilities. We contend that it is a whole school approach that is required, beginning with the way that literacy is taught from kindergarten onwards, and that the teaching of literacy in Department of Education schools requires leadership and direction from the Department of Education using research-evidenced methods. Currently the Department of Education is training early education teachers in the L3 process, the system or program that has no research evidence at all. There is absolutely no published research that substantiates it as a way of teaching reading.

Since 2012 more than 440 primary schools have received L3 training and many more are receiving it right now, yet there is a massive amount of good, reputable research that direct, explicit and systematic phonics instruction should be part of an integrated reading program. We ask: Why is this evidence being ignored when we know that the learning difficulties of students can be prevented from becoming life-restricting limitations if they are taught by letter-sound correspondences and there is early intervention in the K to 2 years? This is our major contribution to the inquiry today.

The Hon. JOHN GRAHAM: To follow up on an issue raised in the Royal Institute for Deaf and Blind Children's opening statement, what is the current status of the national Auslan curriculum in New South Wales? What are the barriers to this being introduced?

Ms CASHMORE: At the moment it is being used at a national level, but in New South Wales NESA has not yet ratified that curriculum as one of the ones that can be implemented within our schools.

The Hon. JOHN GRAHAM: What has the NSW Education Standards Authority [NESA] said about its likely implementation? Is it on a path to be implemented, or is there a disagreement about the position you have put to the Committee?

Ms CASHMORE: No, it is currently the structure of the NESA curriculums at the moment and the different way that the national curriculum has been set up. NESA has one curriculum that goes across all languages. It needs to be differentiated when you are teaching Auslan. You need two programs: You need it for Auslan if it is a second language and you also need a pathway for if it was your first language. There have been discussions but they have been put on hold at the moment.

The Hon. JOHN GRAHAM: Is there any timetable for that to be resolved?

Ms CASHMORE: Not that we are aware of.

The Hon. JOHN GRAHAM: You are not certain what that timetable is.

Ms CASHMORE: No.

Mr DAVID SHOEBRIDGE: When you say "an Auslan curriculum", are you talking about teaching the whole curriculum in Auslan or are you talking about a standalone Auslan component, as in learning Auslan, French or Japanese?

Ms CASHMORE: The Auslan curriculum is like another language, whether it is French, German or Italian.

Mr DAVID SHOEBRIDGE: That seems to me to be a pretty small ask, but we have not even got that established. We are not talking about doing entire learning in Auslan; we are talking about having a standalone Auslan curriculum.

Ms CASHMORE: I think it is twofold.

Ms AMBLER: It is twofold. We do have schools or situations where we are delivering curriculum in Auslan. In this case we are talking about an Auslan curriculum that any school could choose as a language of choice that it was going to deliver to students in the school.

The Hon. JOHN GRAHAM: How does that compare to other States? Are there other States that have successfully implemented that?

Ms AMBLER: I believe it has been adopted across other States and that New South Wales is the only State that has not picked up that curriculum as yet.

Mr DAVID SHOEBRIDGE: Maybe Victoria.

Ms CASHMORE: Victoria and Western Australia.

Mr CAVALLETTO: Yes, potentially Victoria.

Mr DAVID SHOEBRIDGE: Victoria and Western Australia have it?

Ms CASHMORE: They have it.

The Hon. JOHN GRAHAM: Is that something you could take on notice. It would be of interest to the Committee which States have successfully adopted it.

Mr DAVID SHOEBRIDGE: If we can teach other languages, what on earth is stopping us teaching Auslan, which is a crucial language for a core part of our community?

Mr CAVALLETTO: You can imagine a single child in a school who is using Auslan being isolated with none of their peers able to communicate directly with them.

The Hon. JOHN GRAHAM: Communication only works if it is two ways.

Mr DAVID SHOEBRIDGE: It is like being the only person with a telephone, not very useful. If you had a child who is fluent and whose main language was Auslan, you could imagine how peers and friends would want to have Auslan in their curriculum as well.

The Hon. DANIEL MOOKHEY: Are there enough Auslan teachers?

Ms CASHMORE: That is part of the program that we offer as part of our postgraduate program but there is a need for further teacher training?

Mr CAVALLETTO: That is a difficult question to answer directly. We would say in our Thomas Pattison School that uses Auslan to deliver the curriculum that, yes, we would have enough teachers. What we would be seeing in the specialist support teacher role is that there is a move away from specialist teachers with Auslan skills to a more generalist support teacher who we think, going forward, is unlikely to have the fluency and the range of skills around delivering services in Auslan. There is a very big difference between having a teacher with you in a classroom delivering your curriculum in Auslan or an interpreter trying to interpret what a teacher is trying to portray.

The Hon. DANIEL MOOKHEY: If a teacher wanted to acquire the skills to teach Auslan, how easy is that for them to do? Do they get funded for it? Do they have to pay for it themselves?

Ms AMBLER: It would be self-funded. Many of them may have done interpreter training and then used those skills in the teaching role or some people might be doing it through the training at the Renwick Centre, but that is obviously a cost. Some people manage to get scholarships to do that. To be fluent in Auslan you would have to fund a lot of that training yourself.

The Hon. DANIEL MOOKHEY: Is there a system or pathway that clarifies how a teacher would apply that qualification, or does the teacher essentially navigate the system themselves?

Ms AMBLER: The teacher would be navigating the system themselves. Especially for a child outside main centres in a regional area it is challenging to get the sign language and Auslan skills to students.

The Hon. DANIEL MOOKHEY: Are you aware of any university that offers, as part of its curriculum for a degree, Auslan as an elective or compulsory or that has the ability to access this?

Ms CASHMORE: The Renwick Centre is affiliated with the University of Newcastle and Macquarie University and that is one of the streams that the students can elect to do.

Mr CAVALLETTO: Do we know of any others?

Ms CASHMORE: Victoria has an opportunity as well.

Reverend the Hon. FRED NILE: In your submission you say there should be all these options for children who are deaf or are hard of hearing with separate schools or support classes. I thought there was controversy over separate schools and they are being closed. What is your policy? What is the best for the child?

Mr CAVALLETTO: We think that there is probably an element of both. For example, we run a number of separate schools and one of them is that Auslan school in terms of ensuring that there is sufficient volume of children who can access that curriculum via Auslan. It is difficult to do for one child. We also think that where it is possible to mainstream children that certainly is the appropriate response. Ms Ambler might talk a little about a program where it is a blended model.

Ms AMBLER: We have a school where students are developing spoken language. Their journey through early intervention, or when it is time to enter school, they do not have the language and skills to do that. We do an accelerated intensive program with the emphasis on trying to get those students to their mainstream school as quickly as possible. The students come for an intensive time. Some may only come and stay for two or three years to give them focused intensive work on language development. As part of that we do a partnership with local department schools around us so the students get to have some involvement in the local schools and the mainstream school environment, learn some of those social skills, be involved in a bigger school playground environment and start to develop those skills. There are a group of students that need to have that intensive block of time or some intensive time where they have explicit teaching and intensive focused teaching on giving them the language skills and getting their language to the level that they could cope with a mainstream curriculum.

Reverend the Hon. FRED NILE: Has there been any professional assessment as to which environment is best for the child's progress? For instance, do they progress faster in a separate school or in an inclusive environment with other children?

Ms AMBLER: There is no research comparing both. We have data that shows we can accelerate students' progress very quickly in an intensive explicit teaching environment and we can get them out into the mainstream schools with age appropriate language and curriculum outcomes. But there has been no comparison between the rate of progress between students in a mainstream inclusive and our school.

Mr DAVID SHOEBRIDGE: That is children with a hearing impairment doing Auslan?

Ms AMBLER: We have both. We have a school for students with hearing impairment using Auslan and a school for students who are learning to develop spoken language. They have a profound hearing loss and may have cochlear implants and hearing aids and are learning to develop the spoken language.

Reverend the Hon. FRED NILE: Do you think there should be a professional assessment?

Ms AMBLER: There is no research I am aware of.

Reverend the Hon. FRED NILE: Should one of the universities be encouraged to take that on?

Ms AMBLER: It would be valid research to see as children progressed and the curriculum becomes more challenging, once you get past year three, how that rate of progress continues for the students.

Ms CASHMORE: Some families opt to have a specialised school, particularly if they are deaf or hard of hearing because the deaf community is a real community—just as another family might choose a religious affiliated school for that reason. It is a strong network. They know if their child is using Auslan they can go into a community and learn the history and philosophy of the community.

The CHAIR: Ms Filmer, you spoke about the language, learning and literacy [L3] training. Could you tell us about it and the concerns you are raising?

Ms FILMER: The L3 method of teaching is a multi-cuing system which is very much like the Reading Recovery program. It is like the school classroom version of Reading Recovery, which has been discussed in this forum. It is a program used by government and some non-government schools that takes year one children who have failed to reach benchmarks and uses this intensive system to work with them. Some good New Zealand research has shown it only to be effective if there is a lot of phonic work going on in the classroom already, which we know is not happening.

Reading Recovery was looked at by the Centre for Educational Statistics and Evaluation within the Department of Education and it was shown that it has zero impact on so many students. They in fact fall behind again when they go back into the classroom. L3 is the small version where they have three students doing a targeted activity with the teacher while the rest of the class are doing something else. This is at kindergarten level. We are very concerned about it. We do know from research that it is incontrovertible that children actually need to learn by sound-letter correspondence.

Mr DAVID SHOEBRIDGE: Is level 3 another one of those—

Ms FILMER: Multi-queuing ones.

Mr DAVID SHOEBRIDGE: Is it more of a memory task rather than a reading task?

Ms FILMER: It is.

Mr DAVID SHOEBRIDGE: You said that 440 primary schools have received this training. Over how many years? Are you still rolling out the training?

Ms FILMER: I believe there is a statistic that says it is since 2012. When my grandchild was enrolled at the local public school, his teacher said they were a level 3 school. What was I supposed to do?

Mr DAVID SHOEBRIDGE: You cannot blame the teachers because they are being trained that this is a great tool.

Ms FILMER: Yes.

Mr DAVID SHOEBRIDGE: This is how you teach kids to read.

Ms FILMER: Yes.

Mr DAVID SHOEBRIDGE: But it is completely free of evidence. In fact, there is evidence that shows you are wasting your time with the kids. Is that right?

Ms FILMER: The impact is that there will be some children who will learn to read anyway. Do you know what I mean? It depends on what is happening at home. It has a lot to do with the environment they had in their preschool years. Any child with a predisposition for dyslexia—which is our main concern with the students—is given no tools at that early stage. That continues. I do not know what happens in year 1 and year 2 in the new schools. This L3 program is a kindergarten program, and I am not sure of the articulation beyond that point. Presumably it will be a whole-language approach. Those children are in a situation where they are waiting to fail.

Mr DAVID SHOEBRIDGE: In terms of phonics, in your opinion should the Committee be making a clear recommendation that, first, Reading Recovery is gone and forgotten, and, secondly, that the primary tool for teaching children who are having reading difficulties should be phonics based?

Ms FILMER: All children should be exposed to phonics from the very beginning of their schooling.

Mr DAVID SHOEBRIDGE: All children should be exposed to phonics. To the extent that there are intensive reading systems or courses available, they too should be based on phonics?

Ms FILMER: Yes, based on a response to intervention model, which Dr Gillies addressed in our submission.

Mr DAVID SHOEBRIDGE: Can you talk to the Committee about the response to intervention model? How do we go about identifying and triggering the intervention?

Ms FILMER: You set benchmarks. At the moment, the benchmark for L3 is that no more than 20 per cent of the children will not reach it. It is a very low standard to set. They are saying no more than 20 per cent of the children will have failed to reach it.

Mr DAVID SHOEBRIDGE: So it is based upon the proportion—

Ms FILMER: —of children who will not make the mark.

Mr DAVID SHOEBRIDGE: So there is no objective—

Ms FILMER: Not that I am aware of. It is a very closed system unless you are actually in there teaching it. That is why we ask the questions. It is not transparent to people who are not working with it. However, we know it from its lack of credentials, its assumptions and the philosophical standpoint.

The Hon. JOHN GRAHAM: You would be right to say that the Committee has heard other evidence that was very clear cut.

Ms FILMER: Yes.

The Hon. JOHN GRAHAM: It was probably the most brutal evidence that has been put to the Committee.

Ms FILMER: Yes, I have read the transcript.

The Hon. JOHN GRAHAM: It aligns with what you have said.

Mr DAVID SHOEBRIDGE: I cannot understand. There is an intervention program run by the Department of Education, and stakeholders, parents and education professionals cannot find out its content. Is that what you are saying?

Ms FILMER: The L3 program is not intervention; it is an initial teaching program.

Mr DAVID SHOEBRIDGE: Whatever. But it is an initial—

Ms FILMER: And then Reading Recovery. But they are based on the same principles—the Marie Clay principles of multi-queuing. So you look and ask what is the context, what is the question and so forth.

Mr DAVID SHOEBRIDGE: This L3 teaching approach is being taught in our schools, but you cannot establish its content. Can other stakeholders find out? Why is this not openly published on the internet and available for all to see?

Ms FILMER: Because it is a Department of Education program. I do not see any more than what it is saying because it is context based. We do not know exactly what they will be teaching in any of those activities because it is based on the texts being chosen. The readers are sent home and the children have to guess what is in them. They have not been taught in that day what the words mean; no phonic principle is being taught that they can follow. It is a very hit-and-miss thing. This is the whole-language approach. This has been in our schools for a very long time.

The Hon. DANIEL MOOKHEY: Is there a requirement for the NSW Education Standards Authority [NESA] to sign off on all of this? The Department of Education has unilaterally decided to endorse this strategy. I understood that there was a requirement for curriculum to be assessed and approved by NESA. Is this a program that falls under that jurisdiction?

Ms FILMER: I cannot answer that with detail, but I believe so.

Reverend the Hon. FRED NILE: Is there some prejudice against phonetics in the department?

Ms FILMER: There is a thing called the "literacy wars". I do not know whether you have heard about that. It is an astounding phenomenon that has gone on for about 50 years. I can talk personally about many experiences, but this is not the right forum.

Mr DAVID SHOEBRIDGE: No.

Ms FILMER: I could mention how ideologically driven some of our university teacher education units are and how they do not teach phonics to students. Even when I began teaching 40 years ago—it started in the 1970s—we learned from the person next door who offered help. They have all moved on and the whole-language approach is out there unopposed. There are some enlightened non-government schools and even some government schools that I know of that have taken this on board and have said that they will do whole-school

professional learning, and they are changing the way they teach reading and spelling in their school. That is being done very effectively.

They use the Spalding method and Orton Gillingham. There is a lot out there. In fact, our handbook, "Understanding Learning Difficulties", is free on our website. This one is for the parents and there is one for teachers that indicates all of the research-based methods that are available and recommended by AUSPELD. They are available free to teachers. Principals can get hold of all of this detail at no cost and look at it in their school. I do not know whether it is because principals are not early childhood educated themselves that they do not see there is a problem or whatever. We know our literacy rates; we know that we are not progressing at the top end because we are not addressing our specific learning disabilities adequately.

Dr GILLIES: I will address it from the point of view of leadership. It seems to me that there is a lack of coordinated leadership within the department. I say that aware of the fact that SPELD at times arranges meetings with representatives from the department to discuss general issues. We come out of those discussions feeling very positive that change will occur. We wait for it to occur, but nothing happens. That indicates a lack of understanding of the role of leadership in ensuring that decisions taken in those forums are acted upon. It is also an indication to me that there are areas of the department that do not understand the change process. That is very concerning.

I believe that the department is based upon a bureaucratic approach to leadership. Leadership has changed over the years; it is now transformational leadership rather than transactional leadership. We are now in a situation where people need to be empowered to get involved in identifying issues and acting on them. This is a classic case. People in the department know there are problems related to this issue, and no-one appears to be aware of the fact that action is required. It just goes on. There are schools that are adopting processes that certainly are not evidence-based.

The Hon. DANIEL MOOKHEY: Talking about non-evidence-based practices, should I be enrolling my child in an Arrowsmith program?

Ms FILMER: Absolutely not.

The Hon. DANIEL MOOKHEY: Please tell me why.

Ms FILMER: A supplementary question has been put to the Committee by a colleague of mine to discuss the Arrowsmith program. We have detailed the fact that the Arrowsmith program has no independent, separate, non-in-house evidence to say that it is effective. When people sign up to it, we understand that they sign a confidentiality clause. We understand that there is no evidence to say that doing non-literacy activities will have any effect upon literacy.

The Hon. DANIEL MOOKHEY: A quick summary of the Arrowsmith program is that you can rewire a person's brain.

Ms FILMER: I know but these claims—

Mr DAVID SHOEBRIDGE: In seven quick days.

The Hon. DANIEL MOOKHEY: In seven days.

Mr DAVID SHOEBRIDGE: It is a shyster program; is that a good description of it?

Ms FILMER: Gosh, I do not know that I want—yes.

Mr DAVID SHOEBRIDGE: You have parliamentary privilege.

Ms FILMER: Yes.

Mr DAVID SHOEBRIDGE: You can say what you like about the Arrowsmith program today under parliamentary privilege. Tell us plainly about the Arrowsmith program.

Ms FILMER: It has not got the backing that it claims it has. It says it has research, but so does L3. On the Department of Education [DOE] website, they say they have research. Everybody claims it if they think they can get away with it. In fact, I have been contracted to save a child from it; to help re-establish a child who has been damaged by it. The parents are not allowed to advertise that fact. They paid money. Some good schools that I know have put in the Arrowsmith program under their own institutional roof. I think it is because—well, how can I know except to say I think people are desperate. They do not know what to do with their children who have quite profound comorbidities in their learning difficulties.

The Hon. DANIEL MOOKHEY: Should this Committee recommend that the Arrowsmith program not be taught in any New South Wales school?

Ms FILMER: Certainly the Australian federation of Specific Learning Difficulties Associations [AUSPELD] has said that. We say that, yes. If they could provide the independent evidence, we would look at it again, but they are not, and they are saying they have.

The Hon. DANIEL MOOKHEY: Have you had parents come to you and complain about it?

Ms FILMER: Yes, I have.

The Hon. DANIEL MOOKHEY: Have you had parents who have told you that they have been threatened with legal action if they were to go public with their concerns?

Ms FILMER: It will be addressed in the supplementary question from my colleague who has gone into it even further. Yes, they are not allowed to speak about it. There is a confidentiality clause and they are not allowed to go public.

The Hon. DANIEL MOOKHEY: If a program is supposed to have educational merit, what possible motive justifies confidentiality clauses?

Ms FILMER: It seems to imply that there could be lots and lots of failures, does it not?

Mr DAVID SHOEBRIDGE: Can I go back to the concept of a register for braille materials. It seems to be obvious. How do we make it happen?

Ms CASHMORE: I think there would need to be some structures in place where each sector could get together and put funding aside so that not one sector owns that.

Mr DAVID SHOEBRIDGE: When you say "one sector"?

Ms CASHMORE: Catholic or independent, or DOE schools.

Mr CAVALLETTO: There are approximately four major providers who work fairly independently but cooperatively. To give that some legitimacy and to have some structure around it, and for someone to own it, it would be an easy thing to do.

Mr DAVID SHOEBRIDGE: Could the department take a leadership role in that regard and say, "We are now going to open a public register and invite the four major providers to give an index of their materials. If they do not give an index, they will have to actively maintain their own index." It does not seem to me like it would be a big task.

Mr CAVALLETTO: No, it does not seem like it would be a big task. It would need to be updated and managed.

Mr DAVID SHOEBRIDGE: The resourcing would be, first, identifying it and ensuring it was updated and was a reliable database?

Mr CAVALLETTO: Yes.

Reverend the Hon. FRED NILE: I was concerned, Dr Gillies, about some of the comments you made a moment ago. Have you attempted to have discussions with the Minister for Education to bypass these bureaucrats?

Dr GILLIES: No, we have not.

Reverend the Hon. FRED NILE: What is the reason for that?

Dr GILLIES: We just have not got to that stage because we are still dealing with the people in the department.

Reverend the Hon. FRED NILE: It is a policy issue.

Dr GILLIES: I would like to have a meeting with the Minister to discuss these issues.

Ms FILMER: We found the previous Minister was very open. He made comments at a forum—it was the launching of the Five from Five website which gives free online resources to anybody who wants to teach phonics and phonemic awareness, all the necessary parts of a good, balanced program. He was so in favour of it, yet his closing statement was, "But it is up to the teachers and their professional judgement as to how they approach this." I do not know how we are to truly interpret that. Other than to say, "We thought you would be

right behind this reform." Now we have a new Minister it would be wonderful to be able to talk to him. We have no idea where he stands on this matter.

Mr DAVID SHOEBRIDGE: One of the things you mentioned, Mr Cavalletto, is the idea that the equipment that is provided for children should follow the child rather than remain at the school. To be honest, I cannot understand why that is not already happening. Can you (a) describe the kind of equipment, and (b) describe the problems that the current system creates?

Ms CASHMORE: The current equipment might be a Perkins Braille and a braille embosser, and equipment like that, which is quite expensive. It may, if you have a new student coming to your school, cost around \$40,000 to set that up. We have had experience where a student in a DOE school has just received new equipment and they transfer across to an independent school, but because the equipment was purchased for that student in that school, it will go in the cupboard and collect dust and then the independent school will have to purchase that equipment again. It does not seem to make sense when it is not transferring across.

Mr DAVID SHOEBRIDGE: That could be resolved, surely, by some memorandum of understanding between the sectors which says that they are going to come up with a pro rata sharing of the cost, then provide it and attach it to the student. Is that what you are thinking?

Ms CASHMORE: Yes, it certainly is.

Reverend the Hon. FRED NILE: In your submission you have used a phrase that you are concerned about a reduction in Commonwealth funding in some of these areas. Is that something you feel, or is there some evidence that the Commonwealth wants to withdraw or cease providing some of this support, free material, et cetera?

Ms CASHMORE: Certainly in independent schools there was a program that was for small equipment and minor capital works and those schools were able to seek funding for a contribution towards a braille. That program no longer exists. Therefore, the schools are funding that completely out of their own budget, which makes it difficult.

Mr DAVID SHOEBRIDGE: Do you think the current Gonski package will put in some additional funding to make that available or not?

Ms CASHMORE: We are not clear on that.

Mr DAVID SHOEBRIDGE: Would you take that on notice?

Ms FILMER: We do not know what is in that.

Mr DAVID SHOEBRIDGE: Nobody knows. We will give you 21 days to work it out.

Reverend the Hon. FRED NILE: Can you take it on notice to give us examples of where the Commonwealth has withdrawn programs or funding?

Mr CAVALLETTO: Yes.

The CHAIR: Thank you very much. The secretariat will contact you about questions you have taken on notice or any supplementary questions that the Committee may have. The Committee has resolved that answers to these questions be returned in 21 days. I thank everyone for coming to the inquiry today.

Mr CAVALLETTO: Thanks very much.

Ms CASHMORE: Thank you.

Ms AMBLER: Thank you.

Dr GILLIES: Can I make a closing comment?

The CHAIR: Yes.

Dr GILLIES: The department brought in a trial of special learning in the Illawarra and south-east regions and they involve community organisations involved in education to participate in a consultative process to develop that program. I believe that this consultancy process needs to continue. A lot of these problems about misuse of teaching methods and so on could be resolved if an organised group of people with knowledge sit down with departmental representatives and thrash out the problems. This will overcome the leadership vacuum that exists within the department. I would also like to mention a thing called action research. Teachers often come up with problems. Action research is a method whereby problems are identified and people come together

and use structured research methodology to find an answer to those problems. If this is used, teachers can identify and resolve those problems. Not only that, problems can be highlighted and brought to the attention of the leadership so that action can be taken.

The CHAIR: Thank you very much. We are hearing you loud and clear.

(The witnesses withdrew)

ANDREW JOHNSON, Advocate for Children and Young People, Office of the Advocate for Children and Young People, affirmed and examined

KELLY TALLON, Senior Policy Advisor, Office of the Advocate for Children and Young People, affirmed and examined

The CHAIR: I welcome our next witnesses from the Office of the Advocate for Children and Young People. Would you like to make a short opening statement?

Mr JOHNSON: Yes, we would like to make a short opening statement. I would like to thank the Committee for the invitation to appear before this inquiry into the provision of education to students with a disability or special needs in government and non-government schools in New South Wales. As we all agree, all children have the right to an education as set out in legislation here in New South Wales as well as in the Convention on the Rights of the Child in article 28. Children and young people with a disability have a right to access and participate in education on the same basis as every other student.

Central to the work of the Office of the Advocate for Children and Young People [ACYP] is the principle that all children and young people are entitled to have a voice in the decisions that affect them. My team and I continue to place great emphasis on hearing from children and young people from a diverse range of life experience, including those with a disability. We also recognise that ACYP still has a great deal of work to do to ensure that their views, ideas and suggestions are included in all decisions that affect them. This is a priority for us and we are working with children and young people with disability and the organisations that support and advocate for them to further realise their rights and increase their inclusion.

While we are not experts in this space, we have trialled different ways to ensure that children and young people with disability can be involved and have their say in the decisions that affect them. Unsurprisingly, during the course of our consultations with thousands of children and young people across the State we have heard that some things need to improve. For example, children and young people with disability feel that they are not always afforded the same opportunities as other children and young people as a result of their disability. They have also expressed concern about bullying and the need for extra support at schools.

We have also heard that some things are working well for children and young people with disability. For example, they talk about the range of subjects offered at school and, importantly, their classmates' support. It is also important to note that in the consultation students from all backgrounds and experience raised the issue of more support for children with disability, which is a fundamental starting point for the cultural change that we need across the community for children with disability.

Since the last hearing, New South Wales launched the first whole-of-government strategic plan for children and young people aged 0-24 ("the plan"). Four thousand children and young people set the themes and directions of the 2016-2019 strategic plan. Every government department provided feedback and approval before the plan, and the plan was endorsed by Cabinet. While we must continue to strive for improvement, the existence of the plan and the establishment of the Office of the Advocate for Children and Young People demonstrate a tangible commitment to the rights of children and young people here in New South Wales.

When we were consulting on the development of the plan, we asked children and young people what was working well for them, what was not working well for them and what the Government should be prioritising. Across all children from all backgrounds, education came up as the number one answer to all of those questions. Children and young people with disability raised some educational issues specific to their experience. For example, they were aware of and worried about the costs involved in ensuring that they could partake in school and other everyday activities. Some felt that they were excluded from opportunities such as involvement in sporting activities, excursions, school camps and work experience placements. We heard that some students can end up disengaged from education because they do not always have the extra support at school, including support for those with mental health issues. School bullying was identified as a topic of concern by children and young people generally.

In 2016 we surveyed 1,000 children and young people about the settings in which they feel safe, connected, respected—which also happened to be the themes children identified in the plan. The respondents with disability were less likely to say that they feel safe, connected or respected "all or most of the time" and were more likely to say "that they "never have a say" at school". In our recent 2017 survey about bullying which is yet to be published—we just got it in yesterday—respondents with disability were more likely to say that

bullying is "very common" and to report that they have been a victim of bullying. They were also more likely to identify disengagement from school as an impact of bullying.

In other work, both those with and without disability identified the presence of disability as one of the main reasons why a person may be bullied. Both our polling and our consultations demonstrate what children and young people with disability want most is to be treated with respect, to be included, to be given responsibility and to be provided with the opportunity to connect with other children and young people. It is important to say that children and young people with disability are children and young people first as well, so what they are saying is actually echoed in all the other answers that all children are giving—so it is true for all children and young people but many of the answers were felt more strongly by those children and young people with disability. Therefore I would stress again that all of these answers when they talk about issues of inclusion and respect they are talking about in all settings, not just in schools.

We are currently working on several projects aimed at improving the delivery of services and promoting the voices of children and young people more generally, including children with disability. The children and young people's inspectors program, which was outlined in the plan, is a program where we train children and young people to review an organisation's service provision to children and young people, including children with disability, establishing a specialist advisory group of children and young people with disability to provide guidance and feedback to our office.

We have been working with Multicultural NSW and having children and young people lead a campaign. They are designing their own campaign about inclusion, and that is inclusion across the board, including children with disability. We are also working with non-government organisation [NGO] partners and others about developing a guide for organisations about consulting with children with disability and creating resources for children and young people about their legal rights.

We know that far too many children and young people are victims of violence, whether it is physical, sexual or psychological. Studies have shown that a child or young person with disability is four times more likely to be a victim of violence. Of course violence against children is not limited to school settings. It extends to out-of-home care, detention centres, other institutions, public spaces and the family home. The issue of violence against children is one of our priorities. Part of this work will be to highlight how children with disability are particularly affected by the issue of violence.

It is important to acknowledge that the barriers experienced by children and young people with disability are not limited to school settings. To achieve a society in which all children and young people with disability are truly included, respected and free from violence we must promote broader cultural change both within and outside our schools. This is exactly what children and young people have been saying to us over the last two years. We sincerely thank all of you for inquiring into such an incredibly important issue and we hope that our discussions here with you today can be of assistance.

The CHAIR: Thank you very much. We asked previous witnesses about the L3 learning. What do you know about it?

Mr JOHNSON: That is not an area in which we have great expertise. We were here listening to what the previous respondents—

The CHAIR: But have you heard anything about it?

Mr JOHNSON: It has not come up specifically in the work that we have been doing with stakeholders and with children themselves, which is not to say it is not an issue, but I think our role here is to provide the Committee with what children and young people themselves are saying and feeling about the issues.

The Hon. JOHN GRAHAM: Can I ask you a question about the culture change that you talked about? I guess some of those issues are funding issues and there are some decisions to be made there, but a big part of this problem is culture change. The laws are clear, the policies are moving but there is still a big culture change gap. Do you have any suggestions—apart from the things you have outlined that you are doing in your areas, which all lead towards that—that would help to drive that culture change faster to bring it into line with the changes in the law and the policies?

Mr JOHNSON: Sure. I think you point to something that is very important to recognise. Often when you are looking at culture change and spending a long time of my life working with children and young people, often the policy settings are there. Often there are very good policies that exist; it is about implementation. I think it is about eternal vigilance with children and young people more generally and specifically with children with disability. That is why having the inquiry is so important—to keep on talking about the issue and keep on

ensuring that, where we can play a small role with many other partners, to ensure those children have a voice and that we are actually listening to their experiences. I think it is about talking openly around all the differences across the range of population groups and that children and young people are included.

I think we need to ensure that we are getting information in the hands of children and young people that comes up with very specific recommendations about how they would like to engage across to increase inclusion. I think that is an important step. It is also very important to provide parents and guardians, and for those people who are supporting children and young people, with access to information about how you deal with differences across the board with children and young people.

The Hon. JOHN GRAHAM: But one of the things you are telling us this morning is that if we ask children what is important to them, then including people in education or an inclusive environment in education, not just about disabilities, is the number one thing. That is really what is coming through from your work.

Mr JOHNSON: With the themes of the plan that was set by young people, we asked them the question, "What are the qualities of a good society for children and young people?" Adults struggle with answering that question but children got it instantly. Respect is the number one issue that children talk about, particularly if you are a young person doing it tough for a variety of reasons; they will feel that more strongly. That is about the cultural change about how we talk to children and young people.

Often with children and young people we need to say in the education setting for a lot of children, including children with a disability, they are all saying it is going well. When they are often talking about where they want respect and inclusion they are often talking outside the school setting. They are talking about that they want to engage outside school. They want to connect on and off line. Whether you are a young person with disability or a young person who does not have a disability, what was interesting is that young people are telling us that they want to meet face to face. I think there is a stereotype that children and young people are sitting alone in a room on their computers, and that is all they want to do.

Children and young people, we call generation compassion. I think it is important to understand that this group of young people here in New South Wales—and that is all I can talk about because that is all I have spoken to for the last two years—is probably the most altruistic generation I have seen on record. That is a really great start. Something is going right in better work being done about inclusion and understanding issues with disability. More needs to be done, obviously.

