REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 3 – EDUCATION

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

At Newcastle on Monday, 8 May 2017

The Committee met at 10:00 am

PRESENT

The Hon. Natasha Maclaren-Jones (Acting Chair)

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

The ACTING CHAIR: Welcome to the third hearing of Portfolio Committee No. 3—inquiry 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 that include equity of access to resources for students with 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 individual cases, but rather to consider broader policy solutions to the issues raised in the terms of reference. Before I commence, I acknowledge the Awabakal people, who are the traditional owners of the land on which we meet. I also pay respect to the elders, past and present, and extend that respect to other Aboriginals present.

Today is the third of six hearings we plan to hold for this inquiry. We will hear from parents, teachers, organisations and regional representatives of the New South Wales Department of Education. Before we commence, I will make some brief comments about the procedures for today's hearing. In accordance with 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 you must take responsibility for what you 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 comments you may make to the media or to others after you complete your evidence, as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat, if anyone would like a copy of them. There may be some questions that witnesses could answer if they had more time or with certain documents before them. 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 aid the audibility of this hearing, I remind both Committee members and witnesses to speak into the microphones. The light on the microphone should be on to show that the equipment is recording and broadcasting. In addition, several seats have been reserved in the front row of the public gallery for persons who have hearing difficulties. Finally, could everyone please turn their mobile phones to silent. I welcome our first witnesses.

JAN PENNISI, Teacher, sworn and examined

JACK GALVIN WAIGHT, Teacher, affirmed and examined

The ACTING CHAIR: If Committee members are happy with this suggestion, before we commence with questions you may make an opening statement, if you wish. You are more than welcome to.

Mr WAIGHT: Yes, please. Good morning. I am a secondary teacher, having taught predominantly in the Hunter for around eight years at the Irrawang High School in Raymond Terrace. I also have taught casually in the United Kingdom. My current role is federation organiser in the Hunter, which I have held for five years. I begin by acknowledging the traditional owners of the land. I thank members of the Committee for their work thus far. This is an extremely important inquiry. It is important not just for students, teachers and schools but also for the State of New South Wales and our nation. It is my opinion that as a society we are judged by how we treat our most vulnerable and most needy people. Australia is a prosperous and developed country and we have a moral obligation to provide quality education for all, no matter their background or disability.

In my role as organiser, I look after around 3,500 teachers in the Hunter. At meetings with those teachers I am continually amazed at their commitment, their dedication and their passion for teaching students with disabilities. Unfortunately, it is my view that they continue to be let down by a failure to provide adequate resources and funding to support their dedication. Schools and teachers can do only so much. In many cases we are asking schools and teachers to fix poverty and generations of disadvantage without having adequate resources and support. Finally, before attending this hearing today I went onto the parliamentary inquiry's website to view some other submissions, both from 2010 and 2017. It struck me how similar are the issues raised in both inquiries and how significant are the recommendations from the 2010 inquiry. Members of the Committee, we cannot afford further inaction. We cannot afford to wait another seven years for another inquiry. The time for action is now.

The good news is—and the big difference from seven years ago is—that there is clear educational agreement on a way forward. It is called Gonski. It is about needs-based funding as outlined in the original legislated Gonski recommendations including—and perhaps most crucially—funding the students with disabilities loading, which currently is not in place. Thank you.

The ACTING CHAIR: Thank you very much. Ms Pennisi?

Ms PENNISI: Good morning. Thank you for the opportunity to speak with you today. Disability students in New South Wales government schools deserve better systems and greater strategic funding. The following statements I present to you are based on my professional observation and vast teaching experience of over 25 years. Better systems in my current setting would mean that our most at-risk students are not waiting months for integrated funding; our hearing-disabled student with a reduced lifespan is not declined additional funding; our wheelchair-bound physically disabled student is not waiting for over three years for equipment; our emotionally disturbed and violent students are not waiting for months for ED placements; our mental health and autism students' funding would increase, as their numbers certainly do; our intellectually disabled students would be eligible for some form of funding; our students who need assisted transport are not declined because their parents work; our mental health students can access a school counsellor every day of the week; our time is not wasted by applying for placements that are not available; and our professional judgement is valued in the access request process.