Reverend the Hon. FRED NILE: You mentioned parents and the issue of bullying. I actually experienced bullying as a primary school student. I suffer from asthma. I did not want to go to school and my mother got very distressed, so she said, "I am going to meet you after school. Would you point the boy out to me who is hitting you", and so on. He was twice as big as I was. She went up and spoke to him and the bullying stopped instantly from that moment. I think it is important perhaps to involve in parent-student conferences even the culprit who is the bully. They may not fully understand the impact it is having on another student.

Mr JOHNSON: I think you are right. We asked the question. We are in the middle of doing consultations with young people on bullying right now. I was actually out at schools yesterday. One of the questions we asked them is, "What would you like to tell adults what they do not understand about bullying?" I think we either overemphasise the digital spaces or underestimate. What they talk about is that it is a cycle; it goes from the playground to online and from online back to the playground. I think probably young people, with the new introduction of being able to be bullied online, it is felt more intensely. Because this is a generation that does not differentiate between online and offline, I am interacting with you, which could be face to face.

Mr DAVID SHOEBRIDGE: The whole person. If they have a whole personality, which is as much online as physical, they do not differentiate, do they?

Mr JOHNSON: That is right. There are lots of good programs out there. I am lucky to be out and talking to children every week. There are lots of great programs within the school system, both within and without. We know it is a problem. We know there are programs in place. I think we all need to get better at everything we do, and this includes how we deal with bullying. Central to that we would always say that we need to ensure that we are listening to children and young people because they are experts in their own lives. If we are looking at programs and solutions, they have to be part of that equation to ensure that they hit the mark.

The Hon. TAYLOR MARTIN: On those programs, what initiatives do you know of that have been taken statewide to promote respect from other students in a school towards their special needs students?

Mr JOHNSON: I think at the generic level the culture is changing in the sense that when we do our engagement with children and young people and bring children and young people together ourselves, we always

go out of our way to ensure that children with disability are included. We use a schema that is 40 per cent of the population of New South Wales is from regional New South Wales; that is the case. When we are taking that and looking in schools you can see that—having done this work for a long time; I am no longer a young person—often people will say, "Are you okay for the young person with disability to be included?" That is never the case. When we are out in classrooms we are able to talk to all children and young people, including children with disability.

I think there are good things happening with the culture. I am sure you have been out in lots of schools, given your jobs, at a lot of schools the word respect is often all around schools. The notion of respect is often talked about. Back to this notion of this being generation compassion, we asked children and young people across the State, "What is the top thing that you want for your generation?" They said, "To make the world a better place and to have a good education." They are remarkably different answers from previous generations. We asked them, "Who are your heroes?" They said, "Parents and guardians", number one. Previously they said sports heroes. With the wider culture thing, I think we are getting traction very strongly with this generation. I think we need to recognise that. A lot more work needs to be done. I think that what children and young people are saying is that we need more tools about how we engage with anyone whom they perceive from their experience as different; and that, in a small way, means working with Multicultural NSW and others about a child-led campaign but also working with education and the other departments about what needs to be included in syllabuses about respect.

The Hon. TAYLOR MARTIN: Are there any initiatives on a smaller scale in individual schools that you have seen that work really well and should be taken elsewhere?

Mr JOHNSON: I think the different ways that different schools do student voice; about how they arrange their school about representation. We have seen great examples that have been very open and very broad processes. All children and young people feel included in those. I think we saw some great examples in Coonamble. The Coonamble High School is part of Connected Communities. Part of our role is to get good processes out there. There is a short video on our website about how the Coonamble High School included students. To give you an example, the students and young people wanted to feel part of the school. They got all the students in the school to think about what kind of gymnasium they wanted. Then they got the students to build the gymnasium themselves. The children were seeing real action about their suggestions. I think that engenders respect when different schools are listening to children and young people.

Mr DAVID SHOEBRIDGE: And you save on labour costs all at the same time!

Mr JOHNSON: You do, but I am not quite sure that that was the outcome.

Mr DAVID SHOEBRIDGE: Could you give us some more details about that on notice—examples that work well, apart from Coonamble—so that we can maybe look to that?

Mr JOHNSON: Sure. I can firstly talk about the lessons learnt and the mistakes we have made. Children who are perceived as being different say to us all the time, whatever that may be, "Why aren't we just included with everybody else?" While sometimes, as we heard this morning, some children want to be with a group of young people who are more like them, most of the young people are saying to us that they want to meet other young people from different circumstances.

I think it is about—and we have all got to get better at this—changing different methodologies about recruitment. For example, when the Office of the Advocate was established we took over the administration of the Youth Advisory Council for New South Wales and learning the processes about how we include children and young people in that process, particularly children with disability. I think a lot of the lessons learned are very simple—and people say "of course"—which is actually talking to organisations that work with children every day, sitting down with them and looking at the different forms, and for us ensuring that on the representation on the council there are children with disability.

It is about thinking through accessibility of venues, it is about ensuring that when you are having forms that you are placing in a non-stigmatising way, are there any special needs that that young person wants to have or needs. There are some other great organisations that I am sure you would have heard of—the MDAA which does an extraordinary great amount of work for children with disability from a culturally and linguistically diverse [CALD] background. It has been instrumental in ensuring that we have high numbers of young people with disability, certainly those from a CALD background, being able to participate in the work that we are doing.

Mr DAVID SHOEBRIDGE: This is day six of the Committee's inquiry and a matter has been troubling me throughout, and members of the Committee have had some offline discussions about it. It is the sixth day of an inquiry into the education of students with a disability or a special need and, apart from some ad hoc interactions with students when we have gone to site visits, we have not had students telling us directly about their needs. We have not had that student voice. How can the Committee incorporate a student voice into an inquiry like this? It obviously would not be a bunch of children sitting there. How can we incorporate a student voice?

Mr JOHNSON: Hopefully we have done some of that with the inclusion of the voices directly from children and young people. From the Committee's perspective, we often work with different committees in advance of that how to include the voices of children and young people. Sometimes we think it is best to get questions in advance and we can go out and talk to children and young people and provide the feedback straight away. We clearly need to ensure that all the child protection systems are in place and certainly that children are comfortable with it but often filming children and young people has been a very important way for us to get the real voices of children and young people into the room. It is a technique we used during the development of the plan. Once we had spoken to the 4,000 we then used that with the intergovernmental department group. We then used that with other government stakeholders.

I think in advance having a set series of questions we would say, given our experience, four or five open-ended questions. We would always be happy to assist, as I am sure many other organisations would, to go out and ask those specific questions. We are having a meeting of the Youth Advisory Council this weekend. We would be very happy to take some questions from the Committee. That will be 12 young people, two members of the committee, young people with disability. We would be happy to take some questions from the Committee directly to that group on Sunday. Obviously the Youth Advisory Council is a good resource but we would also say it is important to go to where children are. You have already outlined that. One of the great lessons we have learnt is that everyone said, "How do you get to so many young people?" It is a train, plane or automobile. You need to be where children are, which is also about showing respect.

The Hon. DANIEL MOOKHEY: You have described a rather elaborate and sophisticated methodology to both hear and amplify the voices of children and young people. Will you describe the extent to which that methodology exists, or does not exist, in the Department of Education?

Mr JOHNSON: I think it is really important to point towards the Tell Them From Me survey. That is a methodology where they are going out and getting thousands of children and young people across the State to give feedback. We think that is a really important tool that is often forgotten about. We work very closely with the Department of Education to get the voices of children heard.

The Hon. DANIEL MOOKHEY: Is that your report or their report?

Mr JOHNSON: No, that is their report. For example, we are currently doing work conjointly with the Department of Education around bullying. I think the important part of our job is because we are independent we will say, "We're going to do this anyway", but mostly we have found the department very receptive when we have come back with information. It is important to note that when we are out in the schools, the schools are very receptive. We want to make sure that when we are with children and young people, bearing in mind child protection concerns around which we have rules in place, that often schools are coming back to us and saying, "We would love to get the feedback." Our process is that every time we do a consultation in a school, the school gets that feedback, barring public holidays, within 24 and 48 hours.

Mr DAVID SHOEBRIDGE: The question asked by the Hon. Daniel Mookhey was: What is the department doing, not how you are interacting with the department. From your observations what is the department doing in terms of getting the student voice into their decision-making and workings?

The Hon. DANIEL MOOKHEY: Surveys are useful as an example, but is that the extent of its strategy? Is there more to it?

Mr JOHNSON: I can tell you about my experience of working with the department. Of course, as the Advocate for Children and Young People I am going to say that every department needs to get better about including the voices of children.

Mr DAVID SHOEBRIDGE: But the core business of this department is to teach kids.

The CHAIR: When you do raise an issue with the department, does the department take action?

Mr JOHNSON: I think on reflection when we are talking about bullying, we are giving them the advice and they are working on that. I do think it is receptive to hearing what children and young people are saying. We need to do more and have better processes around student voice, and the department is open to that, and working with us on that, so that is beginning. The other thing to realise is we are quite a new office, so to have that reflection this is two years of working. I do think that we need to have more sophisticated ways to get the voices of children and young people. I think we need to get better at ensuring they are inclusive processes within the schools themselves. There are many good examples where that happens but I think that is part of the cultural change.

We often see representative councils and—this is what young people are saying to us—they are about the best and the brightest, and not necessarily about getting their views. So I think it is important to see when you are having feedback that we are clear that we are going out to children and young people and saying, "We want feedback about how things are working in the school."

Mr DAVID SHOEBRIDGE: Not just best and brightest, the most popular kids as well, so you are reinforcing those sorts of existing hierarchies rather than really consulting with the whole student body.

Mr JOHNSON: I think we can all get better at that. Certainly that is our recommendation to the department and we are working with the department about what that would look like.

Reverend the Hon. FRED NILE: Were there any signs of bullying being a bigger problem in certain cultural groups? You mentioned Coonamble school where a lot of the students are Aboriginal. Was there a problem in that Aboriginal group or is bullying not a problem there?

Mr JOHNSON: I think it is important to say that one of the largest issues that Aboriginal children and young people raise with us is the issue of racism across the board on a daily basis. It is very important to recognise also, while we are talking about this, many Aboriginal young people are children with disability. I am very happy that you raised our attention to that. I think it is an important issue and I do not think we are looking away from it. I do not think we are truly understanding how deep a problem it is for Aboriginal children and young people. It is raised in such a way that it is not whinging. It is raised in such a way that many other groups would raise differently. I think they are talking to us about their lived reality.

Reverend the Hon. FRED NILE: Is that racism of their peer group or adults to children?

Mr JOHNSON: They are talking about everywhere. It is also important to have more recognition for Aboriginal people with disability; that more supports and services and actual diagnosis of those things. On that point we also need to be concerned about children with disability in detention. If you were looking at the statistics and you did not look at the activity that drove them to their detention, you are actually looking at higher levels of children with a disability who are in detention. As we know around the country, New South Wales is not an exception with the incredible over-representation of Aboriginal young people in detention.

Mr DAVID SHOEBRIDGE: That is punishing the behaviour rather than understanding the disability, the frustration and the cause. We see that in the behaviour models in schools and the most extreme is in our juvenile detention centres. Do you agree?

Mr JOHNSON: I think when you are looking children in detention, as a society I am pretty sure the departments are aware of all of this. In fact, they are publishing statistics on this. Once again I turn back to, as it should be, attention is looked to schools and the running of schools. I think we need to understand that education is looked at to solve many cultural problems in society. These are really big problems, where we all need to take responsibility. We need to assist at the cultural level and at the societal level to make the changes that you are wanting to see in schools.

Mr DAVID SHOEBRIDGE: When you travel around the State and you look at schools and hear students' voices, how many kids with special needs do you see sitting on the student representative councils? How many of them are elected or are on the preferred consultation body for the school? Are students with special needs getting elected; are they getting onto those consultation bodies?

Mr JOHNSON: There are some really good examples of that. We have not looked at the exact numbers. That is something that we will be looking at in the future, when we are looking at how student representative councils are run in schools. It is certainly something that we will be delving into. There are some very good examples of children with disability who are engaged in the process. Of course, there are many who are not, and they are telling us that they could feel more included.

Mr DAVID SHOEBRIDGE: My children's school is a great school. I really appreciate the public primary school that my kids have been at. The way they choose their representatives through council elections is that the candidates have to give a speech. That winnows candidates out straightaway. Would that be a standard model that is being used? If so, it does not strike me as a very inclusive one?

Mr JOHNSON: No. We agree with you; it is not the best practice with respect to inclusion.

Mr DAVID SHOEBRIDGE: Yes, but I am not asking you about what is best practice. What is the normal practice? What are we seeing out there in schools? Is that the standard model?

Mr JOHNSON: I cannot say whether it is the standard model. It is a model that I have seen used more often. I think it is very important, when we are talking about participation and children's involvement, to look at what the role of a student representative council is, and the best way to get children's feedback. We are more of the mind that there should be more regular opportunities for all of the population to give feedback in schools.

For example, there are models which extend the model of Tell Them From Me so that all children in the school get to have their say. We often mix leadership and feedback. Leadership programs are important in schools. I do not think that that is necessarily engagement with the decision-making processes of the school. Across society—whether it is in corporations, government or non-government organisations—when we are talking about engagement, particularly for people who are often not included, we need to ask whether we are talking about a representational model or about giving people a real say in what is happening to them. I think we need to make that clear.

The Hon. DANIEL MOOKHEY: Does the department have a view on that question? It is an interesting point of distinction but from what we can tell it does not look as if anyone has reached any conclusion on that.

Mr JOHNSON: No. I think they are looking at that issue. We have been raising that issue and we are looking forward to working with the department on that issue. Should we have got to this much sooner, after a long period of time? Yes. Having had the privilege of travelling in many countries around the world I am aware that not many places get this right. We are making more steps than many other jurisdictions but, like everyone else, we have a long way to go to realise a meaningful engagement and understanding. Often people will go and talk to young people but decisions are made. This is where the cultural change needs to happen. If we are going to ask children and young people about their input we need to get ready to change our decisions. That is another cultural shift that needs to happen.

The Hon. DANIEL MOOKHEY: Are there examples of jurisdictions overseas or interstate that are doing this better? Are there features of their systems which we should be incorporating?

Mr JOHNSON: New South Wales is probably ahead of the game. That needs to be recognised. It was the first State to have a Children's Commissioner. It was the first State to have a whole-of-government strategic plan enshrined in legislation.

Mr DAVID SHOEBRIDGE: I think here we are talking specifically about the Department of Education and education.

Mr JOHNSON: Sure. There are other examples around the world, particularly in the Nordic countries. Having lived there I know that those systems are not always directly analogous, for many reasons.

The Hon. DANIEL MOOKHEY: My father-in-law lives in the Nordic region. He tells me all the time that it is not the same.

Mr JOHNSON: I lived in Sweden for some time, working on child protection. I think there is a cultural shift that you see more readily within some jurisdictions about realising children's rights. Once again I would say that we are further ahead than many other jurisdictions. We really want the true voice of children and young people, and not just the best and brightest. In parts of Sweden—not all of Sweden—and in parts of Finland you see that more clearly. Their representative models are more inclusive about engaging children, using the same key tenets that we have spoken about earlier in our testimony today.

The CHAIR: I thank both of you for attending today's hearing. The secretariat will contact you in relation to the questions you have taken on notice or any supplementary questions the Committee may have. The Committee has resolved that answers to these questions be returned within 21 days.

(The witnesses withdrew)

(Short adjournment)

PAUL MARTIN, Executive Director, Quality Teaching, NSW Education Standards Authority, affirmed and examined

PAUL HEWITT, Executive Director, Learning Standards, NSW Education Standards Authority, affirmed and examined

The CHAIR: Before the Committee resumes today's hearing, the Committee has resolved to make the following statement: Since comments by Senator Pauline Hanson relating to students with autism, Committee members have been contacted by parents distressed at the impact of these comments. The Committee supports the inclusion of students with disabilities, including autism, in New South Wales schools as being of benefit to all students and rejects any suggestion that children with disabilities be segregated. The Committee is currently considering these issues in great detail and will issue a full report in due course.

I now welcome our next witnesses from the NSW Education Standards Authority. Would either of you like to make an opening statement?

Mr HEWITT: Yes, I will make a brief one. The NSW Education Standards Authority [NESA] is a new organisation formed this year following the Board of Studies, Teaching and Educational Standards [BOSTES] review. NESA covers off on the functions of the previous Board of Studies and the NSW Institute of Teachers. My personal areas of responsibility are curriculum and assessment in New South Wales including external examinations.

Mr MARTIN: The former NSW Institute of Teachers was the organising instrumentality in relation to the Australian Professional Standards for Teachers. The functions of the former institute, merged now into BOSTES and NESA, relate to teachers—being professional learning, their preparation for teaching and their meeting of the standards at various levels.

The Hon. JOHN GRAHAM: I would like to kick off with an issue raised this morning relating to the curriculum and the view that was put to the Committee about the national Australian Sign Language or Auslan curriculum. I am interested to know what discussions have been had with NESA and the view about the possibility of the curriculum being adopted in New South Wales.

Mr HEWITT: If I can clarify, you are asking whether the Australian Curriculum will be brought on board in New South Wales?

The Hon. JOHN GRAHAM: Yes, that is right as a starting point.

Mr HEWITT: The Australian Curriculum, Assessment and Reporting Authority developed the Australian Curriculum. Stakeholders have a say in the development of that. New South Wales participates through NESA in that and forms a curriculum that, when it is approved by Ministers, forms the basis of New South Wales syllabuses. Most recently, we have developed new syllabuses for English, maths, science and history in the senior years, each of which have embedded in it elements of the Australian Curriculum.

The Hon. JOHN GRAHAM: I appreciate your answer. What does that mean practically for the Auslan component of those subjects?

Mr HEWITT: I beg your pardon. New South Wales currently has an Auslan curriculum that is available for students. When that is reviewed, we would do that with the inclusion of the Australian Curriculum.

The Hon. JOHN GRAHAM: Your previous answer related to other curriculum areas, not to the Auslan component. Is that correct?

Mr HEWITT: Yes, but the process is generalisable, that whenever New South Wales revises a current syllabus, it will have regard to the Australian Curriculum. We will look for commonality wherever possible so that we do have something that is comparable on a national level. But in doing so, our position has been never to compromise the New South Wales curriculum.

The Hon. JOHN GRAHAM: Yes, but you are commenting about the curriculum generally.

Mr HEWITT: That is correct.

The Hon. JOHN GRAHAM: On the Auslan curriculum specifically, what is the plan to incorporate this into the New South Wales curriculum?

Mr HEWITT: We do not have a specific timetable for that at the moment. I can take that question on notice.

The Hon. JOHN GRAHAM: That would be appreciated. I think the question put to the Committee was a very good question. It was: Why can you not in a New South Wales school learn Auslan in the same way that you would learn French or Japanese? I do not know if you have any views on that.

Mr HEWITT: I will take that on notice.

Mr DAVID SHOEBRIDGE: But the assumption—can we start from the starting point—is that you should be able to, as a student, learn Auslan as easily as you learn Japanese or Finnish or Latin. Can we start with that as a starting point?

Mr HEWITT: Yes, and there are schools that offer Auslan.

Mr DAVID SHOEBRIDGE: But they are not assisted by a curriculum, which is the request. The assumption is that will happen, it is just a question of you telling us a timetable. Is that right?

Mr HEWITT: That is correct.

The Hon. JOHN GRAHAM: Are you aware of any barrier to that? That seems like a sensible approach, and I would flag it is likely to be something that may be a Committee recommendation. Do you want to alert us to any barrier or obstacle that you can see to that being rapidly progressed in New South Wales?

Mr HEWITT: I cannot see a barrier to it. The schools that are currently offering it do so in the context of what we call a School Developed Board Endorsed Course. So where the New South Wales curriculum is not meeting the needs of a particular group, then the board has a panel that looks at those courses and endorses them. The step after that, where the demand is evident, more broadly, then it is considered for development as what we call a Board Developed Course or a New South Wales syllabus.

The Hon. JOHN GRAHAM: You have some resource issues about working through all these areas and making sure that this dialogue between the national curriculum and what gets taught in New South Wales schools happens. You have got to work through that in an orderly way, but if the Committee said this is urgent, this is a gap in New South Wales, we would like to see it dealt with, certainly from a NESAs point of view that is unlikely to be a problem—there is no barrier from your end to that?

Mr HEWITT: No, there is not a barrier to it.

The Hon. DANIEL MOOKHEY: I am reading from your website here, it says that you "set and monitor quality teaching, learning assessment and school standards". How do you do that?

Mr MARTIN: Since 2004, and only since 2004, the teaching workforce that was employed after that date have been required to have a particular qualification approved by NESAs; they have had to meet a set of standards, proficient teacher standards in the first couple of years—up to three years—of their teaching life. They have to maintain against those standards with 100 hours of PD over five years, 50 hours of which is professional development that we identify and register and 50 hours of which they can choose themselves. What we do, therefore, in terms of the monitoring of teacher quality is put a floor under a qualification requirement, put a minimum quality requirement and put a maintenance of quality requirement for the workforce.

It is post 2004 because that was when it was introduced for the prospective teachers to be employed after that date. At the end of this year all of the teachers employed prior to 2004 will be accredited by NESAs. It is largely a recognition process; it is a grandfathering in. It is basically where they are deemed as proficient teachers from 1 January 2018. That is the teacher quality end of it; there is a lot more to it but that is a shorthand view of what we do.

The Hon. DANIEL MOOKHEY: Let us put aside the grandfathering aspect, because I understand there are complexities as to how you do that, and go from the post 2004 intake, which you have described as being in two components—that is, the ability to obtain a minimum standard and then to maintain it. What are the minimum standards in terms of special education training that a teacher is required to have at the first level, which is to obtain accreditation, and the second, being the 100 hour requirement, and how much of that has to be devoted towards maintaining skills to deal with special needs education?

Mr MARTIN: In relation to the first part of your question, in 1992 an inquiry from this Parliament mandated that there would be a unit in special education for every person who was training to be a teacher. Back then, because it was before the Institute of Teachers, or NESAs, that was enforced or made real by the then director-general Ken Boston, who told universities in New South Wales that their graduates would not be able to be employed in New South Wales government schools unless those courses included a mandatory unit in special education. That mandatory unit has been in place since then. In terms of the relationship when the institute became merged with the Board of Studies—BOSTES and now NESAs—that mandatory unit has been maintained all the way through.

In addition to that, as a result of inquiries under Great Teaching, Inspired Learning—a New South Wales Government initiative—we investigated teacher education programs to see how well they were incorporating those units and added an additional requirement that the teaching of students with particular special education needs should be delivered in all aspects of a teacher education course as well as the mandatory standalone unit. So that is the preparation end.

Mr DAVID SHOEBRIDGE: We have correspondence which we received only recently from the Australian Association of Special Education, and I will read it to you from the opening paragraph:

Subsequent to our main submission, the NSW Education Standards Authority (NESA) has informed AASE NSW that the standalone mandatory special education unit is no longer required in pre-service teacher education programs. The new requirement developed by NESA is that teacher education programs only have to integrate or embed special content into the other units.

That is correspondence we received in May.

Mr MARTIN: That is in error.

Mr DAVID SHOEBRIDGE: What has led to that misinformation?

Mr MARTIN: When we moved from State-based New South Wales requirements and incorporated the Australian Institute of Teaching and School Leadership requirements—the national requirements—for pre-service training of teachers, we had to incorporate our existing and additional requirements in New South Wales with the Commonwealth requirement. In the document that that is referring to it does say quite clearly that there needs to be a standalone unit, but in another part of the document it says less clearly and implies the integration of the specific content across the range of units in the course. As soon as we found out about that we clarified it, informed all of the providers and have given a clear indication that the mandatory unit still stands. No ITE course in New South Wales has been approved without a mandatory unit, nor will it be approved without a mandatory unit.

Mr DAVID SHOEBRIDGE: So since that was raised in a previous Committee hearing you have gone and looked at it and actually fixed your communications to make it clear that a special education course is still required?

Mr MARTIN: That is right.

Mr DAVID SHOEBRIDGE: And the infelicity in language in your earlier communication has now been clarified. Is that right?

Mr MARTIN: Yes, in short. I mean, there was a clear indication in one part of the document that the mandatory unit still stood but later in the same document it implied that the material could be integrated, so we had cleared up that infelicity, as you called it.

Mr DAVID SHOEBRIDGE: I am glad they raised it with us. That has cleared things up.

The Hon. DANIEL MOOKHEY: I think you completed your description of the first requirement—that is, to obtain the qualifications. Perhaps you can tell us about the ongoing professional learning requirements to maintain your qualification and the extent to which that incorporates a mandatory or at least judged special needs education requirement.

Mr MARTIN: We allow teachers to identify and determine their own professional learning needs. Of the units and courses that they choose to attend, 50 per cent need to be registered by us, and there is a significant number of units with a focus on teaching students with challenging behaviours, special needs or special education. It is largely, though, a choice of the teacher in determining what they perceive as their needs.

The Hon. DANIEL MOOKHEY: Do you record the data?

Mr MARTIN: Yes, we do.

The Hon. DANIEL MOOKHEY: On notice, are you able to provide us with a breakdown of the 50 hours that you essentially control? Can you tell us how many of those teachers are doing special needs?

Mr MARTIN: Yes, I think I can if you give me a second.

The Hon. DANIEL MOOKHEY: You can take it on notice.

Mr DAVID SHOEBRIDGE: But if you have the data here—

The Hon. DANIEL MOOKHEY: But if you have the data here, I am happy to have it.

Mr MARTIN: I was anticipating the question. Between 2013 and 2017, about 6,000 accredited teachers participated in registered courses. That is 5,939, roughly 6,000, that related to special education. We have registered courses, broken down by year, but probably closer to 1,000 courses that are specifically designed to support teachers in that area.

The Hon. DANIEL MOOKHEY: What is that as a proportion of the workforce?

Mr MARTIN: The accredited proportion of the workforce is post-2004. They are the only ones who need to do the 100 hours. I think there are about 40,000 teachers.

The Hon. DANIEL MOOKHEY: It is 6,000 out of 40,000—

Mr DAVID SHOEBRIDGE: That is 15 per cent.

The Hon. DANIEL MOOKHEY: —and that is not the grandfathered aspect of the profession.

Mr MARTIN: No, that is right.

The Hon. DANIEL MOOKHEY: We can conclude from that that it is relatively low.

Mr MARTIN: We can conclude from that that our registered course attendance is that proportion. The Department of Education has mandated particular units over the past number of years that might be separate from this data, and they are 60 per cent of the teaching workforce, I believe. But yes, it obviously reflects the teachers' self-identified need for special education courses or their lack of understanding of their need for special education.

Mr DAVID SHOEBRIDGE: Is that not the problem, relying upon teachers' self-identified need? Surely it is the obligation of organisations like NESAs and the department to take a leadership role and say "you must".

Mr MARTIN: NESAs do not employ teachers or run schools, so the "you must" can only come from employing authorities or a directive from the Minister who then directs the employing authorities from within the department. We are not in a position to say this is mandatory PD. What we can do, though, is make sure that the needs of teachers are met by us registering PD and by making sure that there is a fair distribution across metropolitan and rural areas for appropriate PD for teachers.

Mr DAVID SHOEBRIDGE: It is 100 hours every five years. Is that right?

Mr MARTIN: Yes.

Mr DAVID SHOEBRIDGE: In my experience of legal continuing professional development you must do certain set components, such as elements relating to ethics and elements relating to practising law. What are the set components of professional development?

Mr MARTIN: There are seven elements to the teaching standards. Teachers must do PD that addresses each of the seven elements.

Mr DAVID SHOEBRIDGE: Why is special education not one of those special elements?

Mr MARTIN: It is, but special education would fit into any number of different elements of the standards. For example, teaching the curriculum appropriately and with adjustments for all students does not come up as a special ed standard but, if you are doing a preparation for teaching unit, you would potentially have a significant component of that that is related to special ed.

Mr DAVID SHOEBRIDGE: The way you describe it, you could do all seven elements and not do any special education. You could do seven elements and do special education in all of them; you could do seven elements and do special education in none of them.

The Hon. JOHN GRAHAM: That is happening.

Mr MARTIN: Yes.

Mr DAVID SHOEBRIDGE: That is the system, is it not?

Mr MARTIN: Yes, that is true. But it is very unlikely. You would have to make a series of choices across professional development that would exclude a special education element when in fact special education is in almost all of the aspects of PD that is delivered in schools.

Mr DAVID SHOEBRIDGE: You say unlikely, but the figure you gave earlier was 6,000 teachers doing courses which are—

Mr MARTIN: Identified as a specific special education course.

Mr DAVID SHOEBRIDGE: —identified as special ed. That is what we are talking about here. So 85 per cent of those teachers have not done one.

Mr MARTIN: Have not done a course that is—

Mr DAVID SHOEBRIDGE: Accredited—well, specifically identified for special needs.

Mr MARTIN: Yes, specifically identified. They may well have done many other courses in relation to teaching students with challenging behaviour, assessment, behaviour management and curriculum that have aspects of special education in them.

Mr DAVID SHOEBRIDGE: That is not what we are talking about here; we are talking about specific education and professional development that is focused on special needs. Why is there not a mandatory requirement for one of those, even if you do not segregate it into the different bands, so that at least a proportion of your professional development needs to be focused on special ed?

Mr MARTIN: That could be a decision made by a Government or a Minister that that was the case for all teachers with their continuing professional development. Without being argumentative, I can clarify that there are two elements to the education process for both ongoing PD and for preparation of teachers. One of them is a set of overarching skills and understandings that you might get in a unit dedicated to special education but, more importantly, the arguments over the last decade or so have been that all aspects of teachers' work should have regard to special education. It would be unusual if many of the other programs that teachers are attending as part of their PD dealt with quite explicitly the needs of—

The Hon. JOHN GRAHAM: In support of Mr David Shoebridge's point, one of the issues we are grappling with is that the good teachers at the good schools get it—they do the training and drive this change—but some of the other teachers and some of the other schools do not get it. They are the ones that need to be given a push into this culture change, which is happening across society but not in some schools.

Mr MARTIN: My only response then goes back to the response I gave Mr Shoebridge earlier which was, in order to mandate it, it would have to come from the centre.

Mr DAVID SHOEBRIDGE: Mr Martin, I do not think you are being argumentative. I think you are pointing out an obvious truth—

Mr MARTIN: Thank you.

Mr DAVID SHOEBRIDGE: —that for teaching kids across the spectrum—given that there are not two pools, one of normal kids and one of kids with special needs but a spectrum that covers the whole class—inclusive training should be a part of all of the curriculum. We agree on that. I am suggesting to you that reinforcing that by standalone units that focus on special needs would be of additional benefit. I will ask you again what you would say to that, and you will say that is a matter for the Minister. Is that right?

Mr MARTIN: Yes, I would. This is a personal response, but for ministers of the day, there are emphases that derive from many sources and there are occasional mandates, including from Minister Chadwick in 1992 to mandate the special education unit in the pre-service training.

Mr DAVID SHOEBRIDGE: But that 1992 mandate has been good and of benefit to teachers and students, has it not?

Mr MARTIN: Yes, it has. But at that time the belief was that the standalone unit would suffice, and the point that you made earlier is that it is standalone plus integration.

Mr DAVID SHOEBRIDGE: An issue raised with us by a number of parents is the minimum standards of literacy and numeracy to be eligible to sit for the HSC. What if any consideration was given to how that might impact upon children with special needs when those minimum standards were being set?

Mr HEWITT: I will take that one. In relation to the establishment of the minimum standard, the consideration was that it is a standard that we want for all students, and for some students that will require support but our determination is to get all students to that standard. We do not want students leaving at the end of year 12 without the literacy or numeracy that they need in order to engage in society, to gain employment and to be able to function. However, we understand that some students with an intellectual disability may not be able to reach that standard. So an exemption was made immediately in relation to all students who follow what we call a "life skills pattern of study". If they engage in life skills English or mathematics for the Higher School Certificate [HSC] they are not required to meet that standard but will still qualify for the HSC.

Mr DAVID SHOEBRIDGE: At what point in a child's education career do they choose to adopt the life skills curriculum?

Mr HEWITT: Life skills is available from years 7 to 10 and into years 11 and 12. It is a choice about preference. It is about a negotiation between all stakeholders in that student's future to determine that it is the most appropriate education for them.

The Hon. JOHN GRAHAM: It was a choice about preference but that choice becomes a lot harder if there is a hurdle that needs to be cleared. You are saying this might be the only path through if a student—for whatever reason—feels they might not be able to clear that hurdle?

Mr HEWITT: We are not suggesting that students that might have difficulty reaching that standard, who would not otherwise qualify for a life skills pathway, that is students with an intellectual disability, would take that pathway. Our encouragement would be to continue to engage in broad syllabuses.

The Hon. JOHN GRAHAM: How many students at the moment choose that part of the curriculum?

Mr HEWITT: Around 2 to 3 per cent.

The Hon. JOHN GRAHAM: It is quite a small proportion?

Mr HEWITT: Yes.

Mr DAVID SHOEBRIDGE: An entry requirement is an intellectual disability?

Mr HEWITT: That is correct.

Mr DAVID SHOEBRIDGE: What about other children with profound difficulties with learning but who do not have an intellectual disability?

Mr HEWITT: We have a disabilities provisions program for examinations and they provide the support that students need to be able to read and understand the questions asked and respond effectively. There are a range depending on the particular needs of the student. Those same sort of provisions will apply for the National Assessment Program—Literacy and Numeracy [NAPLAN] and they will apply for the ongoing tests that we will make available for students to demonstrate that they meet the minimum requirement.

Mr DAVID SHOEBRIDGE: What is the intellectual rationale for having 2 to 3 per cent of students with intellectual disability on the life skills pathway being able to sit the HSC and other students who have met the year 9 minimum standards being able to sit the HSC and then a large group who do not fit into either of those categories, whose capacity may be somewhere in between, not able to sit the HSC? What is the rationale for the three tiers?

Mr HEWITT: The actual sitting of the HSC, there is no barrier to any student doing that. This is one of the communication issues that got away at the announcement of this requirement. All students regardless of whether—

Mr DAVID SHOEBRIDGE: To be eligible for the HSC?

Mr HEWITT: It is a similar argument for students to get an HSC: they need to have completed 12 units of preliminary courses and 10 units of HSC courses. The new requirement is that they need to do that as well as show that they have met a minimum standard in relation to literacy and numeracy. Students currently accumulate the pattern of study and in the future they will accumulate the requirement for the minimum standard as well. Once they have all of those components in place they will qualify for the HSC.

Mr DAVID SHOEBRIDGE: What proportion of students do you estimate, come 2020, will be completing year 12, meeting the existing requirements, the 10 and 12 units, but failing the literacy and numeracy standards?

Mr HEWITT: Our projections are very conservative. Based on current information it would be a figure of less than 5 per cent of students. We believe that the support that is going to be offered through the New South Wales literacy and numeracy strategy will remedy that. When the results come out for NAPLAN this year we think we will experience what occurred in Western Australia when they established this standard and that there will be improvement shown straight away in relation to performance. That will mean there will be a smaller group of students that require support and schools will be focused on those students and give them the help they need to succeed.

Mr DAVID SHOEBRIDGE: What proportion of those students will be students with special needs? What do your projections say?

Mr HEWITT: I will take that on notice.

The Hon. JOHN GRAHAM: When that support comes in, will the 5 per cent you are projecting be slowed down through the system or because you are able to focus on a smaller group of students you anticipate lifting them up without slowing them down?

Mr HEWITT: I will directly answer your question. I do not think it is about slowing them down, it is about redirecting the emphases. When students are in years 11 and 12 they have more selectivity than ever before about the curriculum in front of them. Sometimes students in those selections may avoid literacy and numeracy as their focus. We think that it is important for all students to get those key elements in place, not only in terms of what it will do for the future, but also if they are going to engage with the HSC the key way of communicating in the HSC is through written expression. The key way to learn and glean information is the capacity to read, to understand and to make sense of that in a literacy sense. Getting students to this standard is of assistance to them to show what they can do.

The Hon. JOHN GRAHAM: There is a communication problem, because one of the things put in front of the community is that kids are already making life choices worried about not meeting this benchmark. It may be too late by the time the system is in and the support is there to turn that around. There is real concern in the community relating to what you have described as a communication issue.

Mr DAVID SHOEBRIDGE: We had parents telling us that earlier this month.

The Hon. JOHN GRAHAM: Yes. What can be done to tackle that? That is of real concern. Kids are effectively diverting out of education worried about this new benchmark.

Mr HEWITT: We recognise there are communication issues. There were direct communications with students just prior to NAPLAN to address this and help students understand that results in relation to NAPLAN will not define their future, and what will be available to support them if they do not reach the minimum standard. Also, just to normalise the expectation that the standard we are looking for is for students to achieve in year 12. The success story is that many students will achieve the year 12 standard in year 9. The expectation is not that all students will succeed in year 9 in relation to that mark.

The Hon. JOHN GRAHAM: Why are the estimates so different? For people concerned about this benchmark why are their estimates so much higher for the number of kids who will not meet the standard? What is the reason for that gap? It is large compared to what you described this morning?

Mr HEWITT: The reason why I make those estimations is based on what we know from the data we have. It has rolled out in Western Australia and we have figures in relation to the cohorts in Western Australia. We believe we are putting far more support in place and have a better method of testing in place that will result in better results. We are adjusting the figures of Western Australia based on the extra inputs we have?

Mr MARTIN: Can I add that I think there is a misunderstanding for the teachers that year nine is somehow the benchmark for year 12, so that not reaching the standard in year 9 means you will not reach it in year 12 when in fact there is no intention or estimation that will be the case. The judgement that is sometimes made by principals, teachers or parents is that the child did not reach the minimum standard as identified in the year 9 NAPLAN and therefore they are not going to get an HSC.

Mr DAVID SHOEBRIDGE: There is an urgent need for clear communication to go out to parents to say that children have year 9, year 10 and year 12 to meet the minimum standards. We have heard from parents that "My children will not meet the standard in year 9 and they are going to go down a different pathway".

Children's expectations are being downgraded, parents' expectations are being downgraded, and that is happening now. Do you acknowledge the need for an overt communication?

Mr MARTIN: Absolutely.

The Hon. JOHN GRAHAM: I support those comments. What were the Western Australian numbers?

Mr HEWITT: The Western Australian numbers indicate closer to 7 per cent of students.

The Hon. JOHN GRAHAM: Thank you.

Mr HEWITT: I will address the second part of the question. You asked why I think there is a difference in relation to that.

Mr DAVID SHOEBRIDGE: Yes.

Mr HEWITT: It is not the full reason, but a large part of the reason is the decision to align NAPLAN and the minimum standard. That brought out a lot of people who simply do not like NAPLAN. They used this as an opportunity to make a case around that. There is also a coaching industry that saw this as a great opportunity. It created an atmosphere of fear in the minds of many people that this could be something that they need to do to support their students. The media backed in the controversy rather than listened to the messages we were providing.

The CHAIR: You said that some people do not like NAPLAN. What reasons were given for that?

Mr HEWITT: There are long-running debates in the education community about NAPLAN. It is suggested that it is largely there as a diagnostic tool, and it is being used to rank schools, or to compare students.

The CHAIR: It is like a benchmark.

Mr HEWITT: There is that sort of concern.

Mr DAVID SHOEBRIDGE: It is now because the tests are being used to rank students. Not only the year 9 results but also those year 9 benchmarks are being used not only as a diagnostic tool but also to determine children's futures. That is a change in NAPLAN as a result of this policy change.

Mr HEWITT: It is an added use of NAPLAN. The decision could have been not to involve NAPLAN in this. That would mean that in future we would have to go to a whole-cohort test to determine whether you have met the standard. We know that a large number of students would have already shown that they have met the standard. Why would you assess them again to show the minimum standard? That is the link to NAPLAN. It is not being put in place to tell year 9 students they are expected to achieve year 12 standard in year 9.

The CHAIR: It appears to place a lot of undue pressure on young students.

Mr HEWITT: The notion of needing—

The CHAIR: They are expected to reach a certain standard. That is putting a lot of pressure on young students.

Mr HEWITT: The standard is based on the Australian Core Skills Framework level 3. That is a nationally agreed standard that students need to reach to participate in society. It is not an academic standard. We believe that students who do not have that face a life of stress. Without those standards of literacy and numeracy we have done them a disservice.

The CHAIR: So deficits in their skills should have been picked up earlier?

Mr HEWITT: Correct.

Mr MARTIN: As a consequence of this, much more attention is probably being paid by schools, systems and teachers to all students' literacy and numeracy needs earlier.

The CHAIR: An earlier witness mentioned level 3 training. Are you aware of that?

Mr DAVID SHOEBRIDGE: That is the kindergarten teaching assistance program.

Mr MARTIN: It is a specific department literacy program; it is not a NSW Education Standards Authority program.

Mr HEWITT: I am unaware of which particular schools are trialling it.

Mr DAVID SHOEBRIDGE: I would like some clarity about NESA's role in establishing the curriculum, particularly on literacy, for that young cohort—kindergarten to early primary. What is your role in setting the curriculum for literacy in that area?

Mr MARTIN: NESA develops syllabuses that will be taught in all schools in New South Wales. We have an English syllabus for kindergarten to year 6. That covers the basic requirements in relation to literacy, language development and so forth. From that, schools and systems determine whether there are particular programs they want to put in place to deliver them. The outcomes are for all students, and we define the expected content. The strategies are determined by schools and sectors.

Mr DAVID SHOEBRIDGE: Obviously, to design a good curriculum you have to have to some understanding about how it will be taught. I assume you cannot divorce it from teaching methods. Is that correct?

Mr HEWITT: In relation to English, New South Wales more than any other State or Territory prefaces the importance of phonics. It is very clearly embedded in the curriculum. They are the sorts of decisions that we make that guide the teaching. However, the actual strategy could vary from school to school.

Mr DAVID SHOEBRIDGE: You must be mortified about what has been happening in reading recovery if you look at what the Committee has been told about L3, which largely is not phonics based. Is there any feedback between you and the department when it is doing programs like reading recovery or level 3 programs?

Mr MARTIN: We have a relationship with the schooling sectors that is separate from our relationship with the curriculum. We provide registered professional development [PD] for teachers. That might include L3, reading recovery and a phonics approach, all of which have research behind them, but not necessarily research indicating that one is equal to the other. We also do research, as do the department and other sectors, about what does and does not work. We expect the curriculum to be taught. However, as Mr Hewitt indicated, the particular teaching methodologies used are up to schools systems and teachers, and they change over time.

Mr DAVID SHOEBRIDGE: Did you say that you accredit for PD for courses in reading recovery?

Mr MARTIN: I do not have a list of the courses that we have registered in the past with the department. The department is itself a registered PD provider. It has endorsed provider status, so its PD counts for hours for its teachers.

Mr DAVID SHOEBRIDGE: So you do not check the content of the department's courses when you register them?

Mr MARTIN: We do, but the debates about the ways to teach reading have been raging for about 25 years. As Mr Hewitt indicated, as long as the courses address the relevant standards in the curriculum—an entire Department of Education focus may be on a particular course—we register them. Whether they work or not is an issue for qualitative evaluation by teachers and university researchers over time. They do change.

Reverend the Hon. FRED NILE: I have a general question about teacher quality and their ability to teach. What is in place to assess that? Where teachers do not have that ability, children will not be getting the education they should. Years ago school inspectors would assess a teacher's ability. Is it correct that there is now no physical assessment of a teacher's ability to teach?

Mr MARTIN: There is. A teacher graduates from an approved university course having completed mandatory requirements in preparation. They know the things they are supposed to be teaching but, apart from the practicum, they have not put it in place. Then, after a year or two years, depending on the system and how much work they get, they must demonstrate that they can do the things they have learned. That involves observation by supervisors and peers, and their work assessments are checked by other people. Over time they must produce a portfolio of evidence that shows they are now proficient teachers and are therefore eligible for registration in New South Wales. There are those elements not of inspection but observation and checking of practice. Apart from that, each of the systems, sectors and employing authorities have their own ways of determining the efficiency of a teacher within their schools. Some of them are more hard edged than others and they are different. However, our process requires a teacher to demonstrate a portfolio of evidence to meet a proficient teaching standard.

Reverend the Hon. FRED NILE: They will have done a lot of courses and so on?

Mr MARTIN: That is correct; they have done the courses—the 100 hours. The more important thing is that they must demonstrate the practice in the classroom. A supervisor and the principal must sign off that

they meet the standards at a proficient level. They come out of university and have a period in which to meet those standards to get their full registration and licence.

Mr DAVID SHOEBRIDGE: Mr Martin and Mr Hewitt, going back to Reading Recovery, which has been caustically criticised by a range of submissions and witnesses to this inquiry. Do you say that there is quality peer review research that says that Reading Recovery works, particularly for those kids struggling with literacy?

Mr MARTIN: I am saying that when the Reading Recovery program was first brought into New South Wales many years ago, and when it was first part of the department's registered PD, there were critics of Reading Recovery, but there are also a great many supporters of its arguments. I would suggest that the recent research, as you are indicating, casts a doubt on its efficacy as a reading program.

The Hon. JOHN GRAHAM: To narrow that question, it is specifically for its interaction with kids with autism. That is the specific point that is being put in front of the Committee. I accept the point that this argument has been going on for decades, which is unquestionably true. On the specific question of kids with autism the evidence was scathing. Does narrowing that question change the advice you put in front of the Committee?

Mr MARTIN: I am unaware of the advice specifically in relation to students with autism or on the autism spectrum with regard to Reading Recovery.

Mr DAVID SHOEBRIDGE: It is not uncommon that they would be in that cohort of children who are in the lower 5 to 20 per cent of literacy and English skills who would be put into a Reading Recovery program. There is a large overlap between the two.

Mr MARTIN: Potentially.

Mr DAVID SHOEBRIDGE: I ask you again, I find it troubling that people go to the NSW Education Standards Authority [NESAS] and see that these courses are available for their professional development. There would be a long list and a whole bunch of them might be teaching Reading Recovery when it appears in the evidence before this Committee that that does not work. How do we fix that?

Mr MARTIN: It is a terrific question. When Reading Recovery was first introduced into New South Wales schools, it provided a systematic approach to the teaching of reading in an era when their teaching of reading was unsystematic.

Mr DAVID SHOEBRIDGE: It was almost like any plank in a shipwreck.

Mr MARTIN: Also, the pupil to teacher ratio of Reading Recovery is one-on-one. It was grabbed by teachers as a clear methodology, a guideline, on how to do it and the one-on-one had a positive effect on student performance in many ways simply because it was one-on-one. Significant reports have now come in. There was a report in New South Wales, a Rose report in the United Kingdom, and one in America for a national reading survey. They all questioned particular methodologies of teaching reading. When it was registered and a part of all three systems and schools, we understand that that program was in use. What do we do about it now that there are questions marks in relation to its efficacy? It would be my view that we would have to review some of the programs on our website when they come up for reregistration or earlier to determine whether they can still be supported. I state that there is a debate that has not been settled in the minds of many in relation to the best way of doing things, notwithstanding the submissions that have come here.

The Hon. JOHN GRAHAM: When are they up for reregistration?

Mr MARTIN: I think it is every three years for the providers.

The Hon. JOHN GRAHAM: If you would like to take that on notice, it would be helpful.

Mr DAVID SHOEBRIDGE: Did you have anything to add, Mr Hewitt?

Mr HEWITT: No.

Mr DAVID SHOEBRIDGE: If there was a recommendation from this Committee that that audit be done—I use the word "audit" and there is better language—would you have any observations about whether you have adequate resources, whether you should do it or whether some external body should do it? I do not mean to put you on the spot now. You can take that question on notice.

Mr MARTIN: I think I would need to take it on notice, particularly given it is right in the middle of a contested space.

Mr DAVID SHOEBRIDGE: I accept that. It would be appreciated if you take it on notice and give us your considered views on it.

Mr HEWITT: To clarify, is the request on the quality of professional learning in general or on this specific issue?

Mr DAVID SHOEBRIDGE: My question is focused on Reading Recovery, but if you have any observations about whether this systemic review about quality should be done across the PD list, that would be helpful too.

The CHAIR: I thank you both for attending today's hearing.

Mr HEWITT: Thank you.

Mr MARTIN: Thank you.

The CHAIR: The secretariat will contact you about the questions you have taken on notice or any other supplementary questions the Committee may have. The Committee has resolved that answers to those questions be returned in 21 days.

(The witnesses withdrew)

ROBERT DEACON, Physical Education Teacher, Lawrence Hargrave School, sworn and examined

ALLISON GENTLE, Learning and Support Teacher, Department of Education and Communities, sworn and examined

The CHAIR: Would one of you like to make a short opening statement?

Ms GENTLE: I am a support teacher with 24 years' experience. I have worked across the sectors in the State system, the public school system, I have worked in a Catholic school and in a private school, all in the Sydney metropolitan area. I have also worked under government programs like the Aboriginal Tutorial Assistance Scheme and the Even Start Tutorial Scheme. I have a Master of Education in special education and I am shortly to finish working at the school level and am moving into working in university and studying for a Doctor of Philosophy. My master's looked at the area of literacy interventions for older primary students who come through the early grades and are still unable to read and struggle to meet the demands of the curriculum as they move into the middle years of their primary schooling.

I am concerned at the level of provision there is for students with disability, especially in the area of literacy. The level of achievement could be higher. There are many students with limited ability who are not performing to the potential they have. There is inadequate data on the level of achievement those students have. NAPLAN has limitations. It basically tells you whether they are working at grade level nationally, but it does not tell you how far below grade level they are working. The national minimum standard can be achieved with 24 per cent accuracy on a multiple choice test, meaning good guesses will get you above national minimum standard, average guesses will get you at national minimum standard and poor guesses will get you below.

To know how students are doing, it sheds a lot more light on the more able students than on the students with disability. Nationally Consistent Collection of Data also has limitations as it is gathering subjective opinions from teachers as to the level of support students need, but the level of support they need to do what—to survive in the classroom? To actually progress? It is a good start but it does not give us very good information at this point. I am concerned there is inadequate accountability on the part of schools for how well they are addressing the needs of students with disability, what the actual level of achievements those students are managing is and how they spend any extra money that is coming through to them. How much of that money is going to be used to address the needs of students with disability? Those are my main concerns. There is a lot of attention being given to funding but at the moment not as much to how it will be spent and whether it will be used to improve outcomes for students with disability.

The ACTING CHAIR: Thank you very much. Mr Deacon, would you like to make an opening statement?

Mr DEACON: My name is Rob Deacon. I have been the physical education [PE] teacher at Lawrence Hargrave School since 31 August 1987, so I am coming up to 30 years. In that time, between 2004 and 2014 I was also relieving assistant principal, so I have a fair breadth of understanding of the school. For probably three or four years I also coordinated a work experience program at the school. I have also been instrumental in desegregating the segregated setting and normalising that school as much as possible through the things I do. It is a school for students with a mild intellectual disability or a clinically diagnosed emotional disturbance.

As a PE teacher I integrate the students as much as I can. Since 1988 they have participated in mainstream sport with the local schools in the local zones, primary and secondary. Since 2002, we have been a secondary school only. They play mainstream sport against mainstream students every Tuesday. Every Tuesday morning I take students up to Liverpool Boys High School and they do PE with the students there. Since 1996 my students have all been enrolled mainstream, not life skills, in personal development, health and physical education [PDHPE], so they all get a grade at the end of year 10. One of my concerns is that students with an intellectual disability are often automatically enrolled in life skills, and that should not be the case.

The Board of Studies or whatever they are called now in their syllabus documents say there is supposed to be a reasonable adjustment made first—an adjustment so that the student can access a mainstream course first—and that is not necessarily happening. Another thing that concerns me is my school is very well staffed—it is the best staffed school for specific purposes [SSP] in New South Wales—and I have seen the change in that school from a place that was day-to-day trauma in the name of education to a place that is not dissimilar to going to work in your local primary school or your local high school. And it is the same for the students. The trauma has been reduced by that extra staffing. The kids and the staff are achieving success, but I am aware that

other schools similar to mine—IMED schools—are not like that. They are continuing to be places of extreme trauma day to day. That still concerns me and I know there is a solution through staffing to fix that, because that has happened in my school. I guess these are the things that concern me and that is why I am here today. Our school is a story of success.

Mr DAVID SHOEBRIDGE: Mr Deacon, what is IMED?

Mr DEACON: IM is mild intellectual disability and ED is emotional disturbance.

The ACTING CHAIR: Thank you very much. We will now move to questions. Mr Deacon, in your submission you refer to the Lawrence Hargrave model. Could you outline what that is and how it would differ from what is currently in schools?

Mr DEACON: I am appointed as the PE teacher. We have an appointed home economics or food technology teacher and an information technology teacher. This is on top of our establishment. We are not actually entitled to those three positions. We have had them ever since I have been in that school. No other schools have those. They came from south-west Sydney in the 1980s. Dr Alan Laughlin was part of that region and he thought that was a good idea for that school. That is great for those kids. They actually get access to specialised secondary teaching that no other students in SSPs get. To me that is educationally unsound and unfair to those students in the other SSPs. We have those three positions.

Mr DAVID SHOEBRIDGE: Are you the only PE teacher at a senior SSP?

Mr DEACON: I would be the only person in a New South Wales SSP appointed into a position as a PE teacher.

Mr DAVID SHOEBRIDGE: Because secondary SSPs adopt a primary school funding model which excludes a PE teacher.

Mr DEACON: That is right.

Mr DAVID SHOEBRIDGE: Tell us what difference that makes.

Mr DEACON: Basically the classroom teacher has to teach every subject, but in our school they do not. That means that the students have access to a more diverse curriculum with specialised teaching, but the other advantage to the Lawrence Hargrave model is that there is extra release time for the teachers. According to the award they are only entitled to two hours release time from extremely difficult, challenging classrooms. In our school each morning the teacher and the students get a break from each other, and in the afternoon there are also at least two breaks because the students go off to a specialist teacher. That reduces the level of tension in that room with these extremely difficult students in a way that you cannot imagine.

Mr DAVID SHOEBRIDGE: How important is your training as a PE teacher, particularly when you are dealing with kids who are in their mid teens, to have them effectively engage in sport and other activities?

Mr DEACON: I believe having a trained PE teacher who is specialised in that area makes a big difference. I have so many skills that I can bring to that and obviously my experience after 30 years. But even initially when I went into the job I had my training and it gave me a lot of strategies I could use specifically in that area. I have learnt a lot on the job though.

Mr DAVID SHOEBRIDGE: You also said there are additional resources for food technology and information technology. Are those normally available in high school SSPs?

Mr DEACON: No, not at all.

Mr DAVID SHOEBRIDGE: Why not?

Mr DEACON: They are just not. What schools could do is increase their class sizes, reduce their number of classes, and then employ a teacher, but it is not automatic.

Mr DAVID SHOEBRIDGE: What difference does having those morning and afternoon breaks for something that is not the standard classroom but is food technology, information technology or PE make to the learning environment and the behavioural environment at school?

Mr DEACON: It just breaks the tension in that room. I want you to imagine, if I was to ask seven high schools to send their most challenging student to one school and put them all in one classroom, how difficult that is. Very often that teacher is an inexperienced teacher with an inexperienced teacher's aide. In our school we are very lucky. We have a great corporate knowledge. Most of our staff have been there now for 10

years—that is the difference—because the place is not as traumatic. That improves so many things when you have experienced staff and that stability in the school.

The Hon. TAYLOR MARTIN: Your submission focuses a lot on resources but I would like to ask, with your knowledge on the ground at Lawrence Hargrave, what initiatives are there to teach respect and reduce bullying in your school in particular?

Mr DEACON: We have a big advantage in that we have four assistant principals off class as well, which other SSPs do not have.

The Hon. TAYLOR MARTIN: Is that one-on-one type contact?

Mr DEACON: Yes. When we have issues like that, when a student's behaviour escalates or when we have any issue, we have an assistant principal, a classroom teacher and a teacher's aide who is able to support that student and deal with them one on one. Whenever issues like that are occurring, they are getting that one-on-one attention and it is constant. It is just those positive conversations we have with these students from the time they are in year 7 through to when they are in year 12. It is constant. It is positive reinforcement. You do not necessarily have to have a set program; it is happening all the time.

Reverend the Hon. FRED NILE: I thank you both for coming in and speaking as teachers, putting yourselves on the line. I was interested in both of your submissions, but particularly yours, Ms Gentle. You have done a masters degree in special education. Your submission reveals a degree of frustration that the knowledge you have is not held at the same level by those who are in positions above you such as principals, deputy principals and so on. How do we rectify that? Do you suggest that there should be additional training of people in those leadership roles in special education or in other areas?

Ms GENTLE: Another thought I have had is that it could be made a condition of application for stepping up into executive roles in the school that a teacher have experience in a learning support role, perhaps that could also be teaching English as an additional language or dialect [EALD]—English as a second language [ESL] is now called EALD—but some experience in working with kids who are struggling. Teachers tend to have a mindset of teaching a whole class and what can be done within that environment. All their training and their socialisation into the job is around that.

I find that when I am talking from the point of view of trying to run an intervention, we are coming from a different place. There is lots of common ground and if the will is there we can make ourselves easily understood. We are both trained as teachers and we are looking at the same situation. But as those teachers move into executive roles, they have still got that mindset of the whole class and not a very good understanding of the shift to looking at one child as an individual: What is standing in their way? What do they need? Are there other children with a similar problem who can be grouped together and then needs addressed in a group, or do they need one to one? Just thinking in that way. If it was a condition of moving into an executive position that a teacher, say, has two years experience in a learning support role, I think that would, over time, increase the depth of knowledge among school executives about issues around learning support and students with disability.

The CHAIR: Would it not be fair to say as well that in that class environment, especially if it is a sole teacher who is trying to teach all the children as well as some children who are disadvantaged, the schools have a teacher's aide, and that is fine; that teacher has some sort of assistance. But it is more difficult for a teacher who is solely on their own in that class environment. How will they cope without the assistance?

Ms GENTLE: At the moment the buzzword is differentiation. Teachers are expected to meet a range of ability levels within their classroom. How that happens is still—teachers are quite frustrated in trying to find how they are supposed to do that. Often they have trouble with the actual nuts and bolts of what that looks like. Just this week there was a videoconference for interested teachers, and teachers kept saying, "Can you give us an example of this?" They were talking about the principles of differentiation. "Can you give us an example of what that would look like?" The presenters were dodging that question. There is still a lot of work to be done on helping teachers to learn how to meet a range of needs within their classrooms.

In my studies I looked a lot at a model that is being used in America now, the Response to Intervention model, which is being widely used there. It is a three-tier model. The classroom program is tier one. That is where the needs of most students can be met, but there is a recognition that it cannot meet the needs of all students, which is not always recognised here. There is a lot of talk about raising expectations, which does not cost anybody anything. "We'll raise expectations. We'll expect more of teachers. We'll expect more of students." But if we are not resourcing either to do that, then raising expectations has a limited value. If you acknowledge that there is a limit to how far the classroom program can stretch and that at the edges you need extra instruction

for those students—not just up-skilling the teacher to do more but actually giving tailored and explicit instruction from a specialist teacher to those students—then they go to tier two, which is a small group program. That might be taught by a teacher's aide coming in and taking a small group to do some work.

The term "response to intervention" comes from assessing how well students are responding at each level. You are assessing regularly to find the students who are not succeeding in the classroom program and you are giving them something else. You are giving them that small group instruction and then you are assessing those students. How well have they responded to that intervention? Generally in my experience if it is done well about three-quarters of the kids will respond well to that and be able then to take better advantage of the classroom program. We call it transitioning from tier two back to tier one. Once again they are able to benefit from the classroom program. But that handful of students who cannot benefit even from that—

The CHAIR: Seventy-five per cent can, and 25 per cent cannot.

Ms GENTLE: Twenty-five per cent of the ones who were not succeeding in tier one. A typical case would be a class of 25 students and there are four or five students who are not succeeding in that classroom. They go into a small group and get some help. Three or four of them will do well. One of them cannot keep up with that small group, so they need something else. In a larger school that would be three or four kids across the grade who really need significant help. Some of those will end up having a diagnosed disability and for some there is a whole range of factors that can lead to that.

The CHAIR: In the larger city-based schools, that help obviously could be provided; but in regional and country areas, that is where we have the deficit.

Ms GENTLE: Definitely. I did apply for some Instructional Leader positions and that was something that came up quite a bit because, as an Instructional Leader, you would be looking to use the learning support staff that were available there to meet the needs of those students. They would say, "We've got 0.1." That is half a day a week. Even with the small number I said, "I suppose with a smaller group you have fewer students who need the help", and they said, "Not necessarily." Basically they were saying our support allocation is woefully inadequate. Sometimes they would have a teacher shared between schools. There would be a teacher driving 30 kilometres from one school to another school in the middle of the day, or they would come once a fortnight to one school and once a fortnight to another. I could see the provision of learning support in some of those rural schools is very inadequate.

Reverend the Hon. FRED NILE: Just to help us with your background, you mentioned your observation. Have you been in different schools or has your career been mostly in one school?

Ms GENTLE: No, I have been in many schools. I started off with my teacher training in Bathurst. At that time I thought it would be easy to get a job in Bathurst, but apparently Bathurst is a very popular area for teachers. I started off working in adult literacy, which really gave me a big passion for working with the younger students because it is so hard to address literacy once they are older. I worked in Corrective Services and saw the worst consequences of illiteracy. Kids went off the rails because they could not get a driver licence because they were illiterate. Then they came to the attention of police and just got into a snowballing situation and ended up in a maximum security jail. You could see the role illiteracy had played in that and you just wanted to get back down to the source of the river and stop these problems from occurring. I have always carried that picture with me in my mind of the consequences and how long we have to try to get this right before those consequences start to snowball towards disaster for lives.

The Hon. DANIEL MOOKHEY: Rest assured it still happens.

Ms GENTLE: I am sorry.

The Hon. DANIEL MOOKHEY: Not much has changed.

The CHAIR: That is a good point.

Ms GENTLE: I am sorry to hear that but I cannot say that I am terribly surprised.

The CHAIR: It is a very powerful point that you make. An earlier witness described the same context as you have described but you have actually worked in the Corrective Services system itself. It is good to hear your point of view. But, obviously, we need to get to the very beginning of it all before it goes further and they end up in different institutions.

Ms GENTLE: But on the other hand I am now working in schools. I am always saying, "We have got seven years to teach them how to read. If we can't teach a child to read in seven years, we're doing something

wrong. What are we doing with these kids? We are taking them from their parents and sitting them in a seat for five hours a day for 40 weeks a year for seven years, and we are not teaching them to read."

The CHAIR: It is amazing how a lot of them have slipped through the system. That is what we are asking: How are they slipping through the system?

Mr DAVID SHOEBRIDGE: Mr Deacon's evidence is that the additional resources at Lawrence Hargrave School is a key part of the answer. Ms Gentle, what do you make of that proposition?

Ms GENTLE: There is a saying in special education: There are a lot of things that are necessary but not sufficient. Funding is necessary but not sufficient. Once there is funding, then it has to be wisely used.

Mr DAVID SHOEBRIDGE: Your observation at the moment about whether or not we have satisfied the necessity in terms of funding—do you think we have?