Greater strategic funding in my setting would provide someone to help an intellectually disabled student to read and write; someone to help an autistic student to communicate, plan and organise; someone to help a student with poor motor skills to cook, saw, draw or walk; someone to help a teacher to differentiate, engage, accommodate, motivate, assess, modify and instruct; someone to help a student with a chromosome abnormality to participate in physical education; someone to help a physically disabled boy to evacuate a building; someone to witness and report a depressed student's self-harming; someone to report a mental health student's sexual assault; someone to remove a post-traumatic stress disordered student from a loud classroom; and someone to ensure that the disability students in my setting are catered for on an individual basis so that they can equitably access the curriculum. Those are the faces of disability in my setting in just a 12-month period.

We are operating in an inefficient system and under strategic funding that affords my setting only 2.5 teacher's aides and 1.3 teaching staff to support over 100 students with special needs, disabilities, and diagnosed and undiagnosed learning difficulties. I hope my voice today will carry their stories and that this inquiry will improve the social, emotional and academic futures for all students with disabilities and special needs.

The ACTING CHAIR: Thank you very much. We will now commence with questions from Committee members.

Mr DAVID SHOEBRIDGE: I want to speak to you first of all about the special needs loading from Gonski. From recent discussions with the Australian Education Union [AEU] and others, my understanding is that there is funding set aside at the moment but it is meeting only half of the students who have the needs and it is done at a flat rate. There was a promise of a more sophisticated approach to the loading. Can you tell us at what stage we are federally in terms of funding that Gonski loading?

Mr WAIGHT: Sure. As media reports have probably shown, we are at a very interesting and crucial stage. Way back in 2015 the Federal Government promised that the students with disabilities loading would be implemented. Teachers and schools have done the right thing: They collected the nationally consistent collection of data that shows double the number of students with disabilities who are presenting in schools, but there is not the funding. The disability loading has not come in yet. There are the SSPs (schools for specific purposes) and the mainstream settings that would get that extra funding, but they are not getting it. The targeted funding that is there for students with high level needs that have been medically diagnosed, we believe is inadequate. There is also the Every Student, Every School [ESES] funding, which is a capped amount.

I will give you the example of low level autism, which is capped, on my understanding, at one in 100. For example, a school like Jan Pennisi's school, which would have, say, 700 students, would get the equivalent of seven for that funding; but there might be 14, 15 or 20 students who actually present for that funding. Schools are having to make do with less by taking resources from different areas and teachers are being overworked. As well as that, all the students are missing out.

Mr DAVID SHOEBRIDGE: Part of the problem of understanding special needs funding is the enormous complexity—the State and federal complexity. One of the issues is that the Every Student, Every School is capped at a maximum of one in 100. Can you tell me about what that cap is?

Mr WAIGHT: That is for low level autism. I used that as an example because it is my understanding that it is, but I suppose I can use some figures. To just give you an example, in 2012 NSW Treasury dictated education policy to cap and reduce funding for students with disability. The Boston Consulting Group's report recommended $100 million of funding cuts to special needs education. The Government's funding formula implemented Every Student, Every School, which is designed to stem the 11 per cent annual growth in the cost of special needs education. That is not a needs-based system, obviously.

Mr DAVID SHOEBRIDGE: Ms Pennisi, you said that there are 3.8 full-time equivalent staff members to do with more than 100 kids with special needs. Is that because a cap was reached? Why?

Ms PENNISI: With the impact of the ESES, prior to that students were funded on an individual basis. For example, in 2012 I had 29 students with identified disabilities who were funded individually, and that funding was around about $45,000 per term. When they announced that they would go under the new funding model, overnight my funded students was reduced to 15 students. The reason I have such poor staffing against that is because I had to release six teacher aides that were being paid out of that integrated funding. There is flexible funding that comes into schools that I can use for teacher's aides. However, it stretches only as far as 2.5 bodies.