Ms GENTLE: They are still working that out, as I understand it. It must have been a newsflash that I missed, but it looks like we are going to get a significant increase in the amount of funding available. The school I am at at the moment has used the Gonski funding they have so far to provide extra release for executive grade supervisors, which on the face of it is a good thing to do; it frees them up to have time to work with their team and up-skill the teachers on their team.

In terms of how much of that benefit will flow through to the students who need extra instruction, not much. Whatever the grade supervisor knows about differentiation, she has more time to pass on to her team. But in terms of actually getting that child in front of someone who knows how to teach them and knows what they need and knows how to deliver what they need, that is not happening at my school at least. And there is nothing to stop that happening in any other school.

Mr DAVID SHOEBRIDGE: Your submission goes into detail about learning support teachers and instead of doing the learning support role, are actually just covering classrooms while teachers go off and do that additional training. You are quite critical of that. You say that you as a permanent can stand up to it but a lot of learning support teachers are casual and they obviously could not.

Ms GENTLE: No.

Mr DAVID SHOEBRIDGE: Is it an industrial as well as a cultural thing?

Ms GENTLE: The Teachers Federation has actually given me a lot of support in standing up to that. They have basically said you can because that is in your role description now that you are not to. But when I went to the Teachers Federation before the role description changed with Every Student, Every School they said there is not much we can do because every teacher has that clause "other duties as directed". If a principal says, "No, we don't want you doing that this afternoon, we want you doing this" that was a lawful directive and you had to follow it. I think that is why in Every Student, Every School they built that clause into the role description, "not to be used", and still they have tried to do it.

Mr DAVID SHOEBRIDGE: If a casual learning support teacher is told by the principal, "I want you to cover this class", it would be a courageous decision for them to point out their role description and say, "I am sorry, I don't have to".

Ms GENTLE: They might as well say, "I'll be looking for another job next term".

Mr DAVID SHOEBRIDGE: Is that a reality in schools?

Ms GENTLE: I do not know of any other teacher who puts their head on the chopping block like I do. Even if it is just social sanctions, most teachers do not want to wear that pain. You really have to be confident that what you are doing is important enough to guard the time you spend doing it. A whole lot of things need to be in place—a bit of bloody mindedness does not hurt.

Reverend the Hon. FRED NILE: Have you been the subject of victimisation because of the stand you took on these issues?

Ms GENTLE: Yes, often in subtle ways, and sometimes not so subtle ways, but yes it is just what happens when you put yourself outside of the school culture. If you say in any workplace culture "That's all right for the rest of you but I'm doing something different" there are social sanctions.

The Hon. DANIEL MOOKHEY: In relation to the choice to invest the additional Gonski resources I think you saw a grade differentiation.

Ms GENTLE: Extra release for executives. The principal has long had a concern that high school teachers get a day a week release in executive positions. I think they are called head teachers in the secondary setting. Assistant principals in the primary setting are on the same pay scale but in the secondary setting they get a lot more release than in the primary setting. So she was going to use the Gonski money to correct that as she had always thought it was unfair.

The Hon. DANIEL MOOKHEY: When you say "the Gonski money" are you talking specifically about the disability loading?

Ms GENTLE: I did point that out.

The Hon. DANIEL MOOKHEY: This then triggers this wonderful line of inquiry that we have been having throughout our six days of hearings which is: Did you or anyone else have an opportunity to have a say as to how that additional money was being invested?

Ms GENTLE: I certainly did not. My school is very line management, pyramid—

The Hon. DANIEL MOOKHEY: Was that decision reported to the parents of the child with a disability or, for that matter, any parent?

Ms GENTLE: I very much doubt it.

Mr DAVID SHOEBRIDGE: Is this the resource allocation model [RAM] funding?

Ms GENTLE: I asked how the Gonski money was being used and I was told it was being used—I think we were told at a staff meeting that the Gonski money was being used to release the executives so that they could work more closely with their teachers.

Mr DAVID SHOEBRIDGE: Has the Gonski money come into the school through the RAM? Do you know how that Gonski money has found its way to the school?

Ms GENTLE: This is an area of school administration that teachers do not have a lot to do with.

The Hon. DANIEL MOOKHEY: Mr David Shoebridge will correct me if I am not right. The RAM methodology is the baseline and then the disability loading is layered on top of that. It could be either/or?

Mr DAVID SHOEBRIDGE: I think RAM includes assessing the school population and they get additional funding based upon the nature of the school population.

Mr DEACON: So far as I am aware the disability loading does not exist at this stage.

Reverend the Hon. FRED NILE: Is it the best use of that money to go to the executive staff?

Ms GENTLE: It can be justified. There is research evidence that the most decisive factor in a child's education is the quality of the teacher. If you have a school with a lot of inexperienced teachers, and you have more experienced executives supervising them, and they have a day off a week to actually go into the classrooms and observe their teachers working and guide them then in theory that will help the whole project of education. But how much it actually results in measurable progress for the students with disability, I would be very doubtful—

The Hon. DANIEL MOOKHEY: I am not suggesting that the decision itself is illegitimate. The purpose of my question is more to understand the transparency of the expenditure. You may want to take this question on notice as it is very specific. The Committee has been told by the department that the way in which it reports the use of disability loading funding is through its mechanism of an annual report.

Mr DAVID SHOEBRIDGE: And through ad hoc feedback with regional directors.

The Hon. DANIEL MOOKHEY: In your experience did that decision get reported in the annual report or, to the extent to which you are aware, the ad hoc feedback anecdotal point made by my colleague, was it flagged there?

Ms GENTLE: The annual report is not on my bedside table but I will get it there, and I will take the question on notice and look it up and see if it was mentioned.

Mr DEACON: I think the process of spending the money, in some schools everyone in the school would be involved in that decision and in other schools the principal might be the only person making that decision. It is depending on each school. Obviously I think it is more ideal when the whole school is involved in making that decision.

The Hon. DANIEL MOOKHEY: Are you aware of any reason why the parent of a disabled child should not know how the school is using the additional loading that has accrued to them because of their child's enrolment?

Mr DEACON: They should be told.

Mr DAVID SHOEBRIDGE: The answer the Committee is repeatedly told by principals and departmental officials is that no longer is the money allocated to a child, and attached to a child, the money goes to the school and the principal can allocate it to the most pressing need.

Mr DEACON: I think that is the process, yes.

Mr DAVID SHOEBRIDGE: Ms Gentle, that is the situation that allows for money that is notionally there because children have special needs to be used to give teacher replacement time so that training can happen. Is that what is happening in your school?

Ms GENTLE: The situation of using support staff to cover classes so that class teachers could go to training was pre Every Student, Every School. That was a justification that was given to me and the sanction applied to me was to try to make me feel guilty that I was standing in the way of professional development. They will use the term "learning support" very broadly. You know, you are supporting the whole project of learning at our school by helping us to upskill our teachers. We are all in this together, team work, and it is all framed in that way. That was at a different school and at an earlier time but it is just an example of how learning support was being used under Local Schools, Local Decisions—is that another thing that has come up?

Mr DAVID SHOEBRIDGE: Yes.

Ms GENTLE: So there is a lot of discretion for principals to spend the money as they see fit and to implement their own priorities.

Mr DAVID SHOEBRIDGE: The Committee has been looking at the transparency of those discretionary decisions. Is there any transparency at either of your schools on those discretionary decisions?

Mr DEACON: My principal is very open about how he is spending the money. I think it is quite collaborative and very positive, but I could not say that for all schools anecdotally.

The Hon. DANIEL MOOKHEY: Are you aware of any departmental guidance of policy that is meant to explain at least the minimum standards of transparency that principals should follow?

Mr DEACON: I am not personally aware of that.

Ms GENTLE: The decision to use the Gonski money that has flowed through so far in that way, we were informed about at a staff meeting. The staff was aware that that was happening, and I challenged the principal about it, one to one. I asked, "Don't we get more of that money because we have a lot of students with additional learning needs?" She said, "Yes, we do." I think she left it at that. The implication was that everyone would benefit by the executive having more time to work closely with class teachers, because the work of class teachers is the main work of schools.

My position is very marginal to the whole enterprise. Really, everything is geared to the classroom program, which is where most of the students get most of their learning—the vast amount of their learning. It is understandable that the whole mindset is that we have to improve the quality of the classroom teaching. That is important, but for those students with disability what they get on top of that is what is vital because a lot of them might as well not be in the classroom for all they are gaining from it.

Mr DAVID SHOEBRIDGE: If every decision is made on the greatest good for the greatest number we may find this small grouping of students with special needs regularly missing out on that decision-making.

Ms GENTLE: Exactly.

Mr DAVID SHOEBRIDGE: Is it your observation that it does happen, at least in some schools?

Ms GENTLE: They are falling through the cracks. All the data we have about how they are achieving is worrying. According to the Programme for International Student Assessment [PISA] results and the NAPLAN results—even though there is not much detail in them—there are way too many children not achieving, especially in literacy, which is my particular area of interest. It is a key area in terms of being able to access the curriculum later on. For students who go into high school with poor literacy there is not much they can succeed in. Science needs literacy.

Mr DAVID SHOEBRIDGE: In your opening you were pointing out how NAPLAN works better to differentiate children who are achieving as opposed to those who are not achieving, because the guess factor muddies up the data at the lower end of the scale. Do you have any studies that show that? Can you elaborate on that?

Ms GENTLE: I think it is simple maths.

Mr DAVID SHOEBRIDGE: You are talking to a parliamentary Committee so you had better explain the simple maths quite clearly.

Ms GENTLE: If the proverbial trained chimp was going to select, from A to D, a response to 46 questions—or however many there are in the test—you would expect them to get around 25 per cent. That is the National Minimum Standard. So that trained chimp would have achieved National Minimum Standards on literacy in NAPLAN. If the chimp was unlucky and hit more wrong letters than you would expect from a 25 per cent probability of getting the right answer, the chimp would be below national minimum standard. If they were lucky and hit more than you would expect, they might be considered to be above National Minimum Standard.

As you said, the guess factor makes those lower numbers meaningless. Band 1 is unlucky guesses. Band 2 is reasonable guesses. Band 3 is lucky guesses. But there is a cross-over. Some kids will get the same result as someone who is just guessing by being able to read but having limited intellectual capacity and therefore falling into all the traps. We all know that in multiple choice questions there are two answers out of the four that are definitely wrong and two that could be right. One is a trick and one is the right answer. Those children with limited intellectual capacity are more likely to fall for the trick. So there is a cross-over. There are students who can read the passage up to a point but will fall into that trap and get the wrong answer.

Mr DAVID SHOEBRIDGE: I have not heard this analysis of NAPLAN particularly focusing on those children who are in bands 1, 2 and 3. Do you know if there are any peer reviewed studies or research that looks at how useful or not useful NAPLAN is for that lower cohort? I might also ask Mr Deacon how useful he finds NAPLAN results. Maybe it is not his key work, but how do they work at Lawrence Hargrave School?

Ms GENTLE: I have read an article saying that schools are not sufficiently accountable for students with disability because NAPLAN does not provide them with adequate data. I will take that on notice. I will find that article and get it to you.

Mr DAVID SHOEBRIDGE: I would appreciate that.

Mr DEACON: We do not use NAPLAN a lot.

Mr DAVID SHOEBRIDGE: It is not useful?

Mr DEACON: Our students do engage in the NAPLAN test but it is not a significant issue that is driving our curriculum in our school.

Mr DAVID SHOEBRIDGE: Is that because the school recognises that it is not a particularly useful diagnostic tool for your cohort of students?

Mr DEACON: Our kids struggle in the NAPLAN test. We get constant feedback on our kids' academic abilities and we make adjustments and put in place individualised programs based on what we know. We can look at the NAPLAN if we want but we probably know more than the NAPLAN is going to tell us.

The CHAIR: One last question.

The Hon. DANIEL MOOKHEY: If you have encountered this please let us know. We have been told by the department that they provide training to principals and some senior staff in schools about their legal requirements, particularly to enrol children to comply with all the requirements under the Act. Have you encountered such training or practices in your school?

Mr DEACON: Over the years I have been involved, on a number of occasions, in questioning the enrolment process. There is a process that is meant to be followed under Legal Issues Bulletin No. 40 of the Department of Education. It is not always followed. I think it is followed better in my school than in most but it definitely needs to be followed because we are getting children coming in with a history of violence. There has to be processes followed before that child can be enrolled in the school. It did not always happen. It did not happen at all for a long time but in recent years it has been a lot better.

It can make a big difference. My school is potentially a very violent place. I have experienced a lot of violence in my time at the school. You cannot eliminate violence from that school because of the nature of the

students that are coming into the school. After six months they settle down but you have to ride out that storm for six months. Some kids will never settle down. We live in hypervigilance every moment we are at that school. Something can go wrong and it can be quite violent. I have experienced that.

As I was pointing out to you before, in the other schools of my type that I am aware of, the violence is continuing. It is day to day. You could access their reporting of serious incidents through the department. You would be shocked by what is going on in those schools. A lot of it comes back to the enrolment process.

Mr DAVID SHOEBRIDGE: Ms Gentle, do you have anything to add?

Ms GENTLE: I think schools are well aware of the expectations and the legal requirements on them for admitting students, but I think there is a poor understanding of exactly what needs to be provided to students with disability. I have had conversations about certain terminology. In the Disability Standards for Education it uses a term—the exact term is slipping my mind at the moment; it is a while since I have looked at the document—like "specialised support service". I have said, "I am a specialised support service." They need access to me because often schools will want to get teachers' aides—now called "school learning support officers" [SLSOs]—to work with the students who have the highest need, when there is a specialist teacher there who is probably the only person in the school qualified to teach those students. The students are given to the least qualified staff in the school—the SLSOs. I am told "No, I think 'specialised support service' means agencies outside the school."

There are things that need clarification. There is a very tricky term in Disability Standards for Education: "on the same basis". Children with disability need to be taught on the same basis as students without disability. That is a very difficult concept. When university lecturers are asked they say, "That means..." and then they waffle. It is hard to get anyone to pin down what that means. I used it recently because we have Early Action for Success. I do not know whether you have had people talk to you about that program. The State Government is spending a lot of education money on Early Action for Success and hiring more executives in the schools to supervise teachers and not actually teach students. They put a big store on intervention being just reading with kids. I have asked, "What about kids who do not know their letters?"

"Can't you just fit that into 90 seconds at the start of the lesson?" No, if students have not learned letters, they are having trouble learning letters and they need a sequenced, structured program to learn their letters. They were not keen on that, because the pedagogical place that program is coming from is very whole-language oriented, and phonics is not a big part of how they see literacy education.

The point I made was that we do not expect other kids to read without knowing their letters, so that is what it takes for kids to know their letters. They are just saying, jump straight into the reading and hope they will learn it going backwards from being able to read a book by recognising words to learning letters. It does not happen, and I see it over and over again. I have been assessing Year 3 and 4 kids and I ask what sound the letter Y makes. They make the sound of a W, because they know what sound the letter D makes and so they think a Y makes the sound of a W. They have been trying to work it out without systematic instruction. I used the term then and the Instructional Leader I was talking to looked at me as if to say, "I'm not sure that that is what it means."

I think there is still a place for a deeper knowledge among executives and teachers about the key elements of Disability Standards for Education to make sure that what we are providing to kids with learning disabilities is in line with our legal requirements, at least, if not more.

The CHAIR: Thank you very much for attending today's hearing, you have been very informative. The Committee secretariat will contact you in relation to questions you have taken on notice or any supplementary questions the Committee may have. The Committee has resolved that answers to these questions be returned within 21 days.

(The witnesses withdrew)

(Luncheon adjournment)

CHERYL MCBRIDE, Principal, Smithfield Public School, affirmed and examined

BITA CHRISTOS, Deputy Principal Support, Smithfield Public School, affirmed and examined

MARGRET WILKINS, Acting Head Teacher, Personalised Learning, Rooty Hill High School, affirmed and examined

CATHERINE LUCAS, Teacher, Rooty Hill High School, sworn and examined

MEGAN EVANS, Teacher, Karonga School, sworn and examined

SABRINA WILEY, Teacher, Karonga School, sworn and examined

The CHAIR: I welcome our next witnesses, a panel of school representatives. Would any of you like to make an opening statement?

Ms McBRIDE: I would love to. Obviously, I will be speaking to our submission so I will provide some context and please stop me at any time if you would like to ask questions. Ms Wiley will talk specifically about some of the issues around the support unit in our school. Smithfield Public School is set in the Fairfield area of south-west Sydney. We have 630 children enrolled from preschool through to year 6. This includes a wide range of educational opportunities for all children, so we have a preschool, we have an early intervention service for children with disabilities, we have a kindergarten to year 6 school, we have an opportunity class for the gifted and talented and we have five additional classes for children with a multiplicity of disabilities, primarily in the area of autism and intellectual disability.

Students come from a range of backgrounds including 85 per cent of the children who have a non-English speaking background. We have had a recent group of 66 children who have refugee status welcomed by the community come to our school. The refugees are largely Arabic speakers from Iraq and Syria, and over 30 language groups are represented in the school. Ms Wiley will talk about the support unit itself.

Ms CHRISTOS: In 2016 the support unit expanded, with the addition of three classes. In total Smithfield Public School has seven support classes supporting around 73 students with varying disabilities. This includes a double early intervention unit, which caters for students between the ages of three and six with multiple and varying intellectual disabilities ranging from mild to severe and varying impairments like autism, Down syndrome, multiple sclerosis. The early intervention unit has around 37 preschool-age students, with a maximum of eight students in each class. There are three autism classes for students with autism with a moderate intellectual disability. We also have two straight autism classes for children in the average range or with a mild intellectual disability.

Ms McBRIDE: Some of the challenges that face us on a daily basis—and not just our school but many others—is the fact that there are, particularly in south-western Sydney, inadequate placements for children in a special school. Frequently children who have quite severe or high-end needs are unable to attend a special school because there are no places available to those children. This has a knock-on effect, because obviously the children have to be placed and often they are placed in a support unit within a mainstream school. We are one of the schools because we have a large unit. As a result, we cannot guarantee the safety of those children, nor can we guarantee that we can provide them the curriculum access that they need, because we do not have the same level of resourcing, support or even safe infrastructure for those children.

You can imagine a child placed in a mainstream school has to go into a mainstream playground, where there may be 600 of the children running around and playing soccer, throwing frisbees et cetera. Sometimes we have children, including right now, who need a far more supportive environment where they will not get a knock on the head or their mobility may not be interrupted et cetera. And that is just from a physicality perspective. There is also the perspective of providing the appropriate curriculum and support for that child. Once they come into a support unit we have a really restricted formula under which they are judged or diagnosed and often we have 10 children in a class who may have a range of 20 to 30 disabilities but the resources and supports are really quite inadequate to support that child.

The CHAIR: If I may interject for a moment, and I do apologise for doing so, you are saying you have not got enough resources there but you have had a lot of refugees come in. That is because of the refugee intake into your schools and that is what causing the issue?

Ms McBRIDE: No. It has exacerbated the issue, but in the last 12 to 28 months I think four of the children that have come into the unit have had refugee status, but as a longstanding principal who has had a support unit—I was a support teacher myself as a younger person—this issue has been ongoing and has not really changed a great deal.

The knock-on effect, as I said, has its results, and then if there are inadequate numbers of places in a support unit, those children will go into the mainstream and a worst-case scenario is enacted because then the child will be one of 30 potentially with only a teacher's aide or a school learning support officer to support that child—not a teacher necessarily with an additional qualification. In more recent years, as is obvious, medicine has improved and the number of children that are going into specialist schools is greater, the number of children with disabilities is greater. So that knock-on effect is particularly felt at the classroom level.

Often, parents, I think, are encouraged or almost given no other opportunity to take a placement for their child other than one that they are offered, which may, in fact, be quite inadequate, and I know I can speak on behalf of some of my colleague principals who are enrolling children. Sometimes we are looking at a child knowing full well that we cannot guarantee for that parent access to a curriculum that is appropriate for their child; nevertheless, a really safe therapeutic and supportive environment.

The CHAIR: Do any of your colleagues want an opportunity to speak?

Ms LUCAS: I am from Rooty Hill High School. We have prepared an opening statement and, if you do not mind, I will read from that. Rooty Hill High School is a comprehensive, fully mainstream high school catering for 1,150 students, a fair proportion of whom face some sort of disability when attempting to access education. In fact, 41 per cent of our students have adjustments made because they experience some sort of disability. In order to give the students of our community fair and equitable access to quality education, we have adopted a whole-school personalised learning approach. This means that all students have a personalised learning plan which includes their strengths, goals and achievements. All students in the school have access to this process. These plans are co-constructed by the student and a member of staff and are reviewed twice a year.

Over a recent cycle, over two weeks, 75 per cent of the student body was interviewed. This cost the school 91 teaching days and 34 School Learning Support Officer [SLSO] days. The personalised learning plans are universal and benefit all students in the school. We have seen an improvement in school attendance retention rates and, ultimately, HSC results. For those students with additional needs—not just those who are narrowly defined as having a physical or intellectual disability—all of those who are considered at risk, including those with physical and mental health issues, as well as those in out-of-home care, those with learning disabilities, those who are socially isolated and those experiencing trauma including violence or serious parental illness, more targeted and intensive support is available, whether that be a health plan for students with health struggles, a risk management plan for those students with behavioural difficulties or an individual learning plan for students with more intense learning needs.

Every student also has access to additional support with their learning, whether that is before or after school in the school library, which is staffed by a qualified teacher, or by referring themselves to the support staff in both the learning centre and senior study, where qualified teachers work with small groups of students who may be struggling with the demands of class work. Offering this amount of support to students at Rooty Hill High School has been made possible, in part, through the Government's Every Student, Every School policy, which allowed for us to increase our staffing allowance in the personalised learning faculty. We currently employ 6.0 FTE teaching staff and 3.0 FTE SLSO staff. The role of the Year Adviser has also been expanded in response to increasing emotional and mental health needs, enabling them to focus on student welfare.

Our current equity funding is allocated at \$380,000, which is the equivalent of four teaching staff—below what we would consider necessary. Therefore, the school executive has demonstrated their commitment to accommodating the learning needs of students with complex needs by prioritising funding of the personalised learning faculty. At present, the school itself funds the two additional teachers and three SLSOs and, without additional funding, this is not sustainable. We recognise that mainstream schooling is not the solution for every student. However, we have found that our personalised learning approach has led to many students with disabilities achieving success within the mainstream framework. For this approach to work, it has required funding. We have a well-staffed personalised learning department and the entire staff has engaged in professional development to increase their own expertise in working with students who have disabilities.

We anticipate that the need for this professional development will only increase. We are noticing that the amount of students with disabilities, including those with mental health issues, as well as those with asthma

and allergies and those living in out-of-home care, who enrol in our school is increasing. To increase the capacity of the school to successfully integrate these students into mainstream education, adequate funding is essential.

Ms EVANS: We have a two-pronged approach, so Ms Wiley will go first.

Ms WILEY: Honourable members, my name is Sabrina Wiley. I feel really blessed to be an educator of students with disability and I feel particularly honoured to be part of the process of the inquiry. I have 27 years of classroom practice teaching students with special education needs—10 of those in India and 17 in Australia. Karonga School, where I teach, has 74 students. All of our students have intellectual disability: 39 are in the moderate range and 35 are in the severe. Many of our students also have significant health care needs and additional disabilities that often present with challenging and violent behaviour. While this submission has been a collaborative effort, Mark Gosbell, our principal—who would have loved to have been here—was the primary author of this document. Our vision statement is our mantra. It reads:

At Karonga School we believe all children can learn.

Our school provides quality, individualised education in a positive and supportive environment through the implementation of meaningful learning experiences which encourage resilience and independence.

Independence is a big focus in our school.

We are committed to developing partnerships with families and community that support students to become life-long learners and valued members of society.

While I see this vision statement as our aspiration and a reflection of the core values that we believe in as a school, I find the reality quite daunting. I find that the systems that are meant to support us do not take into account the uniqueness of our school or the unique and complex nature of our students and their families.

Just a few examples for you to consider our teacher struggles: The first teacher I will talk about is a young, enthusiastic, hardworking beginning teacher. She has six students with significant sensory needs and challenging behaviours. She is desperate to provide individualised attention for one of her kids. She says if he had that support, he would be able to work towards independence in completing worksheets. You have to understand that completing written work in our setting is no small feat. But with one SLSO and five other students, it is like managing six corks in water with two fingers, and the two fingers are the teacher and the SLSO. It is a hard task. The second teacher, as an example, has one primary student and five secondary students in the one class but cannot access equitable QTSS funding or equitable RFF time. Special educators were entitled to two hours per week of RFF time in 1984, and we are still entitled to the same 33 years on, despite the demands on our time having increased exponentially.

The third teacher, as an example, is an experienced teacher, and she is fantastic in her knowledge of PECS, which is the picture exchange communication system. We use a lot of symbolic representation to teach our students. She is excellent at this but we do not have the resources to release her to share her expertise or mentor our beginning teachers because we are not able to qualify under QTSS for that funding because it only goes to primary students. Our fourth teacher is an experienced teacher in a high-support class, really balancing on any given day. It is a high-support class and she is balancing epileptic seizures and calls to ambulances, administering CPR as well as personal hygiene management over seven students with one SLSO—no mean feat either.

These struggles that we face as teachers have not been raised for the first time; they did come up in the inquiry of 2010 as well. Sure, we have progressed from segregated models to models of inclusion, but we still continue to face, as SSPs, inequitable funding models, as outlined in our submission. We still do. We find that our feet are shackled, but we are expected to run the same race.

Ms McBRIDE: Let me add some support to what my colleague is saying: In special schools they obviously cater for primary age children as well as high school students, but they do not get the same staffing formula as a high school. That is not recognised, so there are not necessarily specialist staff to create opportunities that other children receive in those specialist areas. Secondary children miss out. The QTSS funding my colleague was referring to is a primary supplement to the leadership of the schools to ensure that those primary assistant principals and deputy principals can mentor and provide additional developmental opportunity for the teachers in the school. SSPs have to fall right between the cracks.

Mr DAVID SHOEBRIDGE: It is on both sides.

Ms McBRIDE: Yes, they miss out on both sides.

Ms WILEY: Thank you. Ms Evans will cover that as well. As she said, we have a two-pronged approach—I am just laying the foundation. Some reflections: perhaps as a country, perhaps as a culture, we need to examine our fundamental paradigms around education for children with a disability. Maybe it is time, because it begs the question: Do we really believe that our most vulnerable and marginalised student population, the disabled child, deserves the right to quality education? Do we really believe that? Because if we believed that then our decisions around our staffing models, our funding formulae and our policies would reflect that. If we really believed that, our schools would be funded as special schools. They would be funded on a needs basis, not just as primary schools because that is easier. If we believed that, we would recognise and cater for individual differences more effectively and more creatively—and we can be creative. If we believed that our children are deserving of that sort of individualised attention, our teachers would be treated as what we are: We are the department's most valuable resource. If we believed that, we would agree that fair does not mean giving every child the same thing. It means giving every child what they need. Honourable members, it has been a privilege to be here today. Thank you for listening.

The CHAIR: Thank you so much.

Ms EVANS: I am a classroom teacher of 30 years experience in special education. I am currently teaching at Karonga special school in Epping. After 30 years of teaching in classrooms of special students, I know two things for sure: a SSP is not a primary school, despite the fact we are funded as one, and the greatest resource we have is our teachers, quality teachers. There is lots of research being done today to demonstrate that the greatest indicator of student outcome success is quality teaching. When I was thinking about what I wanted you to hear in my opening statement today, I thought about the inequity of funding provided for secondary students and teachers in SSPs. Secondary students in SSPs access the same stage curriculum as their non-disabled peers. They access stages 4, 5 and 6 Life Skills program—that is a secondary program. That is a Department of Education and Training secondary school curriculum. The students also study for and receive a Higher School Certificate.

SSPs do not have a careers teacher position. SSP teachers of secondary school students do not receive the same time allotted to secondary school teachers in terms of RFF or the extra time secondary school teachers receive to plan for the following year when their year 12 students leave the school at the end of term 3. At my school, in addition to my classroom responsibilities—such as writing individual learning programs for each student, writing individual behaviour plans for each student, formulating health care plans and supervising the SLSO attached to my class—I formulate personalised transition plans and experience for all our students in years 10, 11 and 12.

There is no funding allocated for this preparation. I could do so much more for my students if I had equitable preparation time. I want to demonstrate to you, paint a picture, of the inequitable access of resources in a nutshell at our school. In schools for specific purposes [SSPs] every teacher does four supervision duties every day. We meet students from transport before and after school, that takes 20 minutes. We do lunch break supervision at 25 minutes and afternoon break supervision for 20 minutes. That adds up to one hour and 15 minutes every day of quality teachers getting students in and out of transport, watching them eating their lunch and supervising them in the playground. That is 6¼ hours a week that quality teachers could be spending in a much more productive way. In a mainstream primary or high school my colleagues might have to do two or three duties a week, they might have to spend one hour on that supervision.

I want to end with a good news story. It illustrates how equitable resourcing can make a huge impact on student learning outcomes. As we are pushed for time I will do a quick synopsis. This year our school negotiated with the local TAFE. We wanted our students to access a TAFE taster program, the same as their nondisabled peers would be able to do. It was not possible for our students to access a TAFE on site because of the high support and behaviour needs. We negotiated with the TAFE and they provided us with two TAFE teachers for a full day every week for a full semester.

All of the students at our school in years 10, 11 and 12 were included, regardless of their support needs, which enabled equity in accessing the program similar to their mainstream peers. The program was a horticulture taster test. The project was regenerating a disused courtyard in our school. It was an outstanding success on so many levels. I have a USB stick documenting the project in pictures. It essentially worked out that we had five staff for every six students and they were able to use the tools required to implement that horticulture program and so much more that I cannot talk about. It was a fabulous program. Thank you for listening to my opening statement.

Mr DAVID SHOEBRIDGE: Would you mind tendering the USB?

Ms EVANS: I would love to do that.

Mr DAVID SHOEBRIDGE: We have heard repeatedly from other witnesses about the inequitable funding particularly for the high school component of special needs schools, but we have not heard the double whammy. Not only do you not get the additional resources for release and for head teachers and physical education [PE] teachers but you also do not get the quality teaching successful students [QTSS] funding for the proportion of your students that are in high school. What is the dollar figure we are talking about here that you are missing out on?

Ms WILEY: We could not tell you.

Ms McBRIDE: In terms of the QTSS funding it equates to one day per week per leader in the school. It is quite significant. It has made a dramatic difference to primary schools and their ability to mentor quality teaching within their schools, which our SSP colleagues would like to have as well. The quality of teaching, particularly for those of us in the south-west and those more challenging areas for staff. Our staff is so young. We have 18 teachers in their beginning years that have to be looked after. I know the SSPs and my Rooty Hill colleagues carry a huge proportion in their schools.

Mr DAVID SHOEBRIDGE: Ms McBride, you find it an essential additional resource in your school? You get it based upon your entire student population?

Ms McBRIDE: Yes.

Mr DAVID SHOEBRIDGE: That is beneficial?

Ms McBRIDE: Absolutely.

Ms WILEY: Our preschool to year 6 population is 56 per cent, so we would only have access to 56 per cent of whatever. I would not know.

Ms EVANS: We will take that question on notice.

Mr DAVID SHOEBRIDGE: You are asking us to make a recommendation that does one or another. You either get QTSS for the whole population or you get the additional resources for your high school population. Which would you prefer? You would probably like both, but if you had to choose in a binary world which would you prefer? Or do you want to take that on notice as well?

Ms EVANS: I think you would have to look at a special school as an entirely different entity from a primary or secondary school. The whole funding model has to be looked at.

Mr DAVID SHOEBRIDGE: Definitely you would not stick with this, where you get less than either?

Ms WILEY: No, never.

Ms EVANS: No.

Ms WILEY: Our understanding is that we get a percentage based on the notional primary staffing model. That notional primary staffing model, from our understanding, gets applied to all the funding. So we miss out across the board. QTSS is only one aspect. As Ms Evans said, it is not just QTSS, we need to revisit the entire model in terms of equity.

Mr DAVID SHOEBRIDGE: Rather than trying to shove those two funding models into an SSP's unique circumstances there should be a separate funding model focused on schools for specific purposes?

Ms WILEY: Yes.

Ms EVANS: Yes.

The Hon. JOHN GRAHAM: We may need to do better than a general recommendation, given that it was recommended in 2010 and not acted on.

Ms McBRIDE: If the model was implemented across the number of primary students in school and they attracted the QTSS funding and the secondary supplement for the number of secondary students in the school and that attracted the secondary staffing model, that would work out more equitably than nothing.

Ms WILEY: For the QTSS perhaps.

The Hon. JOHN GRAHAM: There are two aspects: that is the release time but those aspects like careers, which are not possible to deliver under that primary funding formula.

Mr DAVID SHOEBRIDGE: Food technology, PE, careers.

The Hon. JOHN GRAHAM: I was precise in my question. Could you outline for us those areas of education which are not possible, such as the ones that Mr David Shoebridge touched on.

Ms WILEY: I am not sure what you mean by "not possible". We are teaching those, is that what you mean?

The Hon. JOHN GRAHAM: In areas like careers, food technology and PE, which is more difficult to deliver under the primary funding formula that would be delivered to students in a high school?

Ms WILKINS: What do your high school age kids miss out on that you cannot provide?

Ms WILEY: We attempt to deliver the entire curriculum from K to 12. We do deliver Aboriginal studies and food technology.

Ms EVANS: We do not have specialist teachers.

Ms WILEY: We do not have specialist teachers for it.

Ms EVANS: We miss out on library allowance, English language and dialect [EALD] funding. We could take that question on notice and have people more knowledgeable than us answer that.

Mr DAVID SHOEBRIDGE: In a high school environment you get specifically resourced for specialist teachers to deal with those high school specific parts of the curriculum such as PE teaching, some of the food technology and information technology?

Ms WILKINS: Music and art.

Mr DAVID SHOEBRIDGE: Music, art, careers, and additional library resources. You do not get the additional funding?

Ms WILEY: We get a proportion on that basis, is my understanding.

Ms EVANS: As a primary school. The senior schools do not get equitable funding.

Ms McBRIDE: They also do not receive EALD or English as a second language [ESL] specialist funding. It is not just the SSPs. Our special children in a support unit also do not receive any ESL support. You asked the question about some of the refugee children coming in and we need it desperately. There is a conflict in terms of adequately supporting those children in that the big support units within a mainstream school can be as big as an SSP.

The Hon. JOHN GRAHAM: That is certainly the case in your instance.

Ms CHRISTOS: About 73 children.

Ms McBRIDE: That is 73 children in a support unit. This lady has seven classes, seven teachers and seven teachers' aides. She has no additional release from face-to-face, other than the basic two-hour classroom teacher's allowance. For her to survive and also to be able to develop the teachers in that unit—three of whom are also in their first couple of years of teaching—we have to take money from other children's learning programs.

The CHAIR: I refer to the refugee point you touched on earlier. What issues do you find with refugee children? Do they have special needs?

Ms CHRISTOS: We have had a few children who have come through. One of the issues has been that when they come into our system they need specific paperwork to form a diagnosis that provides a disability confirmation sheet to access our support classes. Our refugee families come in and do not have a diagnosis with them. Sometimes it is a lengthy process to access support, to see a paediatrician, and to get IQ assessments because they do not understand English.

The CHAIR: Do all the children have an evaluation?

The Hon. TAYLOR MARTIN: Are they placed in a mainstream class in the interim?

Ms CHRISTOS: They are in regular classes. I refer to the handout and the iPad. One of our students with Down syndrome, a moderate intellectual disability, no language and not toilet trained was in a class of 30 waiting to be placed in a support class.

Reverend the Hon. FRED NILE: What was his age?

Ms CHRISTOS: He was 10.

Mr DAVID SHOEBRIDGE: The Committee has heard repeated evidence from teachers about the frustration they feel because of the delay in getting the paperwork together. Often the parents are not in a position to do it, and teachers must spend a great deal of time organising it. Once the paperwork is together, there is a delay in having the assessment undertaken by the department. Can you take the Committee through both of those elements? Other witnesses may have had similar experiences.

Ms CHRISTOS: The access request process is laborious. Often some of the children will go to their local school. That is the process. The local school will have limited knowledge of the child doing the access process, which takes some time. Our counselling time has also been cut, which creates the problem of counsellors having time to do these assessments. They are required for children to access classes. At Smithfield we have lost two counsellor days despite the growth in our special needs classes and numbers. That has been a big hit to our school community. It has probably been widespread across other schools. Once we have gathered the paperwork, we often have to send the parents to get paediatric assessments. Wait lists in community health facilities can be up to 18 months long and some paediatric assessments cost hundreds of dollars. That is really difficult in our communities.

Ms McBRIDE: Many of our teachers are accompanying parents to paediatric appointments to assist them.

Ms CHRISTOS: They are driving parents to access services. They come to us and say, "I think my child has autism", and they want to get to Campbelltown but they do not know how. Cheryl McBride, my deputy principal, and I have made that trip many times to support families getting to the paediatrician just to submit this access request for a placement. That is another process. We could be waiting up to 10 weeks once the application is in to get an answer about whether there is a place available.

The Hon. DANIEL MOOKHEY: During that 10 weeks, what is the level and calibre of communication from the assessment panel? Is it providing updates? Are you told when the decision will be made?

Ms CHRISTOS: No. We get the dates when the access requests are due in; it might be by a certain week every term. By the end of that term or early into the next term, we wait for the letter to come through with the offer of placement.

The Hon. DANIEL MOOKHEY: And there is no interim communication?

Ms CHRISTOS: No, there is nothing in between.

The Hon. DANIEL MOOKHEY: The Committee has heard a lot of evidence about this being a particularly acute challenge in regional areas. That could be for legitimate reasons such as that it takes a long time to assemble panels. I grew up Merrylands, which is heavily populated, and there is no shortage of health professionals. If you are telling the Committee that you are having the same problem as people in remote and regional New South Wales, should we not conclude that this is a systematically broken process?

Ms WILKINS: It is certainly a systemically broken form. The software is pitiful. I do not know how many hours I have spent putting the information together, only to find the next time I try to open the file it is gone; it has not been saved.

The Hon. DANIEL MOOKHEY: That must be fun.

Ms WILKINS: Yes. I am assuming that, like me, everyone does their work in Word and copies and pastes it. It loses things all the time.

Mr DAVID SHOEBRIDGE: Is that an across-the-board experience?

Ms WILKINS: Yes.

Mr DAVID SHOEBRIDGE: I note that everyone is nodding.

Ms WILKINS: It is a terrible software system and it needs to be fixed. When we make access requests, these people are at the pointy end. We do a lot for all the kids. In a large high school like ours we have many more resources because of our size and because of our amazing leadership. If we cannot get a kid through in the mainstream, no high school can. I say that with pride. When we apply for these placements, they can take me personally eight to 10 hours to complete.

The Hon. DANIEL MOOKHEY: Per student?

Ms WILKINS: Yes. We do some in Word and transfer it. You could be working on it and press save, and all of a sudden it would disappear. Learning from experience, I do everything in Word and I do not lose as much. But it still takes that long. In a primary school or an SSP school, the teachers know the student, but it still takes hours. That does not matter; they still have to put the paperwork together. Our high school students could have up to 12 teachers. I have to collect information from 12 teachers—all of them are busy, so I have to chase them—collate it, make a statement, and liaise with year advisers. They cannot access their section until mine is finished. I have to finish my section and then they have to do their section, and it all has to be put together. It then goes to a counsellor, and then to the district guidance officer. Many people have input before we can finally sign it off.

The Hon. DANIEL MOOKHEY: What is the merit of having these additional layers?

Ms WILKINS: They are different people inputting different things. I collate information from the year advisers and work with them. They are often fairly young teachers.

Ms McBRIDE: It is a hugely bureaucratic, laborious process.

Ms WILKINS: Yes.

Ms McBRIDE: It is a blinking nuisance, to put it politely. Access to a paediatrician, specialists and therapists—

Mr DAVID SHOEBRIDGE: That is before you get to the form.

Ms WILKINS: Yes, exactly.

Ms McBRIDE: I am sure my colleagues will support me in saying that.

The Hon. DANIEL MOOKHEY: Why does the department not collectively establish a network of allied accredited health professionals to provide this service? NSW Health does that. Why are people being turned away to the private market? I do not have a problem with the private market doing this work, but it would not be hard for the department to organise a network to prepurchase. Are there any problems with that?

Ms McBRIDE: I cannot see a problem. Anything that would enhance the system would be good. It is across the board in terms of therapy services and paediatricians.

Mr DAVID SHOEBRIDGE: It sounds as though it doubles down on disadvantaged families who are already struggling, their kids are already a handful—

Ms CHRISTOS: And you add language to that.

Mr DAVID SHOEBRIDGE: There are also poverty issues. They are the ones who have to arrange the paediatrician's appointment, pay the fees, fill in the forms, and give them to you. It is setting up people to fail.

Ms WILKINS: Absolutely, and they are quite vulnerable people and they feel uncomfortable in that power paradigm as well.

The Hon. NATASHA MACLAREN-JONES: I am happy for you to take this on notice. Could you put forward recommendations how the system could be streamlined and where improvements can be made, apart from the IT one, which has been raised?

Ms McBRIDE: Obviously it would be great to have a bank of people who were readily available for families to access. That would be ideal. Having seen the community provision of a lot of therapy services, currently and in the past, when you establish those services you then have the problem of the consistent movement within that system as well. So the speech therapist that a child might see in January is not the same person they see in February, June, et cetera. You have to make sure you have guarantees around the quality of that provision and the consistency of the provision as well.

The Hon. JOHN GRAHAM: To the Hon. Daniel Mookhey's point, there is a specific time of year and a specific need for these services that might help. It is unpredictable for the families but maybe more predictable for the system.

Ms McBRIDE: It is not specific times of the year. Those panel processes are ongoing on a termly basis, so that moves through the year.

The Hon. DANIEL MOOKHEY: My point is that the system has deadlines. You can organise and anticipate when the system is going to be at its greatest.

Ms McBRIDE: On the termly deadline, yes.

The Hon. DANIEL MOOKHEY: Assuming you do all that—you are able to go through the allied health system, you are able to lodge your forms because it does not fail so you do not have to restart the application—and assuming the panel says yes, is that nirvana?

Ms McBRIDE: No.

The Hon. DANIEL MOOKHEY: Is that finished? Do you automatically get a spot?

Ms McBRIDE: I wish it was. The correct placements have to be available then.

The Hon. DANIEL MOOKHEY: Tell us about that. How often are these placements available and how often do you find yourself in a scenario when you have a student who has gone so far in the system that they have been ticked off by everybody but there is simply not a place for them?

Ms McBRIDE: That happens regularly.

Ms WILKINS: It is a regional panel.

Ms McBRIDE: We have just done reviews of our early intervention service, for example. I would say yesterday we did about 24. At least 10 require special school placements. We know that they are not available.

The Hon. JOHN GRAHAM: Can I ask about the evidence that the department has put in front of the Committee on that question. On 27 March there were 600 vacancies for specific purpose schools across New South Wales. Obviously those vacancies will be concentrated in some places and not others, but that seems hard to reconcile with what you and others have described to us about what is happening on the ground. Can you give us any insight as to why there might be that big gap?

Ms McBRIDE: I would question it, to be quite frank. I would like to see evidence of that. It reminds me of the previous inquiry when the department said it had no waiting lists either.

The Hon. DANIEL MOOKHEY: They said that to us as well.

Ms McBRIDE: Because they will not create a waiting list. Are there children waiting for an opportunity for special placement? You bet there are.

Mr DAVID SHOEBRIDGE: Let us do a quick anecdotal check. Ms Wiley and Ms Evans, how much spare capacity is at your school?

Ms EVANS: Probably two or three placements.

Ms CHRISTOS: We know that there are special schools that are quite further away from where our families are located, but I do not think it is reasonable to transport a child, like Lucas Gardens, for over an hour because there is a vacancy there. The department is aware of the need—

The CHAIR: In your particular school, obviously the refugee issue is causing there to be not enough placements, but in the other two schools you would not have the same issue, is that correct?

Ms WILKINS: You seem to be homing in on refugees.

Ms McBRIDE: Refugees are not affecting us. We have three students.

Ms WILKINS: They are just part of the population.

The CHAIR: I was only asking because of your demographics.

Ms McBRIDE: We are always full. Our seven classes are consistently full with children waiting, not on waiting lists.

Mr DAVID SHOEBRIDGE: These are your support classes?

Ms McBRIDE: Yes.

Ms WILKINS: Yes. We have a multicultural population at Rooty Hill. We are mixed SES levels. I do not have to explain socio-economic status, do I?

The CHAIR: I know all the areas.

Ms WILKINS: Thank you. We are also very multicultural and proud of it. We have refugees as well. Their issues are compounded. They are disabled the same as every other demographic.

Ms McBRIDE: Yes, no different.

Ms WILKINS: They have language problems and trauma that compound that. They have lack of familiarisation with the schooling process because of being in war-torn countries. A lot of what they have compounds other disabilities, but they are not a bottomless pit that is sucking everything from everyone else. They are just part of the general demographic.

The CHAIR: We are trying to gain an understanding of the demographics from different areas to give us a broad picture of what is happening.

Ms WILKINS: About the access request, I can say from our point of view that we are trying to get into other placements. For us, because of the acute and severe nature of people needing special school placements, they do not normally get to us in the mainstream high school. Because of the severity, that is dealt with in infant school and primary school. We get students with intellectual disabilities whose parents really want them to be normal and go through mainstream and be successful. We have many of those. We have 1,150 students in our school; we have 12 students diagnosed with a moderate disability, or IM. That does not mean that is all the IM students we have, but there are 12 diagnosed ones. We would have many more who we suspect are in that category but they have not been diagnosed because they do not get any extra funding or extra support, so why bother. You stigmatise the child.

Ms McBRIDE: Can I go back to the refugee issue. Proportionately, it does not make a significant difference. What makes a difference is that those children who have a disability and have refugee status often have been in countries where there has been no schooling for them whatsoever.

Ms WILKINS: That is what I meant.

Ms McBRIDE: Not only are we dealing with the language barrier and the disability, we are dealing with a lack of school understanding, knowledge, socialisation, et cetera.

The CHAIR: I understand, as I am sure other members do. I was asking the question to see whether those issues were having a greater impact in certain areas because of where the refugees were going. Have you allocated more resources to those particular areas? Ms Evans or Ms Wiley, in your submission you talked about school assisted transportation. There is approximately a two-week wait. Can you add more to that?

Ms EVANS: I would love to add something to that.

The CHAIR: Considering you come from Epping, I would not have thought that transportation would be an issue, whereas I understand there are issues in regional and country areas.

Ms EVANS: I am sure you have heard evidence prior to today that students with intellectual disabilities who attend a specific purpose school access the assisted transport program. That means a taxi or transport picks them up from home in the morning and takes them to school. The students that we have do not live only in our area. We have students who live at Doonside and areas wider than Epping. A good example is that a student in my class this year lived in Ermington. The family is from a low socio-economic background. Both parents do not drive. They moved to Doonside during the Christmas break. That student was denied four weeks of access to his education this year because it took the department four weeks to arrange transport.

The CHAIR: Four weeks?

Ms EVANS: Four weeks.

Ms McBRIDE: That is good. That is good.

The CHAIR: In the meantime that student is at home not learning.

Ms CHRISTOS: I have a student who has now waited eight weeks because there was a change in address and their mother is having to walk over one kilometre with smaller children to an old address to get transport. When I rang transport services, one of the problems they said they were facing was that they could not get an interpreter. I offered to use one of our Arabic-speaking people to interpret to get it over the line. So, eight weeks.

The Hon. DANIEL MOOKHEY: Who makes the decision about this program? Who are you applying to?

Ms McBRIDE: A directorate that looks after transport.

The Hon. DANIEL MOOKHEY: In the department?

Ms McBRIDE: Yes, in the department. Can I say, I have been involved with special education for 30 years and it has never got transport right—never. It has not improved.

The Hon. DANIEL MOOKHEY: We are not getting any better.

Ms McBRIDE: It has worsened.

Ms WILKINS: There is more demand for it.

Ms McBRIDE: There is the requirement for the parent to say why they cannot transport the child to school, which is a fair call because it is an expensive program; we understand that. Then there is a phone call to the parents to verify what they have said in the application, but then it seems to fall into this dearth of silence.

Mr DAVID SHOEBRIDGE: If a child has already got approval and an obvious need and it is just a change of address, how on earth does that take eight weeks?

Ms McBRIDE: We do not know.

Mr DAVID SHOEBRIDGE: The needs have not disappeared.

Ms EVANS: The physical taxi that that student will travel in changes to another run. The person at our school that coordinates all the transport has to find a way. They have to get approval from the department to start with to pay for it.

Mr DAVID SHOEBRIDGE: But it is not that they are revisiting the merits; it is purely a bureaucratic issue to reallocate the resources.

Ms EVANS: Definitely.

Mr DAVID SHOEBRIDGE: It seems criminal a child would lose four weeks or potentially eight weeks of school because of that.

Ms CHRISTOS: We have driven children to school because of waiting for transport, picking them up and dropping them off. We have had this experience with transport. Sometimes it has taken six weeks, so between us we have been driving and picking up children so they do not miss out on their education.

The Hon. JOHN GRAHAM: Which means you are not doing other things you could be doing around the school.

Ms CHRISTOS: It is taking from our mornings and afternoons—that is right.

Reverend the Hon. FRED NILE: I am very concerned about something you say in your submission in relation to the last inquiry in 2010. You stated in your submission that you do not believe the New South Wales Government increased funding for students with disabilities and special needs as a result of that inquiry and its recommendations. The problem is we will have to get specific recommendations from you about the funding formula so the Government cannot see a gap to go through so that nothing happens, and they say, "Yes, we will increase funding", in some vague way. You need to pin them down specifically as to what increases should be in the various categories, whether it is transport, staffing and so on so that the bureaucrats will actually—

Ms McBRIDE: I would be fairly confident that the special principals would have provided something like that.

Reverend the Hon. FRED NILE: —get a recommendation from us that is more detailed so they cannot sidestep it somehow—

Ms McBRIDE: I understand.

Reverend the Hon. FRED NILE: —which I think the bureaucrats do. They have and they will unless we can pin them down and we have a checklist to say, "We have recommended this. Has this been done?"

Ms McBRIDE: Yes. Thank you for that.

Reverend the Hon. FRED NILE: I ask that question on notice for you to work on that after you leave the inquiry.

Ms McBRIDE: We can certainly work on that with the special school principals I know who put that together on behalf of the special schools. Certainly on behalf of the mainstream schools there has been some work put together in terms of the requirements around learning support to support those children in mainstream

classes, many of whom obviously are more populated in some of the areas of Sydney that we have been talking about, including Rooty Hill.

Ms WILKINS: And some of our requests for help when we have tried everything that we can do at our school and we still cannot cater for that child, then we need to make that access request for a placement. Most of the placements we ask for are IM placements for intellectual disability or mental health placements for autism or other issues. We are finding at our end now a vast increase in mental health issues and self-destructive behaviour among our juniors and our seniors. You may have seen on the news recently that someone who was not from our school but who was someone people at our school knew committed suicide from the railway line right in front of our school. Those self-destructive behaviours are becoming ever increasing. The number of placements that are available for the students after we have made the request are limited. Over the last 15 years units have been closed down, more students have been put into mainstream and there are fewer placements available. We cope as best we can, trying to provide equitable access to education and the best we can do for students in mainstream. But if, after that, we need a placement, we are going before a regional panel to weigh up. So all of those children are not going to get placements, even though you have tried your best in mainstream. There are kids who are going to miss out. It is only the most severe of those who are going to win that sacred placement because there are not enough places available.

It is not equitable providing access for education if you are closing down those special units, which they have done, so there are fewer places available which means that it looks as though you have done the right thing—you have tried to weigh up, but then there are still kids who are falling back into the mainstream system who have already tried and failed and will still be failing. We also have in our demographic area, and there will be in every demographic area, kids who also have a disability by their challenging behaviour. Because of childhood trauma, because of things that have happened to them in their past, you cannot fix everybody. Some kids will have behaviour that affects not only their own learning but the learning of other children in that classroom. When we have tried everything, we need to get a placement for those children.

In our area in particular it is very helpful for us to have non DET colleges available. We would also seek that you fund those colleges and continue to fund those colleges. We liaise with Blacktown Youth College in particular. Several of our students have made placements in that. That does not need an access request because they are not DET colleges, but we have a network and a set-up with them where we liaise with them when we need to. We cannot have that go, because that is going to affect so many other children in the mainstream setting.

Ms McBRIDE: And I guess of course on behalf of colleagues in other areas that do not have access to those private colleges I would really recommend strongly that the number of placements available for children with an emotional disturbance or a behavioural disability are made more freely available and established to enable us to access them for those children who really need that extra, intensive and qualified program.

Ms WILKINS: One of the things we would do on question on notice would be to say we need more of those placements available for those pointy-end kids too, when we have tried everything else, for them to still have something.

Reverend the Hon. FRED NILE: Was the closure of those special needs schools premature?

Ms WILKINS: With the closure of the units in some schools, I think that was a money-saving exercise, yes.

Ms McBRIDE: And certainly a lot of the classes for mildly intellectually disabled children were closed. We have very little access in the secondary system to those classes and there are only a few in the primary as well because the learning support program grew to encourage the inclusion of those children in mainstream classes. So we have those kids with a mild intellectual disability. We have large numbers of kids who have mild autism who are also not necessarily diagnosed who can have tremendous frustrations around their behaviour. We closed down language classes some years ago as well. Those children who cannot express themselves or understand language effectively also become very frustrated and have behavioural issues. There is again a waiting list to get those kids into those specialist facilities.

The CHAIR: Thank you so much. Mr Shoebridge has a question. Is it a short one? If it is not, they can take it on notice.

Mr DAVID SHOEBRIDGE: It is. My question is about the work that you have done at Rooty Hill going across your entire school population and doing individual learning programs for all of your students. It is the first time I have heard about that happening at a high school in that way. Could you give us some more detail

briefly now or maybe on notice about how that responds to this request for differentiated learning so you know where all your kids are at?

Ms LUCAS: Yes. Every student has a personalised learning plan. There is still differentiated learning for those who have more complex needs. There are extra plans for Aboriginal and English as an additional language or dialect [EALD] students and students with learning disabilities that form part of personalised learning, but every student has an interview with a teacher—it may be their year advisor or a school learning support officer [SLSO].

Ms WILKINS: It is a 15- to 20-minute interview twice a year—and 831 students just finished the last two weeks. It took, as I said, 91 teacher days, 34 SLSO days. We rotate them through. We have students getting them from classes and ringing them up. It is to set goals. We get them to look at their behaviour and how it affects their marks as we look at their reports online and we look at their behaviour across the school online, and we try to get them to make that connection and to make their own goals for how they could improve that.

The Hon. JOHN GRAHAM: I think the Chair is about to wind up this session. I interrupt to say we have had some fantastic submissions to the Committee but I think the submissions in this session today have been particularly apt, so thanks for the work you have put in.

Ms WILKINS: Can I just mention counsellors in 30 seconds more?

Ms McBRIDE: Go for it.

Ms WILKINS: Yes. We have just this year got almost a counsellor there every day—

Ms McBRIDE: It is shameful.

Ms WILKINS: —but we have nearly 1,200 kids. Mental health issues are exponentially increasing in the whole population and that includes schoolkids who are—

Mr DAVID SHOEBRIDGE: Can you give us these details on notice rather than try to rush it now?

Ms WILKINS: Yes, we can, but I just wanted to put in there that we really need you to fund counsellors as well for kids in school.

Ms McBRIDE: It is a chronic need.

The Hon. DANIEL MOOKHEY: I am happy to have a generic question taken on notice for everybody, but please tell us all suggestions as to best practice that you have come across and adopted yourself that you think are worth studying.

Reverend the Hon. FRED NILE: The recommendations that you have given to us are good, but the point I made earlier is that they have to be more specific. They are motherhood types of statements.

Ms McBRIDE: You want that quantified in dollars?

Reverend the Hon. FRED NILE: Yes, dollars, hours and places.

The CHAIR: Thank you all so much for attending today's hearing. You really have enlightened us. I wish we had more time. I am sure we would all like to hear so much more. The secretariat will contact you in relation to questions you have taken on notice or any supplementary questions the Committee may have. The Committee has resolved that answers to these questions be returned within 21 days. Again, thank you so much for your evidence.

(The witnesses withdrew)

(Short adjournment)

JANE THORPE, Executive Director, Employee Performance and Conduct, Department of Education, on former oath

ROBYN BALE, Relieving Executive Director, Learning and Wellbeing, Department of Education, on former oath

MARK SCOTT, Secretary, Department of Education, sworn and examined

MURAT DIZDAR, Deputy Secretary, School Operations and Performance, Department of Education, affirmed and examined

MARK GRANT, Executive Director, Leadership and High Performance, Department of Education, sworn and examined

MELISSA CLEMENTS, Director, Disability, Learning and Support, Department of Education, on former oath

The CHAIR: Would someone like to begin with an opening statement?

Mr SCOTT: Yes, I would, thank you. This Committee has been meeting for several months and has heard evidence from teachers, parents with students in New South Wales schools and school principals. As your sitting comes to a close, I am pleased to be able to attend this afternoon. In doing so I am not seeking to engage on the substance of all the evidence you have heard. I freely admit I have not been in a position to read all of *Hansard* and I understand that you have had in camera sessions as well. What will be most important will be your findings from the evidence you have heard and your insights as you draw together your key findings. The department will provide a detailed response to your report in due course. We also will review closely the analysis by the NSW Ombudsman into behaviour intervention and support in schools just as we have delivered practical response to the advice of the Auditor-General on some of these matters.

In this highly complex area of education delivery, we are open to observations, ideas and insights. I am joined this afternoon by a number of the department's most senior executives. They all have detailed expertise in working with our schools, teachers and students with disability. They will be in a good position to answer some of your questions on policy and our approach to practice. I understand from my time at the department that we run a fine education system but not a perfect one. Today nearly 800,000 young people are learning in the New South Wales Government schools. Ours is one of the largest education systems in the world. More than 100,000 of those young people receive personalised learning and support because of disability. In this large system we have dedicated principals, highly skilled and professional staff and some outstanding facilities. However, it is a highly demanding and complex area of education.

Our commitment is to every child in our system; that every year there is learning and progress to see improvement and achievement, greater schools and heightened understanding. That is the commitment we make. In doing this work we seek the support of parents. We understand that for many children with disability parents already have made a remarkable personal commitment and sacrifice to create the most supportive environment possible for their children. Inevitably, as in any organisation of this size—and the department is one of the largest organisations in Australia—there will be moments of human failure and systemic failure, where individuals have failed to act responsibly and professionally, resulting in learning environments that have not been constructive and productive or, even worse, putting children in harm's way. At times the department will not have identified risk early enough or appropriately, or will have been too defensive in the face of criticism and not engaged enough with areas of concern. But I believe overwhelmingly the staff of the department are committed to ensuring that every child and young person in our care flourishes; that they are known, nurtured and cared for; that they are learning and improving and preparing to be great, productive, and valued citizens—every one of them.

As you will have heard, much has changed in the provision of support for students with disabilities and more is underway. Of course there has been a very significant injection of real funding increases for a range of support. From 2012-16 funding in all key programs increased in ranges from 12 to 60 per cent. There is more money available for principals who can use their best professional judgement in undertaking decision-making at a local level. There are enhanced support services for principals to draw on. We are part of a national scheme to improve the quality of data about adjustments being provided to students. Enhanced training and professional learning materials are on offer.

A number of key policies and processes are under review and are set to change. There are new complaints handling procedures and enhanced capabilities for complaints and feedback to be offered online. We are looking closely again at how we allocate funding directly to schools through the resource allocation model [RAM]. Part of our work again will be ensuring that principals fully understand the flexibility we are giving them now to use the schools RAM funding to respond to the needs of their students as well as their accountabilities to students whose learning is impacted by disability. We understand it is so important that principals have the right kind of resources and expertise that can be drawn on to support local teaching and learning when necessary. The review currently underway of educational support services will look to help us strengthen and prioritise the coordination and delivery of support most valued by schools.

New materials are being developed for schools on anti-bullying. We are working hard on a smooth transition to the National Disability Insurance Scheme [NDIS] including running some pilot programs. There also are a number of key policy reviews underway including a focus on policy supporting student attendance, discipline and child protection. Our work in these areas can be informed by your deliberations and the insights that will be presented in your final report. I understand that in this area of education more than any other there can be considerable debate and discussion. While every child is different, what is the best learning environment for the children we are educating? How best will they flourish? How do we engage parents in partnership? How do we work with other government agencies and providers of support? How do we use wisely the budget we are allocated to support individuals and to enable the best learning for all?

As you will have heard, different experts and observers will give you divergent views on countless matters like these. We value the debate, the discussion and the insights. These are matters of great complexity. Parents, teachers and students with disability deserve better than the ill-informed, simplistic and facile policy contribution made by one well-known political figure this week. The roar of response was so encouraging in defence of our children and our work to ensure inclusion and the best possible opportunity for every child and every young person in our schools. Thank you.

The Hon. JOHN GRAHAM: Chair, I might start with a reasonably straightforward area first up, if that is all right. Obviously a big part of what needs to happen in the system—and you have referred to this already—is a real change in culture. For that reason I welcome your appearance before the Committee and your leading from the top trying to change that culture. That is certainly very welcome. One of the key areas that has been identified is professional development training.

Mr SCOTT: Yes.

The Hon. JOHN GRAHAM: There is some take-up of that professional development training, but certainly not enough. One of the questions that has been referred to us is whether or not that training should be made mandatory, certainly at a leadership level within schools. Can you give us any views on that?

Mr SCOTT: There is no doubt that the key to quality outcomes for all the students and our carers is the quality of the teaching and learning that takes place. We have a number of programs that are available and on offer for teachers to provide support in these areas. I think we are heartened—and we are happy to provide to you the detail on the take-up of those courses and that has been considerable and has been increasing—we think the trend line is positive, certainly for the kinds of accreditation levels that are required by those in leadership positions in our schools. There is also a focus on providing specialist training and guidance in these areas.

The Hon. JOHN GRAHAM: There has been considerable take-up on the legal side, so people understand their legal obligations, and the department has provided some very good figures on, for instance, training relating to autism, to pick one area. Much less considerable is that, I think, 1,493 school leaders—principals, deputy principals and assistant principals—have engaged in that specific training. That is not enough. One of the things that has become clear is that the good schools, the good teachers, are doing this training and are engaged in these issues but there are other school leaders who do not. They are engaged dealing with a lot of other problems in the school. How do we get to those schools and school leaders?

Mr SCOTT: The figures I have for the online learning course Understanding Autism Spectrum Disorder, 10,000 people have done that. We are confident the numbers have been increasing. We will value your findings and insights on this in your report. As I understand the hearings you have had, you have had outstanding teachers and principals come before you, some of whom were not trained in a detailed way in this respect, but opportunities and courses have been made available to them and they have availed themselves of those courses. They are outstanding in their provision, but that was not a gate that they had to enter before they could start undertaking and doing the work.

The Hon. JOHN GRAHAM: It goes to that culture change question.