Mr DAVID SHOEBRIDGE: I was hoping that you might explain in more detail. In your submission you state, under the heading "Equitable Access":

> Overnight students who had built rapport with support staff had this removed.

I assume you are talking about—when? In 2012; is that right?

Ms PENNISI: The impact, yes.

Mr DAVID SHOEBRIDGE: All right. You then state—and I ask you to explain this to me:

> I gained an additional 0.5 LAST, a wonderful staff member who works very hard but it cost me 6 SLSOs.

Can you tell me the meaning of the acronym LAST and SLSOs?

Ms PENNISI: Certainly.

Mr DAVID SHOEBRIDGE: Can tell me what actually happened?

Ms PENNISI: A LAST is a learning and support teacher. With the new model there was a collapsing of the standard way that disability provisions were provided to school. We used to have specialist itinerant behaviour teachers and various other itinerants too that would come out to school and help to support those students with additional needs. When the ESES came out, we were told that my setting is a 229 school, which is under a different system.

Mr DAVID SHOEBRIDGE: What is a 229 school?

Ms PENNISI: How do I explain that, Jack?

Mr WAIGHT: It is empowering local schools. It is probably not worth going into.

Mr DAVID SHOEBRIDGE: I do not need to chase that?

Mr WAIGHT: Yes.

Ms PENNISI: The impact of that is that we operate under what we call a resource allocation model, a RAM. When the RAM comes into schools, we basically had to then use the funding that came into schools for staffing allocation and/or resourcing needs. We did gain. It was promised that we would gain additional specialist support staff in schools with the ESES model, and we did. I am a LAST. I am a full-time LAST and we gained a 0.5 LAST in our setting, so an additional teacher that is qualified and that also, like myself, held a master's in special education.

Mr DAVID SHOEBRIDGE: You now have 1½ of those in the school?

Ms PENNISI: Yes.

Mr DAVID SHOEBRIDGE: What did it cost you?

Ms PENNISI: It cost me six teacher's aides.

The Hon. DUNCAN GAY: Could I seek some clarification of that?

Ms PENNISI: Certainly.

The Hon. DUNCAN GAY: You said that it has cost you six.

Ms PENNISI: No, I had eight.

The Hon. DUNCAN GAY: Ah, that is it.

Ms PENNISI: I had a team of eight, I am sorry.

The Hon. DUNCAN GAY: I am sorry. That is why it did not add up.

Ms PENNISI: I recently got another half again.

Mr DAVID SHOEBRIDGE: You had a team of eight. What is the team now?

The Hon. DUNCAN GAY: Two and a half.

Ms PENNISI: Two and a half teachers, yes. I had one teacher and eight teacher's aides at that time. I now have 1½ LASTs and 2½ teacher's aides.

Mr DAVID SHOEBRIDGE: All right. What has been the impact of that in the education delivery at the school?

Ms PENNISI: Look, there seemed to be a real tone around when the ESES came in about stopping the support of and valuing the impact of teacher's aides in secondary settings. It seemed to be like an underlying tone. When I spoke about it at a regional directors meeting they said, "Look, teachers are the people we want in front of our kids. We will up-skill and build the capacity of teachers and we will offer further online training and additional LASTs in the school." My colleague and I are very experienced in the work that we do and we do feel that we are meeting as many needs as we can, but what you have to understand with students with disability, many of them are disengaged and many of them are unmotivated because of the circumstances that underlie that disability. They also operate under a vast range of difficulties to be able to access the curriculum.

To have a person in the room that supports that child and is able to build rapport, apart from the classroom teacher, or to give a classroom teacher the flexibility to say, "Could you work with those three students", or some of those things I said, "Could you help that student in the corner who has post-traumatic stress disorder because I am about to play a musical piece that is going to be far too loud." It is all those little things. We need the support of those people in the classroom.

The Hon. DUNCAN GAY: A lot of the evidence that we have had is very much along the line that we need properly trained people in the area rather than teacher's aides. Your evidence runs contrary to that. Before I started to ask the question, you probably answered it in your comments that you made a moment ago, but do you want to elaborate on that? I think it is important because it is a very different view to some of the views that we have had?