Mr SCOTT: Yes.

The Hon. JOHN GRAHAM: It is one of the levers you have got to pull to change the culture.

Mr SCOTT: Yes, it is. I would say broadly one of the things that I have been talking about quite a lot is the sense—and there is a pre-eminent educational academic Dylan Wiliam who has written extensively on this and was recently in Australia and he met with our executive. The view of Dylan Wiliam is that you need to create a culture in the system that every teacher will improve every year—every child will improve every year but every teacher will improve every year and that you will identify areas of professional development for every teacher and have an expectation in a school that teachers will be identifying and working on that.

We are attempting to put more money into schools and to create learning cultures in the schools where principals are instructional leaders and they are encouraging and expecting that all teachers will be undertaking quality professional development on offer every year. The question is, I suppose we have yet to resolve, and we will value your insights on this. I think there is a good level of support for the programs that are out there. The feedback we get is positive. We have an expectation that all staff will undertake professional development. The question as to whether in fact it should be mandatory for all that is not what we have done and that is not what our advice actually is about how to best create the learning culture. The way to best create the learning culture is for these courses to be on offer, for people to do them, and for people then to share their expertise in the system, and for people to be able to talk up the courses that are on offer.

The Hon. JOHN GRAHAM: The evidence before the Committee is that it is producing an uneven response in the system but at a leadership level it seems hard to believe that this should not be mandatory in some way. It seems hard to believe that at that top level this should not be in 100 per cent of schools.

Mr SCOTT: Melissa, do you want to add on this issue?

Ms CLEMENTS: Particularly on autism, there is a range of professional learning options that we know schools participate in, in addition to the courses that the department offers. There is a program that the Committee may have heard of from other witnesses called Positive Partnerships. It is a program that is delivered by Aspect and funded through the Commonwealth. We have a large number of schools that have participated in that program as well. We have a lot of schools that have participated in both the department provided training and the Positive Partnerships training as a complement.

I guess the other thing that has really shifted over time with these courses that would be useful to know is that the participant data around the numbers of teachers who complete the training, as well as principals who say that they would recommend it to others, is very, very high. It is well over 90 per cent. We know that teachers will often refer to their colleagues or other schools and other principals about what is useful training to undertake and there is this useful training to participate in. So that high positive valuing of the courses we have found has actually contributed to the growth.

The other thing that has shifted in time is the number of schools where the principal decides that they will arrange for one of these training courses, or multiple courses to be run at a whole school level. When we first introduced these courses they were predominantly taken by individuals who came together at different points across the State. As they became more familiar and people were aware of what they could deliver we have many more schools who are doing it at a whole school level. The autism course, in particular, is the one that has a fairly high rate of whole school delivery of the training as opposed to training in a location that various people from different schools will come to.

Mr DIZDAR: I will add to the comments of my colleagues. As I move across the State and visit schools I see an increasing trend where school development days are being devoted to exactly what Melissa is talking about rather than just the online uptake by an individual teacher or faculty area—that the whole staff are taking them up.

Reverend the Hon. FRED NILE: The Committee has asked witnesses, including school principals, about the development since the last inquiry in 2010 regarding students with disability or special needs. One submission stated, "We do not"—and "not" is in block letters—"believe that the New South Wales Government substantially increased funding for students with disabilities and special needs in New South Wales Government schools to ensure all students have equitable access to education. Reduced specialist teacher numbers, the collapsing of specialist classes and the withholding of Gonski funding allocations for students with disabilities prove that this has not occurred." What is your reaction to that comment?

Mr SCOTT: I must say we disagree with that assessment. As I indicated, we can look at the specific programs that we are running and all have had significant real-term funding increases from between 12 to 60 per

cent. There are different ways that the Gonski funding is allocated to schools, and we can go into detail about that, but there certainly is a provision that is part of the Gonski funding that has been allocated to schools. It will be worth discussing this afternoon. The idea of the Gonski funding and the Resource Allocation Model [RAM] funding is to put that money in the hands of principals so principals can exercise their best local decision-making discretion in meeting the educational needs of the children in their care. But the money has been allocated and it goes into a pool of money that is available for the principal to allocate to meet the educational needs of the children who are in their care at the school.

You have heard from people—and I would say that in a system of this size at any school there will be people who will be concerned at the provision for their children, and are all their children's needs being met. You could go to any school in the State—government, independent, Catholic— anywhere in the country and you would find parents who have concerns. So it does not surprise me that you have tapped into parents who have concerns. I would point out that we educate 800,000 children, more than 100,000 children with disabilities—

Reverend the Hon. FRED NILE: These were comments from principals.

Mr SCOTT: I think it is good for us to engage with principals. We are in dialogue with principals about how best that money be allocated and given to them. I do meet principals who believe that they would love to have more money available to them—ever thus in the history of education, I suspect. The question is: Are we allocating the money that should be allocated? Are principals being given the guidelines on how best to spend that money? We are happy to go into that in detail if there are specifics that you want to ask us.

The Hon. DANIEL MOOKHEY: Putting aside the RAM funding, what is the mechanism for indexation on the integration funding system, which you very helpfully point out in your submission was \$112 million in 2016?

Ms CLEMENTS: The program is essentially funded on demand. Each year the number of students who are accessing that program is what drives the—

The Hon. DANIEL MOOKHEY: Are we meant to infer, on the basis of your answer, that it is funded by demand—that all demand in the system is currently being met?

Mr SCOTT: We make an assessment on that demand. We have quite a detailed policy where we engage professionals. Requests come forward and then an assessment is made.

Ms CLEMENTS: The services are providing targeted provisions—integration funding as well as support class provisions—for children that meet the criteria. As the number of children are found eligible and receive either one of those types of service, the budget expands to meet that need.

The Hon. DANIEL MOOKHEY: We have had a plethora of evidence that suggests, firstly, the hurdles to access integrated funding are incredible. Just before you came we had a bunch of witnesses who were telling us that the IT system has failed. They put applications in for 10 hours and then the system fails and they have to start the whole thing again. We have had other people telling us that the barriers to access from allied health professionals in order to fulfil that process are huge and socially inequitable. We have had a bunch of people from the regions saying that even if you are able to overcome the first two hurdles the time it takes to assemble a panel is opaque—no-one knows how long it takes—and incredibly difficult.

It is not just a regional problem. We have had people from Smithfield in Western Sydney telling us exactly the same thing that we heard in Newcastle. Then we are told that even if you get past that level of the access request program and the person for whom you have applied has been deemed eligible—after being assessed at multiple levels of bureaucracy, including schools, head teachers, district leaders and regional leaders; if you get that far into the system—then you are told that a place does not exist.

You are telling us that integration funding is demand led but I am saying to you that the evidence says you are wrong. I am asking: why is the access request process taking so long? What additional reforms is the department contemplating to overhaul it? How are you communicating this, fundamentally, to parents and the principals and teachers who are devoting such resources to trying to access this system?

Mr SCOTT: Let me say at the outset, with respect to one item you raised, if there have been problems and difficulties with the IT system I can imagine how frustrating that could be. That is a separate issue. It is a big department, it is a big system and they are complex IT systems. If people have had a bad experience with that then we are sorry about that. We have a structured review process that takes place. It operates on a rotational basis where we tap into experienced principals and experienced experts in the field who make the

assessment. Perhaps Ms Clements can give a run-down on how that system operates because it is central to your question.

The Hon. DANIEL MOOKHEY: With respect, we understand how the system operates. We took evidence on this the first time the department appeared on day one. We have had the opportunity to take much evidence on this since then. The concerns that I put to you are the concerns that have been put to us by parents. I am not suggesting necessarily that those things are correct, nor am I suggesting that those things are valid. I am giving you the opportunity to respond. I am asking you: are there reforms being contemplated by the department to the access request process?

Ms CLEMENTS: I think our submission indicated that we had done some work last year with a stakeholder group that was established to help us look at some elements of the access process. So, yes, that work commenced last year. The IT side of the access request process that you mentioned has been in place since 2010. It provides a mechanism to draw together the evidence requirements to determine how to apply the resources to children who are going to meet the criteria.

We have already started talking with principal groups—we have met with one of the principal groups and are yet to meet with the other—to look at improvements to the existing system. The principal groups that we have met with so far have asked for some of the fields within the access request to be expanded so that they can provide more information. We are also looking at the IT components of it that create the frustration for people in terms of saving information or the way the process transfers from one office to another.

The Hon. DANIEL MOOKHEY: How many vacancies are there, as of today, at schools with special purposes?

Ms CLEMENTS: I cannot provide that to you now but we can provide that to you on notice.

Mr SCOTT: We will take that on notice.

The Hon. JOHN GRAHAM: If it helps, in evidence to the Committee on about 27 March this year the suggestion was that there were 600 places across the State.

Ms CLEMENTS: Yes.

The Hon. JOHN GRAHAM: That seems hard to reconcile with what we have heard as we have gone around. There is incredible pressure to get into these schools. Presumably that varies region to region, but how is it possible that there are 600 spots but in so many of the places we have gone parents seem to be struggling to get their children in?

Ms CLEMENTS: Part of the reason for that is geographical, as you mentioned. A number of years ago the department implemented a measure to determine the classes that had 50 per cent or less capacity. That is much more of an issue in regional parts of the State.

The Hon. JOHN GRAHAM: Can you give us a rough idea of which regions of the State that 600 might be in? Are there some obvious places where they are?

Ms CLEMENTS: We could take that on notice.

The Hon. JOHN GRAHAM: Could you give us a regional breakdown of where those areas are?

Mr SCOTT: We will take that on notice.

The Hon. JOHN GRAHAM: That is clearly part of the picture.

Mr SCOTT: Can I go to where the question started? There is not a cap. We are not reaching a budget limit and saying, "Sorry, there will be no more assessments done." We are not putting a handbrake on. We have professionals, including representatives of the principals groups, who are making these assessments for us. The funding flows as per the assessments that are being made. There will be challenges that exist in groups being formed in geographical areas and in areas of isolation. There will be challenges; it is a complicated process, but your opening implied question was about whether this was a budget-driven solution. It is not. We have a commitment to meet the educational needs of the children in our State—the children in our care.

We need to apply professional judgement around that. So there may well be different views. There might well be a sense that parents are of a strong view that there is an appropriate setting, but our educational panel needs to engage around that and work on that. It is not as though we are dealing with a capped system—numerically or in a budget sense. We are making appropriate assessments and judgements in those panels. That is a process of—

The Hon. DANIEL MOOKHEY: Why is it taking eight weeks? Eight weeks in the context of a child's education is close to a quarter of the year. I accept your evidence that it is a professional process in which there are layers of expertise. That is valid, by the way; I am not disputing the need for it. But why is it taking so long? Why are we receiving evidence that it is patchy across the State in terms of speed of processing? Incidentally, the third aspect of it is: why is the level of communication between these panels and the principals, in the eyes of the principals, so poor?

Ms CLEMENTS: Mark, in his opening statement, mentioned the work underway around educational services. The differences in regional areas and the differences in the way placement panels operate is something that we have heard about through this inquiry and through other forums. There are a couple of important distinctions, though, that are important for the Committee to understand. A couple of years ago we changed the process for students who were applying for integration funding support. That is a rolling process. There is no requirement for a student applying for that sort of support to wait for a panel process that would create a delay. That was changed some time ago. The panels for access to a support class placement are conducted at points in time across the school term. So there is a period of time, depending on when an application is made, as to when a panel would meet to make a determination.

Mr DAVID SHOEBRIDGE: The evidence we have, in terms of those placement panels, which happen normally twice a year or sometimes three times a year—

Ms CLEMENTS: Twice a term, generally.

Mr DAVID SHOEBRIDGE: All right. The evidence was that those panels meet and look at the children's needs but they also look at the available places. They weigh the two up and those children with the greatest need fill up the available places. That is contrary to the position that it is not a resourcing or capacity basis. It clearly is a resourcing issue.

Ms CLEMENTS: The challenge is in maintaining the vacancies right across the State all of the time. The planning process for creating new classes or establishing classes or moving classes where the demand is changed is underway right now. Each operational area would be in the process, now, of finalising their plans for additional support classes that are required. Additional support classes can be established at other points of time in the year. By way of example, I think our submission to the inquiry noted a number of support classes in place at that time. There were an additional 10 classes that had been established by the time we appeared at an earlier hearing. They will continue to be established; the plans are made, but if there is a greater demand through panels later in the year, additional classes can be established.

Mr DAVID SHOEBRIDGE: It was very clear to us, in the evidence we got, that there were substantial capacity issues. A better measure, if you like, for the unmet need would not be 600 vacant places but would be how many children have been assessed as being in need of one of these school positions but a position has not been available. Do you have that data?

The Hon. DANIEL MOOKHEY: Or how long they have waited for a position to be available.

Mr DAVID SHOEBRIDGE: That would be much more valuable data.

Mr SCOTT: We will see if we can get that on notice. I understand that, and we see across the State that there are some parts of the State generally where you will have vacancies in schools and other parts where there is quite high demand. As Ms Clements has just indicated, one of the things we are trying to do is to meet demand as best we can and to be able to exercise some flexibility. That is what the creation of additional classes is doing, but a place in Central West New South Wales is not the same as a place in south-western Sydney. We appreciate and understand that, and so are trying to have professional judgement exercised on the needs of students and then doing our very best to meet those needs. That is what the process is set up to do.

Mr DAVID SHOEBRIDGE: Mr Scott, I know you touched on this briefly in your opening statement, but my office and the offices of my colleagues have had a number of distressed parents contact us, in the context of this inquiry about children with special needs in New South Wales schools, about the comments made by a certain Senator about segregation. Many of those parents will be looking to you to make a very clear statement in support of them, and I am giving you that opportunity to do so.

Mr SCOTT: I must say that the comments have had a lot of attention and I did not think that they needed a lot more, but my lines were "ill informed, simplistic and facile". Clearly, we run an inclusionary policy. What concerned me most about the comments was the lack of sensitivity, the lack of insight and the damage those comments could do. I was affirmed in my thoughts yesterday by the flood of condemnation. I am happy to join that condemnation as the voice of the department. Already we are touching on our response today.

There will be opportunities for engagement around what is the most appropriate setting for each individual child so that they flourish. We have a bias towards inclusion, and that is a fundamental underpinning of the work that we do.

Mr DAVID SHOEBRIDGE: That is what I wanted to raise with you. Can you confirm that there is a presumption of inclusion in the system? Can you confirm that the first thought is inclusion and how we can have children on the autism spectrum or with other special needs included in mainstream education and that that is the fundamental starting point?

Mr SCOTT: Yes, and I think the numbers tell that story.

The Hon. DANIEL MOOKHEY: Is it a presumption or is it right?

Mr SCOTT: One of the interesting things about the question is, whose right? I think we do have an inclusionary policy, as the panel process indicates. One of the reasons this is a spirited and emotive issue, is that well-meaning people need to get together and resolve what is the best environment that can be created to allow a child to flourish in school. Well-meaning people might come to different views on that.

Mr DAVID SHOEBRIDGE: My question was: Do we start with that presumption and work back from there?

Mr SCOTT: If you look at the numbers, there are 800,000 children in the system and more than 100,000 children are identified as needing some level of support. The overwhelming majority of those students are in mainstream classrooms. That is how this system is working. Other children are in specialist classrooms and other children are in specialist schools, but if you look at the weight of the numbers, that is overwhelmingly how it works out.

Mr DAVID SHOEBRIDGE: I am not just asking about numbers; I am asking about scheme design. Is that the way the scheme is designed to work?

Mr SCOTT: The best test of scheme design is the outcome that the scheme delivers.

Mr DAVID SHOEBRIDGE: Not always.

Mr SCOTT: Yes, but overwhelmingly that is what the scheme delivers. The majority of children diagnosed as being on an autism spectrum are in mainstream classes in regular government schools. That is how the system is working out. That is basically our underlying desire and assumption.

Mr DAVID SHOEBRIDGE: Good. I think that is what a lot of parents want to hear.

Mr DIZDAR: A starting base has always been for every child to have an inclusive and embracing education provision. Sometimes there are tough and challenging conversations about the complexities of the child with the educational expert, having exhausted the mainstream setting—whether that be a support class or a special setting. In my experience operationally, we are hell-bent to ensure that we have an inclusive mindset for each and every learner. As the Committee has seen in evidence from the Every Student, Every School reform, our system since that reform is focused on how to get the best adjustment for each and every learner in our classrooms and in our school settings. We have seen the inclusive mindset reinforced by this reform.

The Hon. DANIEL MOOKHEY: Accepting your answers to the presumption questions asked by my colleague Mr David Shoebridge—which are very welcome, incidentally, in terms of the cultural disposition of the leadership of the department—in your submission you say that the Education Act states that a child has a right to enrol in a local school. Do you agree with me that a child has a legal right to attend a mainstream school?

Mr DIZDAR: Correct.

The Hon. DANIEL MOOKHEY: And there is no ambiguity about the fact that parents are legally entitled to enrol their children?

Mr DIZDAR: Correct.

The Hon. DANIEL MOOKHEY: Do you accept the Auditor-General's finding from last year that one in four parents have been turned away from enrolling their children in schools when they have tried to exercise their legal right?

Mr DIZDAR: We would find it uncomfortable to have any child turned away from any of our settings. Our expectation would be—and I do not have in front of me the reasons for what that data is pointing

to—that every parent and every child has a right to seek enrolment in their local setting and that should be facilitated, depending upon the circumstances of that child. We enrol children right across our system and have to take into account varying matters, not just disability but, given the Committee is focused on disability—

The Hon. JOHN GRAHAM: It clearly is not happening at the first point of enrolment.

Mr DIZDAR: If I could finish—

Mr DAVID SHOEBRIDGE: The answer you have given is the right to seek enrolment. Can you distinguish between a right to seek enrolment and a right to enrol?

Mr DIZDAR: Sure. What we are saying is that everybody is entitled to seek enrolment. Again, based upon the challenge or complexity or need of that particular child, our educational advice to that family may be that that is not the optimal setting to make sure that student flourishes and grows with optimal educational outcomes. We may have better provision available to that family and it would be incumbent upon us to table that advice.

The Hon. DANIEL MOOKHEY: Does a school have a legal right to refuse enrolment should a parent decide to reject that advice?

Mr DIZDAR: We have had many instances of challenging complexity, where our educational advice in situations of that kind has not aligned with the family's view. But we have always worked assiduously to come to the optimal outcome for that child and family. There have been cases where we have taken the enrolment in the local setting and have made appropriate adjustments and supplied appropriate support. We have exhausted the consultation process and, despite our best advice, have taken on board the parents' wish. In some instances, sometime down the track, both parties have seen that it is not the optimal solution and that has led to other solutions. My answer to the Committee is that our schools do a tremendous job in taking on these matters on a case-by-case basis with the greatest degree of due diligence. This morning I attended Cherrybrook Technology High School, a fantastic public high school that services some 1,970 students. Many of its enrolments will be straightforward and for other enrolments the principal, with the learning support team, may be required to go into detailed due diligence for a child whose prospective enrolment shows that there may be challenges and adjustments in meeting the needs of that child.

The Hon. DANIEL MOOKHEY: I accept, of course, the sincerity of your intent and the sincerity of the intent of the department around assiduously making sure that kids are able to get to school, but we have had evidence of parents being turned away from eight separate schools with the burden on them to enrol. We have had a whole bunch of people, stakeholders, who have come forward and said that "We tried to exercise our legal right to be enrolled in a public school", and you are right in saying that it is the case that a school does not necessarily have to have a right to seek enrolment and not necessarily the right to enrol. But the parents have got a legal right to enrol in a school and they have been turned away from up to eight. Do you not agree with me that that is horrific?

Mr SCOTT: Let me respond to that. I think what a very difficult situation for that family, and I would agree that it is unfortunate, if that is the case, that we have not had a mechanism where we have been able to engage with them and find an appropriate solution for their child without knocking on eight doors and having eight unsatisfactory encounters. But I will look forward to reading your analysis of this complex issue in your report, if you choose to go to this place. What is the department's responsibility towards these children in our care? I suppose the way I view it is that of course we will encounter parents—there are more than a million parents with children in New South Wales schools—some parents who are desperate for their children to be enrolled in a school and want their child to have what they perceive to be the most normal mainstream schooling experience possible. We understand their passion and their concern. But the people at that school and providing advice are expert educators and expert educators often about the precise disability that their child has, with clear evidence-based understanding about how to provide the kind of learning environment that will deliver the best educational outcome for that child.

To that degree, the department needs to be able to exercise that professional judgement as a professional just as any other professional—a medical professional or a legal professional needs to be able to exercise professional judgement in providing advice and engaging with that family. So this is clearly an area of complexity and it is clearly an emotionally charged area for families and profoundly disappointing at times on occasion.

Mr DAVID SHOEBRIDGE: But, Mr Scott, it is also an area where there is very little data or transparency because those discussions and refusals or failure to accommodate those decisions and those

refusals are not being recorded in any data. That has been an ongoing problem in trying to understand the extent of the problem. What are you going to do to fill in that data?

Mr SCOTT: I accept that. I think this is an issue that we need to engage in and respond to and I suspect this is a matter that we are considering and I expect if your inquiry goes to this place we will provide a response. But I would say that to feel that you are on a lost and lonely journey knocking on the doors of schools and having individual principals, probably with the best will in the world, saying, "This is not the appropriate place for your child", must be a very frustrating and lonely experience for those parents and we need to be able to provide a better approach to certainly document that pathway and that journey, which I think is one question, but also to be able to broker a solution as best we can for that family and to be able to engage with them at an appropriate level, providing the appropriate expertise, so that we can really guide them to the best solution.

What finally happens, I think, if in fact you do get an impasse here where the parents are unwilling to accept the advice and the guidance of the experts and the evidence that we can bring to bear on dealing with children in this way, then I suppose that leads you to the circumstances that Mr Dizdar has talked about.

Reverend the Hon. FRED NILE: Should the department establish a hotline that parents could contact when they are having trouble enrolling the child?

Mr SCOTT: We are looking to develop an online mechanism whereby complaints and concerns can come into us and be more appropriately logged. But I can see in some of these cases the need for a case manager and a person for them to engage with.

Reverend the Hon. FRED NILE: Especially with the enrolment issue.

Mr SCOTT: I can accept that. Some of the case studies are disturbing and, as I admitted at the outset, we are not saying that all those processes are right here—

The Hon. JOHN GRAHAM: To that case management point, because I think that is a significant one, if there is a genuine disagreement—you hope there will not be one, but if there is, and the department then says, "Well, look, we do have this expert view", does that not then bring an obligation not to have those parents wandering around the system, remembering that often this is their first experience of the system? I think that is why it has been so traumatic. They come in with high hopes—

Mr SCOTT: I accept that. That seems like an unsatisfactory set of events there, but I am just saying that it would seem to me that what are the reasons giving rise to that? And without making any disparaging comments at all about the parents, it would seem to me that there is a view of various leaders of schools, local experts, about the appropriate setting for that child but the parents have not wanted to hear and engage them, but we do need—

The Hon. JOHN GRAHAM: But if the first of those schools turns them away—presumably their local school—there cannot be that agreement, does it not bring an obligation on the department to then help ease their path into an appropriate setting? Because that is not happening now.

The Hon. DANIEL MOOKHEY: And reflecting parental choice.

Mr DIZDAR: Our expectation as a system would be that if any principal was to, as the Committee has indicated, turn away an enrolment, that in doing so they still maintain the obligation to connect them back into the system, because on the ground across the State are our school services teams with learning and wellbeing experts. If a principal and a school has determined that this enrolment is not suitable for their setting to best meet that child's needs, our expectation as a system would be not just to turn them away but to link them to our learning and wellbeing team locally with those experts, to prevent the exact scenario that you are describing: of parents going across from school to school.

Mr DAVID SHOEBRIDGE: An expectation is great, and I think we all join with you in that expectation, but to ensure that it does not happen there needs to be a great deal more than an expectation; there needs to be a direction and a policy and some kind of information-linking service. That seems to be what is missing.

Mr SCOTT: With due respect, I think that might be a sweeping statement that I will be interested to see if you have evidence of—

Mr DAVID SHOEBRIDGE: I do not have evidence of the absence, you can maybe persuade me that there is not an absence by giving evidence of the positive.

Mr SCOTT: I suppose that is exactly the clarification I want to make. We have more than 100,000 children with disability in our system; you have some case studies that are disturbing, which I admit that does not sound like good practice and Mr Dizdar points out that does not seem to be following the policies that would be set down. What we do not know, and we are not in a position to document it here today, is whether, in fact, that experience is if not isolated is really quite small—

The Hon. JOHN GRAHAM: The Auditor-General says one in four. Is there any evidence that the department has that suggests that might not be the case?

Mr SCOTT: Let me take that on notice and come back to you.

The Hon. JOHN GRAHAM: Because that certainly accords with the evidence that has been put in front of us.

Mr DAVID SHOEBRIDGE: But it brings us back to the point of no data.

Mr SCOTT: Is it multiple schools the Auditor-General says? That a child might be turned away from a local school or the school might send a message that "We do not think this is the most appropriate setting", that is not necessarily surprising. I would be surprised if there were significant numbers of cases which are the case studies that you have identified. I suspect there will be an answer there. Whether we need to a better job in reinforcing around the enrolment kind of process, what our expectation is of reporting back that conversation, if in fact that is the outcome of that conversation, this is the reporting that the principal needs to do—it might well be that we need to reinforce those messages.

The Hon. DANIEL MOOKHEY: Would you accept that it is the department's responsibility now to start maintaining an evidence base?

Mr SCOTT: Yes, as I have indicated, that is something that we are looking at.

Mr DAVID SHOEBRIDGE: I just want to be clear: These are not isolated incidents; we have advocacy groups who talk about multiple groups and we have had 421 submissions to this inquiry. These are not people on desert islands; there is clearly some kind of problem there, it would appear from the evidence that we have had, which is not isolated.

The Hon. DANIEL MOOKHEY: And we have an Auditor-General's report that seems to corroborate their accounts.

Mr DAVID SHOEBRIDGE: So if there is a policy, the question I ask you on notice is: what is being done to make sure that expectation becomes a reality?

Mr SCOTT: We will take that on notice, thanks.

The Hon. JOHN GRAHAM: I will move to a separate area altogether, something that has come up in a range of forms: the funding for specific purpose schools and specifically the issue of the primary school funding formula being applied to these schools. It seems like an inequity. Do you have a view to present to the Committee on that issue?

Mr GRANT: Thank you for the opportunity. There are some differences. I know that earlier you heard about QTSS as an example of that difference. Currently the department's senior officers are looking into SSP matters generally. Quite specifically, from my point of view, it is about the way funding is applied. They do attract funding for their primary school enrolment times three, but not for secondary.

The Hon. JOHN GRAHAM: That does seem an inequity. These are quite different school settings, which we have to acknowledge upfront. However, in secondary school what this means is that kids with disabilities do not have the same sort of access that high school kids would have in an ordinary school to things like careers advice, specialised food tech teachers, sports and physical education. Is that the case?

Mr GRANT: I am not able to answer the question around the curriculum provision, but I can reinforce a couple of points. One of the three schools I was principal of had a support class, so I have a sense of what that looks like but it is not specific to the 114 you are asking about now. There are some differences in the way in which the SSP schools are funded and staffed. Those sorts of things are the subject of work that is well underway amongst senior officers.

The Hon. JOHN GRAHAM: There are essentially two areas here. One is about release and ability for staff in the schools to get greater release time to be able to deal with issues—

Mr DAVID SHOEBRIDGE: The Relief from Face-to-face funding.

The Hon. JOHN GRAHAM: —and the second is my concern about these aspects of the curriculum. There is not the sort of specialist funding there is in secondary schools. If that is the case, there are clearly two very different school experiences. What I am not clear about is how we as a State or a department say that we are adhering to our obligations under the Disability Discrimination Act.

Mr DIZDAR: I just want to add to the Committee that our 114 special school settings, as the Committee would appreciate, have wide diversity in who they are servicing in their school communities and the needs they are meeting. This scenario we are aware of as a department. For our resource allocation model which the Committee has been briefed on via submission our allocative mechanism of distributing the equity loadings and the dollars to the school gates when we embark on the next iteration for 2018—and we have moved about and liaised with our stakeholders—is an area that we are certainly looking into. It is an area that we have made some considerable improvement on over time—for example, in our per capita loading, what would be attracted to each student that enrolls in the public school, we have allocated substantially over time a higher factor to those students who are in our special school settings.

The Hon. JOHN GRAHAM: But there are two aspects to this: there is the funding and the resourcing, and I appreciate your answer on that, and there is also the legal discrimination requirements. If one set of kids is getting careers advice, food tech and sport, and kids with disabilities in the schools are not being funded to have those experiences, is that not a breach of our disability discrimination requirements? How do we possibly meet the Act? Isn't that just discrimination?

Mr DIZDAR: I am appreciative of what you are raising. I just want to finish for the Committee where I was at with the loading: in recognition of that complexity, we attach a higher factor per capita. That is certainly been an enhancement over time that our SSPs have seen and, as a department, we recognise that we need to look at that further. Can further adjustments be made? I indicate to the Committee that we are looking into that space for 2018.

The Hon. JOHN GRAHAM: I accept there is a funding issue or resourcing issue; there is also a legal issue.

Mr SCOTT: Yes. We can take that on notice but my reflection back to you is: I think one of the things you are saying to me about the K to 12 delivery of some of our SSPs in the primary school form is, "They are not a primary school all the way through." I understand that argument. That argument has been made to us by the principals' council and others, and that is one of the reasons we are looking at it. It is not a primary school and it is in a sense not a secondary school either. You have children of all ages and different abilities.

I think the first threshold question is: Is the staffing of those schools and all the services of those schools identical to other schools? No. The children have particular needs. There are actually many more staff in those schools than there are—many more staff—and if you look at the percentage funding increases in budgets for SSPs compared to other schools over the last three years, significantly more money is available to those schools' educational services. That is where a significant increase has been given. As I have heard the arguments framed to me, principals are saying, "We are not primary schools. We don't like to be thought of as primary schools," so we will debate and engage on that.

The Hon. JOHN GRAHAM: I am happy to concede all of that ground—

Mr SCOTT: But my point is that fundamentally under this Local Schools, Local Decisions model which, having come back into education in New South Wales, has seen strong bipartisan support, we are putting more money at the discretion of principal so that they can spend that money to appropriately meet the range of requirements for the children in their care. I am saying that more money is now available to SSPs for principals to exercise their judgement.

The Hon. JOHN GRAHAM: I accept that there is more money; there is also more need. But if I am a kid in a special school, I do not get careers advice—

Mr SCOTT: Let us address that.

The Hon. JOHN GRAHAM: —unless the school scrambles to put it together from those resources. There is dedicated funding in a secondary school; it is just not there in an SSP. The legal obligations of the department are to not exclude these students from participation in the curriculum. I do not see how we are meeting those legal obligations.

Mr SCOTT: Ms Clements has some detail on this.

Ms CLEMENTS: The department has a group of specialist teachers called support teachers transition. Their role is around supporting students who have disability, and they serve a lot of children who are in special school settings around selection of pathways for other schools. They support students and families and schools on a subject choice—

The Hon. DANIEL MOOKHEY: Are they based in our schools?

Ms CLEMENTS: They are school-based positions. They are located around the State to support schools. There is not one in every school.

The Hon. JOHN GRAHAM: It really goes to this: Are we treating these kids equally? Are they getting equal careers advice, food tech, music and art? Do they have the same opportunities? I accept these are very different environments but I do think there is a fundamental legal question about the way we set up—

Mr SCOTT: We will take the legal question on notice. I suppose the broad response is that there are services that the principal can draw from and draw into the school, and there is more money available for the principal to purchase services as necessary. We will take the legal question on notice.

The Hon. JOHN GRAHAM: It is a question about equality. It has obviously been a recommendation of previous inquiries, so I think that gives it additional weight—

Mr SCOTT: Recommendation about the provision of those services or about the primary/secondary?

The Hon. JOHN GRAHAM: About the primary school funding formula aspect of the funding.

Mr DAVID SHOEBRIDGE: We could argue whether or not the primary school funding formula or the high school funding formula is right for these schools, but having listened to all the evidence it seems that perhaps neither of the models is right. Earlier today some teachers had in exasperation come to the conclusion that treating SSPs like a primary school is not going to work and treating them like a high school is not going to work either. Is the department going to use a separate funding criterion?

Mr SCOTT: I do not want to pre-empt where we might go. I think cogent arguments have been made. I appreciate concerns about the optics of the primary school flowing through K to 12. In the SSPs I have been to, that provided provision. I have spoken to principals about this matter. There is no doubt that the way the schools operate, particularly with the continuity of a classroom teacher through into the secondary years, the organisation of the schools is significantly different to secondary schools. With the regular stability of the classroom teacher it is more akin to what you see in a primary school, so I think that is part of the logic that underpins it. But I do not want to pre-empt where we might go with it—suffice to say that what you have heard has been articulated to me and other members of the executive department, and as we review our funding mechanisms this is on our agenda.

Mr DAVID SHOEBRIDGE: One of the inequities the Committee has heard about is that the primary school funding model applies across the board, except to that proportion of high schools where the children are in high school as that has a negative impact on their QTSS funding. Is that right or is that wrong? It seems to me that that is losing out at both ends.

Mr DIZDAR: Quality teaching successful students [QTSS] was a reform and funding package for our primary students and based upon primary enrolments. As the secretary has indicated, when we have been in dialogue and discussion with our schools for specific purpose [SSP] stakeholders they pointed out that anomaly to us for staffing their schools based on primary numbers. They pick up QTSS but not on their secondary numbers.

Mr DAVID SHOEBRIDGE: So treat it as a primary school for the high school students except for where being treated as a primary school would give them additional funding. You can understand the deep frustration and how they would see it as discriminatory. You treat it as a primary school for high school except for this important source of additional funding where we are going to treat you as a high school and deny you the funding. That is deeply inequitable, is it not?

Mr DIZDAR: QTSS is a payment for staff so that we can use that in a flexible way at the local level. It would be remiss not to indicate that there are professional learning funds that go to all the sites, including the SSPs. It does not take away from the point you are making, that we have heard from our SSP colleagues across the State.

The Hon. JOHN GRAHAM: Can I ask you to take on notice whether the department has sought or is willing to seek legal advice about disability discrimination?

Mr SCOTT: We have a crack team of in-house lawyers who look at our legal liability all the time. They will be delighted to receive the brief.

Mr DAVID SHOEBRIDGE: They will tell us it is all swings and roundabouts, which is part of the answer.

Mr SCOTT: No. Mr Shoebridge, to the question you are asking, I understand the frustration. It has been articulated to me. There is an argument about perception and an argument about internal logic.

Mr DAVID SHOEBRIDGE: And funding reality?

Mr SCOTT: Finally, there is the question of reality. Fundamentally the advice I received is that the percentage increase in budgets for SSPs compared to all schools, they have received the greater increases in the last three years. There is more money coming into the system and into the schools but SSPs have received a greater percentage increase. That is the data I have. I appreciate we will have long debates and people are passionate about whether that money is enough and I would expect strong advocacy for more funding. I would be surprised if I did not get that. I would be more concerned if the allegation was that the staffing or funding formula has worked in a way to strip money away from SSPs and SSPs had been disadvantaged when more money had been allocated to schools. The evidence indicates the contrary of that. The percentage increase in budget for SSP schools, compared to all schools, SSPs are well ahead in the last couple of years. We are going to review it. I think the Committee should have confidence that is the broad setting we are dealing with in recent years.

Reverend the Hon. FRED NILE: We have had some of the parents talk about the problems they have with a child with special needs getting a paediatrician's certificate. The school requires some document.

The Hon. DANIEL MOOKHEY: For access requests.

Reverend the Hon. FRED NILE: They have to find the paediatrician. Veteran Affairs has a list of authorised medical officers. Does the department have one or would it consider a recommended list of paediatricians to meet the needs of those parents?

Ms CLEMENTS: Access to a paediatrician is required to meet some disability criteria. Autism is one example. We know that in some parts of the State access to a paediatrician is difficult. At the time that Every Student Every School was developed that was one of the issues that the department was looking to respond to. The difficulty is for families that to obtain access to a paediatric assessment to diagnose autism was very difficult. The large number of children with autism who had relatively low-level needs was part of the reason for putting more funding directly into schools to meet the needs of more of those children without requiring a paediatric assessment to meet those criteria..

Reverend the Hon. FRED NILE: There is an exemption to get a paediatric assessment?

Ms CLEMENTS: There does not need to be a disability diagnosis by a paediatrician for students to be supported through the low-level adjustment disability funding that is provided to all mainstream schools.

The Hon. DANIEL MOOKHEY: It is a good thing that we are designing the system not to require this as a threshold to obtain additional resources. For the access request processes where there is a need for allied health professional services there is evidence from parents saying that the logistics are difficult and they are internalising the cost. Reverend the Hon. Fred Nile makes the point about other comparative systems such as the Department of Veteran Affairs or NSW Health. Has the department contemplated establishing some form of centralised system or a network of preferred suppliers? Have you thought about aggregating your buying power and using it to lower the costs? Are there reasons why it should not be done?

Ms CLEMENTS: All those things could be explored and considered. One of the complexities to take into account is that for many families the paediatrician will be someone the child will have been seeing, in some cases, from the time of their birth and is the family's choice for paediatrician.

The Hon. DANIEL MOOKHEY: That is endemic to all health questions.

Ms CLEMENTS: It would be about striking a balance between the family's choice of provider as opposed for assessment.

Reverend the Hon. FRED NILE: Could you look at that?

Ms CLEMENTS: Yes.

The Hon. NATASHA MACLAREN-JONES: In your submission you said the National Disability Insurance Scheme [NDIS] is not expected to fundamentally change the way schools operate day-to-day. Mr Scott, you said in your opening statement that there was an NDIS pilot?

Mr SCOTT: In different parts of the State.

Ms CLEMENTS: The NDIS has been progressively rolled out, as you are aware. The Hunter area—

The Hon. NATASHA MACLAREN-JONES: I am interested in the statement about the pilot. Is it trialling or doing a pilot project within a school that you are monitoring or assessing or are you talking broadly?

Ms CLEMENTS: We are talking more broadly. We are doing a range of activities to support schools to understand the NDIS. It is a big shift. That includes giving principals additional information and guidance around to how to support families and navigate access to providers.

Mr DAVID SHOEBRIDGE: One of the practical problems with the NDIS that we heard about is funding for each of the children on something such as speech pathology where you may have 12 children and 12 separate speech pathologists coming to the school. It is an inefficient use of resources and hard to coordinate. Are you having those conversations with NDIS in order to provide a regular and less disruptive service?

Ms CLEMENTS: I can assure you those sorts of issues are high on the agenda. The challenge as we work through that is the choice and control that the NDIS legislation provides those families to determine the providers they want to utilise and how we get the best balance between efficiencies and support at school. We are doing work around that specific issue.

Mr SCOTT: We do not underestimate the extent of the challenge at a school level. If you are a provider of these services, what better than to turn up at the school and expect that the school venue provides a convenient setting for that provider to almost one-stop-shop. How we manage that and the multiple relationships we may need to have is causing our principals—not concern, but it is a point we want to focus on. In the pilot activities and the interdepartmental NDIS committee that is an issue we are raising: How this is this going to work in practice on the ground in our schools?

Mr DAVID SHOEBRIDGE: While we are on speech pathology, the association made a strong pitch—seemingly evidence based—that the Queensland model has speech pathologists within the department with a regional remit. They are immediately available to schools. They suggest it is a far preferable model than the New South Wales system. Have you looked at that and are you willing to look at the Queensland system?

Mr SCOTT: We will take that question on notice. If that is one of the Committee's recommendations, we will of course respond.

The Hon. DANIEL MOOKHEY: Since we spoke the last time you appeared, you have made some modifications to your complaints procedures.

Mr SCOTT: Yes.

The Hon. DANIEL MOOKHEY: Ms Thorpe, would you like to explain the changes? Of course, in our first hearing we had the opportunity to hear about the policy that had not been changed.

Ms THORPE: Yes, the policy was changed from the beginning of term 1 this year. We separated it into two procedures. We put much simpler, clearer procedures in place for external complainants and community members. We had a policy that was for all complaints—internal and external—on the presumption that it should be about good complaints management. We wanted to reduce the number of policies rolling out to schools. However, it became apparent that best practice would be that we had something fairly simple and clear that talked about how to make a complaint and how to review it. That started in term 1.

The issue that has been an ongoing matter and that our focus in past years has been trying to improve is complaints management at the local level. It is a very relational organisation, so we want people to be able to go into schools to talk to principals and teachers about particular concerns that can be resolved on a day-to-day basis. The executive has now made a decision that we will have a centralised complaints unit. Members would all probably have heard that from term 4 this year we will have what is called a feedback assist widget. It is an online button that allows complaints to be made about any government agency. A complaint might be about justice, but it might also relate to education. That complaint will then be forwarded. It will go to a unit where it will be triaged and then it will go straight to the school, a central unit and so on. We are trying to establish a "no wrong door" policy where people can make complaints in a variety of ways.

The Hon. DANIEL MOOKHEY: Please provide the documentary aspect on notice. A description of the alterations to the policy would be most appreciated. I appreciate the department's efforts to simplify forms of contact. What happens after a complaint is lodged? I am talking specifically about employee performance issues. Under your policy—new or old—does a parent have the right to be interviewed on employee performance assessment?

Ms THORPE: When you say "employee performance", do you mean someone who may have engaged in misconduct?

The Hon. DANIEL MOOKHEY: Yes.

Ms THORPE: Our complaints policy does not apply to allegations of a child protection nature against employees. A matter that is an allegation of a child protection nature is very clearly articulated—

The Hon. DANIEL MOOKHEY: It goes to the—

Ms THORPE: It needs to go into the Employee Performance and Conduct Directorate. We have an assessment team that sits every morning within the directorate. We also have officers on duty every day who take direct calls from anybody who raises a concern of that nature. Those matters are assessed and they are triaged. There are serious matters of reportable conduct that will be investigated by the directorate as a forensic investigation. In some circumstances they will be referred to the police or to the appropriate agencies if that has not already been done by the school.

The Hon. DANIEL MOOKHEY: What is the average length of an investigation?

Ms THORPE: I cannot provide an average length of an investigation because it depends on the nature of the investigation.

The Hon. DANIEL MOOKHEY: That is why I asked for an average.

Ms THORPE: The majority of our investigations are completed within 12 months, but many of them are completed within three months. We have matters that are in courts and with other agencies that may take longer.

The Hon. DANIEL MOOKHEY: Assuming a general zero to 12 month time spectrum, at what points through that spectrum are parents contacted?

Ms THORPE: It depends on the nature of the allegation. We do not have a set time to say we are going to talk to parents. We are responsive to parents' requests and inquiries. We talk to parents when they call us about matters, and we consult with them if we are going to interview their children.

The Hon. DANIEL MOOKHEY: Do you accept therefore that in general the onus is on the parents to make contact with your team?

Ms THORPE: In terms of the progression of the investigation, we will often get contact from the parents.

The Hon. DANIEL MOOKHEY: Are parents given the investigator's name and phone number? Do you have case managers whose purpose it is to assist them through this process?

Ms THORPE: That is correct, we do. People are advised about the investigator who will be managing their matter.

The Hon. DANIEL MOOKHEY: Are they given the opportunity to make statements to the team?

Ms THORPE: Absolutely, if they wish to do so.

The Hon. DANIEL MOOKHEY: If misconduct is not found, how is that communicated to them?

Ms THORPE: We write to every parent at the end of our process to advise them of the outcome of the investigation in general terms.

The Hon. DANIEL MOOKHEY: Beyond that point, in terms of the levels of standard that you decided to be misconduct, what do you define as misconduct? Do you have a default definition, or do you assume it has to be a case-by-case circumstance? What is the benchmark?

Ms THORPE: There is a broad definition of misconduct in the legislation—in both the GSEA and in the teaching service and SAS Acts. It is as broad as conduct that could be deemed to be misconduct. It is really

about the breach of the code of conduct. Reportable conduct in relation to child protection matters is more clearly defined.

The Hon. DANIEL MOOKHEY: I will now put a couple of things to you that have been communicated to the Committee through submissions to this inquiry in addition to GIPA requests undertaken by a variety of different things that have to do with the way in which some of the investigations have been done. One example is a female who had an unprofessional relationship with primary school students—she cuddles them, gets them to write in their books that they love her, and she sends texts to one student's mobile. The investigation seems to be fairly quick. It found that the conduct did not amount to misconduct.

Ms THORPE: Was that through a GIPA inquiry of an outcome?

The Hon. DANIEL MOOKHEY: Yes. It is actually the department's release.

Ms THORPE: One of the difficulties is that we have a case management system that is basically designed to report to the Ombudsman under reportable conduct in section 3A.

The Hon. DANIEL MOOKHEY: That would not be reported to the Ombudsman because it was found not to be misconduct.

Ms THORPE: They are reported as an allegations base; they are reported at the time of the allegation. Remember, a report or an allegation is simply that—it is an allegation. Unfortunately, with some of the GIPA releases one of the difficulties is that we have a case management system that is set up very much for reporting, monitoring and oversight, and for case management. You get a separation between what was the initial allegation made, and if you got that allegation and it was sustained, that would clearly be reportable conduct or misconduct. In my opinion it is a very serious allegation.

Mr DAVID SHOEBRIDGE: Are you saying that the conclusion that there was no misconduct was a denial of the substance of that allegation?

Ms THORPE: That is correct. The difficulty with the GIPA request is that we have a system that is set up to report in a particular manner. GIPA requests come in and they need to be de-identified. We may have multiple allegations. Our reporting system allows the initial allegation to be reported. To report on every allegation as it was investigated and the outcome would mean having to develop a detailed report for each of those matters.

The Hon. DANIEL MOOKHEY: To be fair, there are other categories that you utilise here—no evidence, insufficient evidence, conduct occurred, and so on. There are other categories of "active matter", which is self-explanatory, "conduct not amounting to misconduct", and "misconduct proven". That is before we get anywhere towards the remedies that you have applied for things you have upheld as being misconduct.

Ms THORPE: Yes.

The Hon. DANIEL MOOKHEY: I accept that of course. But if you are telling me that conduct not amounting to misconduct is a rejection of the allegation, what do the other labels mean? How then do you report this? What are the levels of misconduct? How are you judging this? It seems that you have three different ways of saying it did not happen.

Ms THORPE: Obviously "not sustained" and "no evidence" are self-explanatory. Clearly so is "sustained misconduct". The outcome that gives some level of confusion, which is always of great concern to me when I am de-identifying a report, is those outcomes where it says "conduct sustained, not misconduct". It may well mean that the more serious allegation made—which was clearly an allegation of misconduct or reportable conduct otherwise we would not be dealing with it—was not sustained but there may have been some other minor matter that did not amount to misconduct but was sustained.

The Hon. DANIEL MOOKHEY: Accepting that, and I have to say I am slightly confused, but putting that aside, how would a parent understand what that means?

Ms THORPE: When we write to a parent, and we often speak to the parent on the phone as well in many circumstances, we try to outline whether the conduct that related to their particular child—because sometimes there are multiple complaints—was sustained or not, whether it amounted to misconduct and whether action was taken. We are not at liberty, for privacy reasons, to explain what the action was with the parents, but we have certainly been trying to work with the Ombudsman to work out a more satisfactory way of being able to provide feedback to all parties.

The Hon. DANIEL MOOKHEY: When you say privacy concerns mitigate your being able to provide that information to the parents, a parent would think, "It is my child. Whose privacy is being protected?" I accept, of course, it is an employment relationship and the department has specific obligations when it comes to employment relationships, but many parents have come to us and said that the EPAC processes are opaque, the level of communication is minor, the onus is 100 per cent on them, they do not know whether (a) investigations have taken place or (b) have been completed, and that they have no idea of the name of the investigator or what phone number to call, and often they have initiated the complaint. I am trying to understand your evidence and the evidence we have received from parents across the State as well as the many written submissions that were made public on our website. Are you able to help?

Ms THORPE: I can only advise you that our process is that we will always talk to parents, that we always need parental permission if we need to interview their children. If a parent wants to be interviewed or wants to make a statement, or sometimes we ask them if they want to be interviewed or make a statement, we provide them with a written outcome of what happens at the end of an investigation.

The Hon. DANIEL MOOKHEY: The other view that has been put is that because you have obligations as an employer to employees that you are inherently conflicted when it comes to being an independent person to investigate either standard complaints or those types of complaints and that the jurisdiction should be taken off you and given to an independent body. Do you agree with that?

Ms THORPE: No, I do not.

The Hon. DANIEL MOOKHEY: Can you explain to us how you reconcile your obligation as an employer with your duties to properly investigate these incidents and to provide that information to children, or if you cannot explain how you reconcile the two and why you should not be stripped—

Mr SCOTT: Ms Thorpe will start.

Ms THORPE: My role is to make sure that, to the best of my ability, students are protected at school. My background is in child protection. I have never had a more senior officer say to me that I cannot take particular action or that I have no reason to hide or minimise—I came into the role because I have a child protection background. I am particularly interested in children's safety at school. I was accountable for putting child protection into our employment legislation to ensure that when there are appeals against employment conditions, that commissioners in the Industrial Relations Commission [IRC] and higher courts consider those matters. That was after we had circumstances when I was put in a position that teachers were dismissed, consideration was being given through the court system to returning people to the workplace, and that certainly made a substantial difference. I have no reason for either myself or my investigators, who are well trained in what they do, to make any decision that would place a child at risk. Investigations are based on evidence. We often go to extreme lengths to be able to clarify the facts and to make sure that there is a fair outcome for all. The most significant issue at the end of the day is the safety of children at schools.

Mr SCOTT: Let me reinforce that. Nothing is more important to us—nothing is more important to us—than the health, safety and wellbeing of the children in our care. That is the overwhelming focus of Ms Thorpe and her team. They operate separately from our schools division. They operate in a separate part of the department, they operate independently, and they have clear rules and guidelines, which they are following. They bring considerable expertise in working with children, which I think police and Family and Community Services and others would testify can be a very difficult area when you are dealing with young people to get a fact base of significance. So they bring real expertise to play on this. Yes, we have responsibilities as an employer and we have legal responsibilities that we need to comply with, and our staff have legal rights that we need to respect. Part of the thoroughness of the work of EPAC—and I have asked similar questions: How long does it take, how does it operate—is to ensure that the evidence that we collect is robust so that it will stand under legal scrutiny, it will stand up in the IRC, it will stand up against a court challenge. We have to be sure. We cannot have circumstances where staff are returned to classrooms because of holes that can be found in the legal cases that are being developed.

As a department, we have this internal mechanism and this internal capability, as any organisation of scale does. Police have their own internal affairs review units. There are audit teams in any organisation of scale. We need to ensure that we have the mechanisms in place to review these matters and also to provide a channel of insight back into other parts of the organisation. As I indicated in my opening statement, it is not to say it will be flawlessly executed. It strikes me that in some of the evidence that you are bringing to light that does not seem to quite coalesce how we want the practice to be. So if people do not know the name of the investigator—and our practice is that they should know the name of the investigator—we have a problem.

I also appreciate that a parent concerned at the treatment of their child will be emotionally invested in this and will want to know what is going on. At the same time, we will need to let our teams go away and do their work, but good communication is important. Fundamentally, EPAC does important work. It is demanding work. It is particularly challenging to get the fact base right in a demanding and emotionally charged environment. We strongly believe the department needs to have and exercise this function.

Mr DAVID SHOEBRIDGE: Mr Scott, given the royal commission's findings, particularly child sexual abuse, one of the key vulnerabilities for children is children having special needs. What, if any, changes have been incorporated into your investigation and your child protection arrangements as a result of the royal commission's findings?

Mr SCOTT: Jane, do you want to talk to that?

Ms THORPE: Certainly not all of the findings of the royal commission have come out. We are in the process of reviewing our response to allegations against employees in the area of child protection. A lot of sexual abuse matters rest with police initially. Anything that is a criminal offence will be referred directly to police and we work with them, and there are circumstances when a police investigation may not be able to get sufficient probative evidence, but we then need to do a disciplinary investigation. I have staff who are fairly acutely aware and very sensitive to the vulnerabilities of students, particularly those with disability. We also do a lot of consultation with the specialist disability areas if there are particular concerns. One of the areas that the royal commission has looked at, which is a huge issue for education, but not particularly a province of EPAC as a unit, is child-on-child sexual abuse, which is often the high-risk area for students with disability. If you look at the figures that we supplied to the questions on notice, the number of allegations of sexual abuse that are staff on students with disability are lower in comparison to mainstream students. In revising our procedures, we have tried to emphasise some of the vulnerabilities of students with disability. Certainly with serious matters we work closely with the police, because often it is a sensitive, difficult investigation.

Mr DAVID SHOEBRIDGE: I saw your statistics and I saw what I thought was an aberrant set of statistics, which suggests there is a lower rate of child sexual abuse involving children with special needs than the general student population, because it is directly contrary to the findings of the royal commission across society, and it made me question whether or not you have procedures in place to hear from, understand and capture the concerns that are coming from children with special needs, because your statistics are directly contrary to the natural trend we have seen in the royal commission, which would seem unusual, given the large population you have.

Mr SCOTT: Let me take that on notice. I would add, without going into detail, that we have fully engaged with the royal commission over matters of their inquiry. We have given evidence to them when asked. We are still waiting for some of their findings and insights on matters. It is a matter we take very seriously. But let me come back to you specifically on notice on that question.

Mr DAVID SHOEBRIDGE: And in doing that, I understand the Ombudsman has reviewed the class or kind arrangements in relation to children with disability. I cannot tell you the reason for that but I would assume it is because of these concerns that have been raised out of the royal commission. Could you address that as well?

Ms THORPE: Yes. The class or kind would never relate to any sexual abuse allegation. All sexual abuse allegations need to be reported to the Ombudsman.

Mr DAVID SHOEBRIDGE: I understand, but the higher incidence of abuse and mistreatment, sexual or otherwise, of children with a disability is a real thing that appears except for in the statistics you have provided out of your department.

Mr SCOTT: We will come back to you on notice on that.

The Hon. JOHN GRAHAM: Thank you for providing the figures you have provided. We did not have them at hand for the first hearing and I think it has really helped quantify the scale of the problem. The information now provided in this area has been very helpful. The part of this question I want to ask about is the matters that were reported to the Ombudsman. There is a defined number. It is a large number but not a huge number and almost all of which are then reviewed by the Ombudsman. The Ombudsman is regularly reviewing those except for a very small number and then a very small number—single figures—in 2014-15 are then the subject of adverse findings.

Ms THORPE: Yes.

The Hon. JOHN GRAHAM: There is one thing I am not clear about. Most of the Ombudsman's work is reviewing the process rather than doing a top to bottom review of the facts. That is usually their intervention into the system. Is that or is that not the case this time?

Ms THORPE: That is not the case.

The Hon. JOHN GRAHAM: So they are going top to bottom through these.

Ms THORPE: They get all the material. They have a virtual network with us. If a matter is subject to their review, they get all of the material from go to whoa that we have provided. They provide advice about the way we have looked at evidence, outcomes and process. Sometimes they have information that we may not be privy to. If there is information from another agency or if they think there are other lines of inquiry—

The Hon. JOHN GRAHAM: But it is not just about the process.

Ms THORPE: Absolutely not.

The Hon. JOHN GRAHAM: They are making a separate judgement on this issue.

Mr SCOTT: Investigating.

The Hon. JOHN GRAHAM: So, for example, in 2016, 410 matters were reported, 391 were reviewed and there were 11 adverse findings, and they have gone top to bottom through each of those.

Ms THORPE: That is correct.

Mr DAVID SHOEBRIDGE: But they do not do a complete merit review. They do not form their own conclusion. They review your papers and they review your documentary material. They do not do the process again.

Ms THORPE: No, they do not reinvestigate.

The Hon. JOHN GRAHAM: That is really my question: Are they reinvestigating?

Ms THORPE: No, they do not reinvestigate, but they certainly review to the detail. They will make particular comments about evidence.

The Hon. JOHN GRAHAM: That is precisely the distinction I was trying to draw.

Ms THORPE: Sorry.

The Hon. JOHN GRAHAM: If that is the case then I do have concerns. I acknowledge the changes you are making so there is no wrong door. I think that is a sensible approach. I am happy to accept that we do not want to sweep up every complaint. Where it can be fixed at the local level, it should be fixed. I am concerned, though, that there is not a process when the department has looked through all the facts and made a judgement on some of these complaints. There is nowhere separate to the department to review fully and reinvestigate the facts of some serious complaints where parents—

Mr SCOTT: So you are talking about an appeal mechanism external to the department?

The Hon. JOHN GRAHAM: Yes, an appeal mechanism to the department. I do not think it should be used very often but with such a large department with such a strong departmental culture, parents are saying that if they get forced back to the school or the region, dealing with those personalities, they do not feel as though they are able to get a fair hearing. In a system this big, surely that is going to be the case in some instances. How do we make sure not only that cases are reviewed independently but that they are seen to be reviewed with a level of independence?

Ms THORPE: The Ombudsman certainly has the powers to undertake an investigation should they wish to do so, and they have done in my time probably two investigations where they have been concerned about the outcome. They will certainly ask us in a review to do further investigation at times or suggest to us that possibly we could make further lines of inquiry. In those circumstances, we generally do.

The Hon. JOHN GRAHAM: I should indicate we are doing this the wrong way around because we have not had the opportunity to talk to the Ombudsman. So I think we would like to do that, but I am interested in the departmental view.

Mr SCOTT: That is the point I was going to make. The Ombudsman's office clearly has developed considerable expertise in this area. They exercise the role that they play with us similarly for the non-government sector as well. There are strong, clear reporting lines and responsibilities that flow through the

Ombudsman's office on it. Their ability to dive in deep—they are not fettered—and their ability to exercise their judgement to review the work that has been done but then alternatively to dive in deep, rests with them.

I would expect that the Ombudsman's office would testify to a good relationship with the department and Employee Performance and Conduct [EPAC], but the Ombudsman, like the Auditor-General, clearly has the ability to dive into this process, to look at this work, to provide a critique, to report publicly, openly and independently about these kinds of processes. The difficulty around whether there should be some external mechanism that can be triggered is what the trigger point to that would be. Invariably in these often emotionally charged cases people will be upset. They will be disappointed and they will be unhappy if it does not run their way—not just parents but I imagine our staff would be as well. You suggest in "a handful of cases" or in some cases there should be that mechanism. What the threshold would be and who the decider would be of that are problematic.

Mr DAVID SHOEBRIDGE: Teachers—and I support them having this right—have the ultimate right of going to the Industrial Relations Commission [IRC].

Mr SCOTT: Yes, they do.

Mr DAVID SHOEBRIDGE: But on the other side of the record, the parents do not have any external review right. I do not necessarily think they are the same cases, but do you see the discrepancy?

Mr SCOTT: I do. Again I reflect on the scale of the organisation that we are running here. You would want to be pretty careful that you are not unleashing massive unintended consequences—

The Hon. JOHN GRAHAM: Absolutely.

Mr DAVID SHOEBRIDGE: And the resourcing consequences.

Mr SCOTT: Yes. And if you take what Ms Thorpe has said earlier, I asked questions early on. I said, "How long does it take to resolve these matters, really?" And she has heard me from time saying, "How long?" But I appreciate that there is a thoroughness and a diligence that goes into the work. If in fact you put another mechanism on top of that, what might you unleash? If in fact you have a mechanism whereby there is a sense of some selectiveness, where some get chosen and others do not, then again I wonder if frustration and bitterness towards the system will get exacerbated.

The Hon. JOHN GRAHAM: I acknowledge all those things, but I would like to emphasise—

Mr SCOTT: I suppose what I am saying is that the best thing you can do is to look to provide reassurance around the robustness of the system. I would say that there are those mechanisms that are already in place through Ombudsman's reviews and Auditor-General's reviews, which can go centrally to the fairness and the efficacy of the process, the thoroughness of the review where it has taken place and, of course, on the child protection matters, the Ombudsman does and can dive into the detail.

The Hon. JOHN GRAHAM: Finally on this point—because I think we should have the discussion with the Ombudsman before finding a view, but that has been helpful—

Mr SCOTT: I appreciate that.

The Hon. JOHN GRAHAM: The two things that have come through in the inquiry already are, firstly, this does impact on parents with kids with disabilities much more directly because they are much more likely to be in a situation where they are trying to bounce around the system getting help; but, secondly, the thing that has really come through to me is that in the first instance they are very cautious about starting a complaint process. Their starting point is very much wanting to resolve it at the school level because they do not want to be complaining.

Mr SCOTT: That is our desire.

The Hon. JOHN GRAHAM: That is clearly the best place to do it.

Mr SCOTT: Absolutely our sentiment.

The Hon. JOHN GRAHAM: But should there be a pressure valve? I think we would like to look some more at that.

Mr SCOTT: We will value your insights on that when it comes to the report.

Mr DAVID SHOEBRIDGE: Can I quickly go back to the access request? When we were down at the Illawarra, here earlier today, and when we were up in Lismore, we had exactly the same issue raised with us

about inequity. Often the families who have to go and get the reports—the paediatric report or the allied health report—are families who are financially struggling, and they are having difficulty raising their kids because their kids very often have very high needs. We are asking these families to identify and then pay for the reports that found the access requests. What, if any, consideration has been given by the department to having a voucher type of system so that these families can afford to get that report so that the delay is not because they just do not have the \$300 or \$400 to get the report?

Ms CLEMENTS: I think we would have to take that on notice and look at it. The requirement to pay for a paediatric assessment, I do not quite understand where that sits. One of the things that we are trying to do—

Mr DAVID SHOEBRIDGE: The paediatrician normally says, "That's nice, Ms Clements. I will give you that report, but that's going to cost you \$400", or "That's nice, Mr Grant. I will give you that report about your child but that's going to be a \$350 report."

Mr SCOTT: Are you saying that that is not normally covered by a Medicare requirement?

Mr DAVID SHOEBRIDGE: It is an out-of-pocket expense for the parents. If you are living on Centrelink or you are on a very modest income and you have all these other financial and other constraints in your life that is sometimes an insuperable barrier.

Ms BALE: I think that is something that we can take on notice in general about the reports that parents might need to provide for their child, if there is an access request requirement, because one of the key roles of our school counselling workforce is also around assessments. It might be better for us to actually articulate the types of assessments that are required, and how they might be provided might be helpful for you as well.

Mr DAVID SHOEBRIDGE: We do know—and I do not think it is controversial—that for the majority of access request applications, a report from an external health or allied health provider is essential. It is a prerequisite.

Ms CLEMENTS: For some of the criteria, yes.

Ms BALE: But not for all.

Mr SCOTT: Let us take that on notice.

Mr DAVID SHOEBRIDGE: You might give us an indication of the numbers of these requests so that we can get a sense of what the funding issue might be.

Mr SCOTT: Yes.

The Hon. DANIEL MOOKHEY: It would be remiss of me not to ask: Does the Reading Recovery program work?

Mr SCOTT: There is not enough time on a Friday afternoon to respond fully. I am happy to provide you with the work that has been done by our Centre for Education Statistics and Evaluation [CESE] on Reading Recovery. It has some passionate defenders in our schools. The CESE report suggests that its benefits are not universally applied to all children who experience it. There is a question about how sustainable some of those benefits are over time. We are continuing to look at Reading Recovery and our support for Reading Recovery. That is work that is ongoing. Part of the opportunity around Local Schools, Local Decisions is to allow local principals to exercise their professional judgement on programs that are working well for these students and in their community and for us to provide advice around that. I can get you that research.

The Hon. DANIEL MOOKHEY: I will be thrilled to read it. What is the annual cost?

Mr SCOTT: I will take that on notice.

The Hon. DANIEL MOOKHEY: Does the Language, Learning and Literacy [L3] program work?

Mr DIZDAR: Like our secretary's comments around Reading Recovery, our principals and our staff—our executive team—are best placed for knowing their student bodies around what literacy or numeracy interventions or programs they may put in place for particular cohorts or right across the schools. The L3 program that you refer to has a strong uptake in many of our settings. When I move from school to school there are lots of school leavers that speak of its virtue for the full range of learners. In other settings that I go to, with what may appear to be a similar student background, you will find that L3 is not in operation and there will be a whole literacy program that that school has adopted.

The Hon. JOHN GRAHAM: The most heated evidence on this question—this might help to narrow the question—has been about children with autism. It is particularly with that cut-off.

Mr DIZDAR: Yes.

Mr DAVID SHOEBRIDGE: Autism and dyslexia—both.

Mr SCOTT: What I can say—and I think this should provide some encouragement—is that we have set up this Centre for Education Statistics and Evaluation. It is a research capability within. It is greatly admired around the country.

The Hon. DANIEL MOOKHEY: Congratulations on it. It is excellent.

Mr SCOTT: What it allows us to do is to really evaluate outcomes and measures over time. We are in a position where we can track. If the National Assessment Program Literacy and Numeracy [NAPLAN] results are a measure, we can track NAPLAN results in schools. We can track value add overtime. We can track comparisons of schools with similar enrolment patterns. Then we can look and say, "Who is using L3? Who is using Reading Recovery?" We can do evaluations of those programs and provide advice back to schools. So it should not be a lucky dip. It should not simply be that we have always done it this way. We are in a position to provide more and more information to schools about precisely what works and what lifts standards and what lifts outcomes, including to a level of granularity around different programs and different interventions for students with learning difficulties. I can provide more information to you on notice.

Mr DAVID SHOEBRIDGE: Is there a commitment as the data comes in—it seems to me that the data is going in one direction at the moment on Reading Recovery, which is against its efficacy—is there a commitment to ensure that that is going to be applied in all schools and we are not going to allow a principal who has been saying, "Well, we've been doing Reading Recovery for 10 years. I like Reading Recovery. Despite the data, we're going to keep doing it."

Mr SCOTT: Yes. I think that, as more data comes to light our ability to give stronger advice and guidance to schools on what that outcome is showing will become clear.

Mr DAVID SHOEBRIDGE: What about direction?

Mr SCOTT: I think we are still reviewing where we stand on the Reading Recovery effort. If you heard board evidence, you could spend an interesting day lining up people.

The Hon. JOHN GRAHAM: Do you have a time line for that? Is it an active time line?

Mr SCOTT: Yes. Later on this year we will come to a final view on our advice around Reading Recovery. It is not absolutely laissez-faire out there. We do provide directions. We do provide advice. We allow there to be local flexibility and local decision-making, but it is not what anyone wants. But as your questions indicate your understanding, we have plenty of teachers out there who are trained in it, schools who have invested in it, people who swear strongly that it works for their kids, and parents who believe that. That is one of the reasons why we commissioned the research. We looked at the global research. And you are right: It is not to say that it has not worked for children, and there are children who have benefited from it. But what we are trying to work out is: Can we identify the children who it might work for? Is that fairly limited? Is there an opportunity cost around the investment in Reading Recovery, which would have that money better invested in other activities?

The Hon. DANIEL MOOKHEY: Under Every Student, Every School and the menu of options available to a principal in respect of these types of programs, is there a pre-clearing mechanism, or is it totally up to them? As a principal, could I go out tomorrow and commission the Arrowsmith program?

Ms CLEMENTS: If schools do contact my office from time to time or school services contact us to ask advice about different programs, that is part of the role that my team provides—giving advice about what the research says and what research is available. The Centre for Effective Reading is a mechanism that we have established to provide schools and parents with access to information about what the research-based interventions are.

The Hon. DANIEL MOOKHEY: But there is no fetter on a principal's ability. The evidence is ambiguous on a lot of these things.

Mr SCOTT: I think our intervention is to get better evidence and to disseminate that evidence. That is what CESE is all about. We have got great material in documents that we are putting out to schools. We are using our training about what works well, what works best in schools, and what lifts outcomes. I encourage you

to look at that website. There is a lot of material there. I suppose that what we want to try to do in the mindset that we have around schools is to have directors and principals working together with a shared commitment to lift educational outcomes and to lift the performance of every student. I think going to your question around direction, I am drawing more parallels to medicine quite frankly. If in fact the medical evidence comes in that a certain practice is dated or antiquated or not delivering the outcomes, but there is a new improved medical intervention, you expect medical practitioners to move to that, so that should be in our schools. A lot of educational research is ambivalent or open but if evidence becomes clear that certain interventions are not working and we would be better off spending our time and our money in an area that is delivering a demonstrable lift in outcomes, that is exactly what we expect our directors and principals to be working on together.

The Hon. JOHN GRAHAM: I will ask a hopeful question. Now that a form of Gonski funding has been approved at the Federal level, does that provide some hope that resources will flow through in New South Wales to students with disabilities? How much of an impact will that have?

Mr SCOTT: The ink is not yet dry.

Mr DAVID SHOEBRIDGE: Please explain the Gonski funding to us.

Mr SCOTT: Again I am sorry, the afternoon has got away from us. We would need to have started much earlier if we are going to totally de-construct all of that. I will say a few things on Gonski funding. We, of course, are disappointed that the original six-year deal has not been followed through. That would have meant more money to every New South Wales school. I must say though the decision that has been made, the New South Wales Government now needs to engage significantly with the Federal Government to find out precisely what it means in detail and how it operates in practice and what it means for the complementarity of the State Government funding. But the good news I think is for our schools that the State Government remains committed to fully funding the six years of Gonski which was the State contribution to the deal.

It is highly unusual, I must say, that you enter into, in effect, a contractual arrangement over six years and the deal was we put in this money, they put in that money, and then at the four-year point they withdraw. I think the State Government could have quite legitimately said, if they call it off, we call it off. Let us start it again. That has not happened. We are fully committed to fund that. More money will flow under the new deal. We have still got to work out precisely how it flows and what conditions apply. I can say that as we look to work out the money we are going to allocate into schools for 2018, and the money we are going to wrap around schools in support services, we are very conscious of the needs for students with a disability. We are very conscious of some of the concerns that exist around how the current formula is working. As we calibrate what funding is available and how it is distributed that is in our thoughts.

The Hon. JOHN GRAHAM: I accept it has just landed.

Mr SCOTT: Term 2 is about to come to an end. This will be a significant piece of work during term 3. At the beginning of term 4 we will be able to make it clear to schools how much money they are getting next year. There will be some visibility on the back of that.

The Hon. JOHN GRAHAM: We have talked about the culture change issue, it is just the resource issue with students with disabilities—

Mr SCOTT: There will be more money for students with disability that is evident in the RAM for 2018 but precisely how much and how it is allocated—

The Hon. JOHN GRAHAM: Will it shift the dial? Will the Gonski funding that is coming through provide some hope that these resource issues will get easier?

Mr SCOTT: I will simply say there is less money than there would have been under the original deal but there will be more money available for schools next year than there was this year. We need to work out in practice how that money is allocated.

Mr DAVID SHOEBRIDGE: I do not think there is agreement yet upon the disability loading models, is there?

Mr SCOTT: No, you are right. Part of the detail we are still trying to work through is precisely where disability provisions were in the Act that went through. The other thing that the Commonwealth is waiting on, and I have been in some meetings with my counterparts and the State and Federal Ministers around this, is on the nationally consistent database. We are supporters of this. This has been quite good for our schools. It forces our schools—I think we can see a correlation between the training levels that have been undertaken and the

schools that need to do the assessments. So it has driven some positive behaviours to get to a point we discussed some time ago now.

But what is interesting is that if you look at the comparisons between State and State it does not just quite gel when you put them side by side. Some States have far higher identification than other States and that appears to be part of the assessment program. I think we understand that the Commonwealth is saying: No, we need to get that data to a better point of hygiene, if you like, where everyone is comfortable about what it is saying and then there will be funding allocations that are done on the back of it. I still think around the disability question from the Commonwealth end there is still more work to be done but as far as the State Government money that is being allocated, yes, we will be taking the disability allocation as part of the loading. This is something that we will be taking into account when we look at next year.

Reverend the Hon. FRED NILE: Because of the strong reaction of the Catholic school system, do you see more of its students transferring to the State system and putting extra pressure on the State system?

Mr SCOTT: That is an interesting question. I think it is too early to tell. My feeling, having watched it, is that parents will do all that they can to make an educational decision in the best interests of their children. So that will not be an immediate thing that parents would want to do. I think the debate around the Catholic school funding still has to settle down a little bit. In a way Catholic schools get more money out of this deal, as do Independent schools but as do government schools as well. The question for the Catholic school system is how that money is being allocated within. It is not that there is not any more money for Catholic schools overall but it does look like a redistribution has been taking place over time, re-allocating money that has been allocated. The transparency of that re-allocation has really become evident to parents for the first time. If that re-allocation is not going to happen then fees increase at some schools rather than others.

I would say that we have a major school building program that is underway. We are expecting a 21 per cent increase in enrolments in government schools by 2031. Our modelling is predicated on Catholic and Independent schools holding market share. That is what the modelling would have been and indicated. We will monitor enrolments with interest. I think it is very early to make a call that you would expect a shift in enrolment patterns at this point.

Mr DAVID SHOEBRIDGE: A continuing thread of criticism has been made about the lack of transparency in how the funding under the Resource Allocation Model is applied at a school level. Parents with children with special needs say some of this funding was meant to be there to provide a support teacher for my child for three hours a day, five days a week. That is not being provided and instead the roof has been fixed or funding is being put aside for training. Have you heard that?

Mr SCOTT: Yes. I think there is a misunderstanding, in a sense, of how it is meant to work. It is not a voucher for the child. It is a formula that is used to allocate money that is given to the school for the principal and that school executive to make appropriate decisions on the educational provision for those children. If, in fact, you had a disabled child who is Aboriginal in a rural area, or a disabled child in a rural area who did not speak English at home, those different elements are all adding up to the money that is going into the school. It is simply not right. These are different funding streams that have come to a money that has gone to the principal, and the principal then needs to be able to spend that money to demonstrate that the educational needs of those children are being met. So that is a decision that is being made locally and what we are assessing is that good educational outcomes are being delivered as a consequence.

Mr DAVID SHOEBRIDGE: That assessment really troubles me. There is some reporting in the annual report of the assessment to the extent that it happens about how the RAM funding is done?

Mr SCOTT: Yes.

Mr DAVID SHOEBRIDGE: But quite cursorily I have looked at a number of school reports and you really could not tell. Apart from that the checking that seems to be in place is kind of an ad hoc review by district directors. To me ad hoc reviews are a pretty poor way to deal with the sort of quality control when we are talking about a spend of hundreds of millions of dollars.

The Hon. DANIEL MOOKHEY: As we are short of time I want to tack on to that question so you can respond at the same time. Is there standard practice or standard direction as to how schools are meant to report RAM funding, accepting the correct view that it is not a voucher system and there is not a nexus necessarily to the student.

Mr GRANT: Thank you for the question. The answer is in black and white, issued every year, in October each year, preceding a round of funding for schools. The annual report must indicate the initiatives that are undertaken to address additional learning and support needs of students and the outcomes achieved.

Mr DAVID SHOEBRIDGE: I have read the reports; they do not do that.

Mr GRANT: I have a screen shot here. The dollars go in and the comments must be made. Every annual report is on the website.

Mr DAVID SHOEBRIDGE: I have read them. You would not have any idea—

Mr GRANT: In a particular case—I am not saying that it is evident in 2,207 of them; I do not believe you are saying that, either—if the director, the line manager, the principal has to use that as some type of learning point that is exactly what should happen.

Mr DAVID SHOEBRIDGE: I have read 10 or so school annual reports and I saw a few basic lines with some statement about the total amount of money that comes in, but I could get no idea about whether or not the funding was allocated on different needs or the educational achievements that have been driven under it. It is rudimentary at best.

Mr GRANT: Let me go to one other point.

The Hon. DANIEL MOOKHEY: Where is the harm in standardising a reporting framework or in giving options?

Mr DAVID SHOEBRIDGE: Let us hear from Mr Grant.

Mr GRANT: The best practice—I have done it myself, as I alluded to before—is about the discussion with the parent, to whom you are referring, of a particular student with disability. Some of the documents go to twice-yearly meetings. Evidence of the outcomes of those meetings gives the transparency point for the parent, remembering that the parent knows the student particularly well in a whole range of ways—not just in a learning context. Documents ought to be available at the school level that give a sense to the types of consultations that are had between school staff and parents about how the funding is applied to meet the learning needs.

Mr SCOTT: I accept the question about whether the reporting is rigorous and detailed enough. We are doing work at the moment on a couple of things. One is the school excellence framework, which identifies the priorities for the school, their current level of assessment and where they are going. The second one is their other planning documents—a three-year strategic plan that they are working on. The level of granularity in school planning and school reporting is something that we have identified and something that we want to work on. I think you need to be a little bit careful about unintended consequences and the pressure that you could put principals under locally.

Mr DAVID SHOEBRIDGE: They are so busy already.

Mr SCOTT: The message I get is: can you go a little bit easier on the compliance stuff; we want to be driving teaching and learning. If I go to the Centre for Education Statistics and Evaluation [CESE] report about what works best I discover that what we really know works best is principals who are instructional leaders. They are not locked in their offices filling out forms and reports but are out there driving teaching and learning. I think there is this tension between compliance and reporting—you have a lot of money to spend; how are you spending?—versus are you really being a principal who can lift standards. We want to be careful not to make it too onerous. There might be an argument that standardisation helps that rather than hinders it. I am open to that argument.

The other thing is about a system of this size. Some of the schools are very big now. You can have schools of 1,500 kids. We are going to be building schools with 2,000 kids. We were out at one today which nearly has 2,000 kids. I do not think you want to get to a situation where a parent is saying, "My child is Aboriginal and disabled"—or whatever—"I calculate that you have received X amount. Please demonstrate to me where that money is being spent on my child." That is not what it is designed to do. Out of the money that we are allocating to schools, what is a fair and equitable way of giving a principal the right kind of money to meet the needs of the range of students at his or school to exercise decision-making? The issue is how we have allocated that money to schools. It is not simply a case of dollars in and dollars out—let us tag that money to each individual kid. That would be unworkable.

The Hon. JOHN GRAHAM: We are almost out of time. I will ask one final question on the issue that has been put to us today about organisations advocating for the fact that you should be able to learn Auslan in the State curriculum in the same way that you can learn French or Japanese.

The CHAIR: You can take that on notice.

Mr SCOTT: I will take that on notice.

The CHAIR: Thank you so much. The secretariat will contact you in relation to questions you have taken on notice or any supplementary questions the Committee may have. The Committee has resolved that answers to these questions will be returned within 21 days. Thank you all for attending today's inquiry.

(The witnesses withdrew)

TOBIAS COOK, former student, sworn and examined

The CHAIR: I would like you to feel relaxed and comfortable. Just pretend that you are here amongst friends.

Mr DAVID SHOEBRIDGE: We all acknowledge how stressful it is coming here. I am extremely impressed that you have come here to give us evidence. I think we would all say that.

Mr COOK: I am all right. I have a background in public speaking.

The CHAIR: Off you go, Mr Cook.

Mr COOK: I finished school in 2015. You may be aware that I have motor dyspraxia. Throughout school I had varying experiences. Some schools have accommodated it. Some have helped me make reasonable adjustments—some not so much. I have been to 11 different schools, both Christian and public schools, so I have had a pretty diverse experience of what it is like to have a disability in those different types of schools.

The CHAIR: Did you find one better than the others?

Mr COOK: Public schools as a whole were better. The last public school I went to was Macquarie Fields High School in Sydney's south-west. They were really helpful. They provided me with a scribe for my exams. They were understanding. They let me use a laptop in class to take notes and stuff like that. I probably did not do as well when I was living in the country. Public schools there were less understanding. They were less helpful and less understanding. They did not really have much knowledge about what motor dyspraxia was and were not really willing to make too many adjustments. So I was unable to demonstrate my intellect, and my marks reflected that. I lacked a scribe. With motor dyspraxia I can think what I want to answer but I cannot put it on paper in a legible form. In that sense it was hard to demonstrate that I am capable of keeping up with the class. When I had a scribe I was getting great marks and topping the class but when I did not, a lot of questions were not attempted and were not legible so I was getting really poor marks.

Mr DAVID SHOEBRIDGE: When did you first become aware that you had motor dyspraxia and start to try to get some assistance from the education system?

Mr COOK: Late primary school—year 5 or 6. Even earlier than that, in year 3, I had an occupational therapist before we moved away to the country. She hooked me up with something called an AlphaSmart. It was like a keyboard with a little black and white screen that you use to take notes. It is like a calculator screen but bigger. When we moved to Broken Hill we mailed it off to [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 23 JUNE 2017] School, which I would be attending in Broken Hill, and the Department of Education lost it. It was unaccounted for. I suffered from that year on. I did not have anything to take notes with.

The CHAIR: But they lost it?

Mr COOK: Yes, it just sort of disappeared. They said they were going to mail it and then they said they had mailed it, but it disappeared.

Mr DAVID SHOEBRIDGE: When you were at the school without the resource that had been helping you, did you ask the school for it? Do you know if your parents asked for it?

Mr COOK: Yes, my mum was always on the phone to them—the school or the Department of Education. She would get the same explanation or she would email them and they would not reply. A lot of the time they were not very helpful at all. The excuse was, "We lost it. We do not know where it is, sorry."

The Hon. JOHN GRAHAM: How different was getting help in the bush from in the city?

Mr COOK: Miles apart. In the bush there are no counselling services, no occupational therapists. Even in a town like Broken Hill, with 20,000 or so people, there was one occupational therapist who was leaving six months after I got there. There is a real lack of services in rural communities.

The Hon. JOHN GRAHAM: Even if the school is helping to provide services?

Mr COOK: Yes, it goes beyond the school, like having a scribe; if you need occupational therapy or something like that. If I had had occupational therapy consistently when I was younger, my motor dyspraxia would not be as bad as it is today. The school could be bending over backwards to help you—they could be the most supportive and understanding school ever, but if you require services beyond that and those services are not available, it is bad luck.

Mr DAVID SHOEBRIDGE: At what age did you move from Broken Hill to the city?

Mr COOK: We moved from Broken Hill to Finley first, which is a town of 2,000 or so people in the Riverina. There was even less support there; there was nothing. They would not even provide a scribe and they had very little understanding and would not make an attempt to understand it. From there we moved to Albury, where I attended [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 23 JUNE 2017] School. They tried, but it was limited because of the lack of services.

Mr DAVID SHOEBRIDGE: Even in a city the size of Albury you still did not have services provided?

Mr COOK: It was a bit better as far as services go, but the problem was the schools in Albury. The primary school I went to tried their hardest but they had a lack of understanding.

Mr DAVID SHOEBRIDGE: Was that the Catholic sector?

Mr COOK: It was Lutheran.

The Hon. TAYLOR MARTIN: How long ago did you move to Finley?

Mr COOK: It would have been 2007. I was in Albury from 2008 onwards. I remember the child of the pastoral counsellor at [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 23 JUNE 2017] had dyslexia, I think or maybe it was dyspraxia, and she said, "He's not too bright." They still have the idea that a learning difficulty conflates to intelligence. That is a common misconception. I have had people dumb things down for me although I am not stupid. I can read and I do not need things to be dumbed down for me or simplified for me. That is a common misunderstanding.

Mr DAVID SHOEBRIDGE: Did you experience communications being confused with intelligence throughout your education?

Mr COOK: Yes, pretty consistently. I went to [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 23 JUNE 2017] School in north Albury, near Lavington. They would not provide a scribe and they put me in the lowest class because they assumed that I was stupid. My mum called up and said, "He does not belong in that class." They said, "He has to be able to demonstrate that." It was a Catch-22; I cannot demonstrate it if they are not providing reasonable adjustments. We had to do Indonesian in year 7. I do not know why we had to learn Indonesian because it is a country town so it is not relevant. The teacher did not give me a scribe for a test in which we had to name different parts of the body in Indonesian. I got something like two out of 20, and she made me resit the test and dragged me through the mud over it. Let us be honest, an Indonesian test in year 7 is not really important to your career or whatever, but she made my life miserable over it. She made a point of making me resit the test, and I had to lobby them to get a scribe. When I got a scribe I got something like 18 out of 20.

Reverend the Hon. FRED NILE: Did you have a scribe at Macquarie Fields school?

Mr COOK: Yes.

Reverend the Hon. FRED NILE: From the very beginning?

Mr COOK: Yes, they were really good. I would use my laptop to take notes in class, but whenever I had an exam they would go above and beyond to provide me a scribe. I cannot speak highly enough of them, to be honest.

Reverend the Hon. FRED NILE: Was the scribe another student?

Mr COOK: Sometimes it was another student, sometimes it was a parent volunteer. For the HSC, the Board of Studies provided scribes.

The Hon. DANIEL MOOKHEY: Yes, I used one.

Reverend the Hon. FRED NILE: Did you qualify with the HSC?

Mr COOK: Yes, I did the HSC.

The Hon. DANIEL MOOKHEY: Can you tell us what this meant for your family?

Mr COOK: It was very stressful to be constantly sending off nasty emails and in disputes with the Department of Education. It is stressful and it takes a lot out of you, but less so now that I have finished school. I finished school in 2015, but when I was in school it was very, very stressful to be having constant meetings

with the principal or the disabilities coordinator. I was going to change schools in Albury, so I went to [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 23 JUNE 2017] School and the then principal said, "If you come here, we are going to put you in special education." The ignorance on display there was astounding. There was such a lack of understanding though he was an educator in charge of a school. You would think that he would make an attempt to learn about the variety of learning disabilities, but I guess not.

Mr DAVID SHOEBRIDGE: Although the principal told your mum you would be put in a special education class, I assume that did not happen.

Mr COOK: No, because I ended up going to [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 23 JUNE 2017] instead.

Mr DAVID SHOEBRIDGE: Was it your parents' decision to take you to another school where they would not put you in a special education class?

Mr COOK: Yes, but even then they put me in the lowest class, which was not far above it.

The Hon. DANIEL MOOKHEY: Was that because your parents thought that even if they negotiated with the principal, the principal would not change his mind?

Mr COOK: Yes, pretty much. It was very black and white for him. He thought if I had a learning disability I belonged in a special education class. I was more than capable of keeping up with the curriculum and keeping up with my fellow students, but to him it was just black and white.

The Hon. TAYLOR MARTIN: Is it your understanding that putting you in that class would free up more resources?

Mr COOK: No, it was more because he assumed—

The Hon. TAYLOR MARTIN: It was their judgement of you?

Mr COOK: Yes.

Mr DAVID SHOEBRIDGE: He was not going to help.

Mr COOK: Pretty much.

The Hon. DANIEL MOOKHEY: It was prejudice.

Mr COOK: Yes, a lack of understanding.

Reverend the Hon. FRED NILE: It is common that students with dyslexia experience what you have experienced.

Mr COOK: Yes, a good friend of mine is dyslexic and it is not uncommon at all.

Mr DAVID SHOEBRIDGE: Chronologically, was your parents' decision to come to Sydney entirely unrelated to your education or was it because they thought that if they came to a big city you might get a better outcome?

Mr COOK: No my mum was offered a job at the tax office in Sydney and she decided to take it. My mum was previously a schoolteacher. I come from a single-parent household. There is no work in Albury and she wanted to get out of Albury, so that is what led to us coming back to Sydney.

Mr DAVID SHOEBRIDGE: Is that when you went to Macquarie Fields? You said you attended 11 schools.

Mr COOK: Yes, 11, and honestly I struggle to remember them all. Initially I went to [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 23 JUNE 2017] School, and there was more of the same thing. For unrelated reasons I hated that school and I ended up moving to [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 23 JUNE 2017]. They were okay, providing a scribe sometimes although I had to fight for it. They would overload us with assignments—when I was at uni I was not even getting as many assignments. Eventually they did give me extended time and a scribe for some things. I ended up leaving there because it was too far to travel every day. That is when I went to Macquarie Fields High School.

Mr DAVID SHOEBRIDGE: In year 9?

Mr COOK: I was there until the end of year 10.

Mr DAVID SHOEBRIDGE: So you did to senior years at Macquarie Fields?

Mr COOK: Yes.

Mr DAVID SHOEBRIDGE: Can you tell us what it was like to get into a school that finally got it?

Mr COOK: It was a great relief. At first I thought it would not last or would not be consistent, but it was great. The school was very understanding and helpful. I had a lot of friends there, especially because I lived locally. We were within a 10 minute walk of each other's houses. It was breath of fresh air.

The CHAIR: After all those years someone finally got it right.

Mr COOK: Yes. Considering everything, I did okay in my HSC. I was struggling with mental health issues that year as well and other issues. I did okay—I got 60 per cent, 70 per cent or 80 per cent, so it was all right. I was relieved to finally finish high school.

The CHAIR: If you had a better system from the beginning you feel that you could have done a lot better?

Mr COOK: Yes, definitely, I could have excelled.

The CHAIR: If you had that support mechanism in place?

Mr COOK: Yes.

Reverend the Hon. FRED NILE: What are you doing now? Are you trying to study still?

Mr COOK: I worked full time as a funeral director for a bit when I got out of school and then I decided to go to uni because there is not enough room for career growth in that field. Contrary to what a lot of people believe, it is not very lucrative, even when you have been in it for years. So I decided to go to uni for a bit; I was doing a double degree in arts-law.

Mr DAVID SHOEBRIDGE: I recommend it; it is a very good idea.

Mr COOK: I was pulling in distinctions and high distinctions but I was getting burnt out and depressed—I hated it. I could not see myself doing it for four years so I decided to drop out and get an apprenticeship and that is what I am doing now.

Mr DAVID SHOEBRIDGE: What was it like finally going to a local school that was accommodating you, helping you to learn, but you also had your friendship network amongst your neighbours? Was the combination important?

Mr COOK: It was a good balance.

Mr DAVID SHOEBRIDGE: How did it compare to your previous school?

Mr COOK: It did not compare—it was great. It was just sort of everything that I always wanted in that school. I had a good group of friends, it was a good study-play balance. It was great.

Reverend the Hon. FRED NILE: You have certainly developed your communication skills.

Mr COOK: Yes, I guess that is something I have always been sort of gifted with. Now I am the youth officer of a political party so I have to be able to speak well. I always sort of had to have good communication skills. It is something I have always been gifted with. When I was in year 2, I had the reading age of 16.

The Hon. DANIEL MOOKHEY: In answer to a question from Mr Shoebridge you described the impact it had on you once you were finally able to enrol in a school that was able to support you. Can you describe the impact it had on your family?

Mr COOK: It was much the same—much of a relief. My mum was very happy that I had found somewhere finally that would make these reasonable adjustments to allow me to do my best in exams. It was great.

The CHAIR: It accommodated your needs.

Mr COOK: Yes, definitely.

Mr DAVID SHOEBRIDGE: What you finally got in years 11 and 12 was basically what is every student's right and it should be there right from kindergarten. So I suppose when you go back and cast your mind back on your education or career, how does that make you feel? Missed opportunities or—

Mr COOK: Yes, I mean I try not to dwell on it too much because the past is the past, there is nothing I can do to change it now; I have just got to focus on the future. When I do look back on it, yes, there have been a lot of missed opportunities. I remember when I was at [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 23 JUNE 2017] in Albury they had something called the Bright Sparks program for gifted and talented and I asked about it. I said I want to join this because they got to do really cool stuff like build those Lego robots and stuff like that. The teacher—her name was [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 23 JUNE 2017]—said, "Sorry, it's only for students with academic potential." At the time I was crushed—the 11-year-old me was crushed by that.

Reverend the Hon. FRED NILE: It is a disgrace.

Mr COOK: It is. The lack of understanding—it makes me wonder how these people got through their degrees. Their prac. placements, their three- or four-year degrees, how did they do that with no knowledge of this whatsoever?

Mr DAVID SHOEBRIDGE: We have a policy about the publication of names. I might ask if we could agree that there be a non-publication order on the name of that teacher.

The CHAIR: We are already aware of that.

Reverend the Hon. FRED NILE: Have you dictated a submission for this Committee or you do not wish to?

Mr COOK: I have not. I am happy to.

Reverend the Hon. FRED NILE: Through your scribe?

Mr COOK: I have not written anything down, but I am more than happy to if you would like.

Reverend the Hon. FRED NILE: I think we would like to have something in writing.

Mr DAVID SHOEBRIDGE: I think you are doing a great job, Mr Cook. I do not think we require it in writing.

Reverend the Hon. FRED NILE: I thought he may have other thoughts.

Mr COOK: Yes, I will send something in.

Reverend the Hon. FRED NILE: It is up to you anyhow. We would be happy to have one.

Mr COOK: Yes, I will send something in, definitely.

Mr DAVID SHOEBRIDGE: Your apprenticeship now, are you doing that through TAFE?

Mr COOK: I am starting, I am assuming, the end of next week sometime because I have just picked one up.

The CHAIR: What apprenticeship is it?

Mr COOK: Electrical.

Mr DAVID SHOEBRIDGE: Have you investigated with TAFE what its arrangements are in making reasonable accommodation?

Mr COOK: It is funny you ask that because I have actually just done a Cert. 2 in electrical technology in TAFE to sort of better my chances of finding an apprenticeship, and they were great. My scribe was offering me free maths tutoring if I needed it. She was a Board of Studies scribe as well, so I have known her since 2015. The teachers were great; it was very hands-on. They always said, "If you need us to email the notes we can." I remember one of my teachers, he approached me and said, "What can we do to help you?"

The CHAIR: Was that Campbelltown TAFE?

Mr COOK: This was at North Sydney Institute, because I am living in West Ryde now.

The Hon. TAYLOR MARTIN: Do you have assistance in enrolling in TAFE?

Mr COOK: Yes, they are very helpful.

Mr DAVID SHOEBRIDGE: That kind of proactive approach "What can we do to help you?" that you are getting in TAFE, did you get that in the school system?

Mr COOK: No. Even the schools that were willing to help I had to initially approach them.

Mr DAVID SHOEBRIDGE: So kids with difficulties communicating, who do not have your kind of forthright attitude, what do you think happens to them in the system?

Mr COOK: They slip through the cracks. I have seen it happen over and over again; it is going to keep happening. Statistically, there are always going to be students who are going to slip through the cracks. With that many students Australia-wide it is always going to happen, but it can definitely be reduced dramatically by a more proactive approach.

Mr DAVID SHOEBRIDGE: Is there anything that you wanted to say that we have not covered in our questioning?

Reverend the Hon. FRED NILE: That is why I thought if he could think about it when he goes home and give us a written submission.

Mr COOK: Nothing immediately, but I am sure I can send you a written submission.

The CHAIR: Reverend the Hon. Fred Nile has got a very good point there: when you go away you might say, "Gee, I wish I had said this" or "I wish I had said that". If you can do that that would be great.

Mr DAVID SHOEBRIDGE: Any other related matter, we call it.

The Hon. DANIEL MOOKHEY: Congratulations on your apprenticeship.

The CHAIR: Congratulations, Mr Cook, well done.

(The witness withdrew)

(The Committee adjourned at 16:57.)