Ms PENNISI: Certainly, yes. Having highly skilled and trained teachers in front of our students is crucial and vital. One set of eyes in a classroom, with the diversity that we deal with in public education today, is not enough. If you take an average classroom that may have 30 students, three of which may have autism and another two that may have significant behavioural disability, there could be up to 10 students in that class who are not operating at the same intellectual level as their cohort, would challenge any teacher, myself included. It is a different playing field out there.

There are such diverse needs in those classrooms that having that additional body gives you greater opportunity to create cooperative learning activities where you can meet the needs. I work a lot with teachers to differentiate. It is a buzzword I have used for my entire career: Are we differentiating? We are asking expert teachers in a secondary setting to operate sometimes back to stage two primary level. That is really difficult for a staff member to do that and still deliver content that improves the outcomes for the students who are at cohort level. Then there are other factors built in. As I said, there may be an autistic student who may have significant sensory needs within that classroom. We are also asking staff to create an environment that is conducive to all those students in that classroom.

Mr DAVID SHOEBRIDGE: You are almost saying that it should be the default that in most classes there should be a teacher and an assistant to enable a full education experience to be given to every child in the class. Is that really where you are coming to?

Ms PENNISI: I cannot speak highly enough of the value of having that second person in the classroom. A lot of our Gonski funding—and I know that is a separate thing to what we are talking about today—has done exactly that: given us smaller classes and an extra body in that classroom so that we truly can meet the individual needs of students. We talk all the time about meeting individual needs, levelling playing fields and those sorts of things, but it is all but impossible for many of our teachers with the complexity in the classroom to do that. It is a really, really difficult.

Mr WAIGHT: In regards to the question as it relates to learning and support, there was an additional 0.5 pre-ESES. They would say that they are specialist positions. I think it is eight or nine specialist positions for behaviour and so forth that got rolled into one, which is the LAST role. You have had a loss of all these specialist positions. It might look like a 0.5 increase, but it is a massive loss of expertise.

Mr DAVID SHOEBRIDGE: I think you described them as itinerant.

Ms PENNISI: Yes.

Mr DAVID SHOEBRIDGE: That means they were not attached to a particular school. They had a region and they worked on specific specialities.

Ms PENNISI: That is correct. As Jack said, although we gained some extra teaching load in our school, it just replaced itinerants that had to be put back into schools in some capacity.

Mr DAVID SHOEBRIDGE: One of the real concerns we have heard from a number of teachers and advocacy groups about the teacher's aide model is the idea that the teacher's aide model might be almost like a nanny or a behaviour management tool rather than an educational tool for children who have neurological diversity and other needs. As the Hon. Duncan Gay said, that has been a constant theme. There is anxiety that a teacher's aide is like a behavioural bandaid. What do you say about that?

Mr WAIGHT: I think schools at the local level know best how to meet those students' needs. The issue is the funding. For different students there will be different solutions, but if the schools and the teachers do not have the funding, it is robbing Peter to pay Paul. I think that is more appropriate.

The Hon. DUNCAN GAY: Not the funding. The question is: What does it give in the classroom? The question was not about the funding. It was about the roles of what they do. The evidence that we just had was a legitimacy to be able to look after students who are travelling at different speeds with different needs. That was the question asked by Mr David Shoebridge. We have had evidence to indicate that it was really just babysitting and just pushing the problem into the corner by just keeping them quiet, but your evidence goes beyond that.

Ms PENNISI: I would love to address some of the real practical things that a teacher's aide can do.

Mr DAVID SHOEBRIDGE: In regard to educational outcomes, not for the balance of the students who might otherwise have disruption, but for the kids who have special needs.

Ms PENNISI: Yes, educational outcomes.

Mr DAVID SHOEBRIDGE: Is there evidence that shows that giving that support improves their educational outcomes?

Ms PENNISI: In my setting there is evidence because we utilise our teacher's aides to run actual reading and numeracy programs to build the capacity of those students. We would have a fast forward reading program. The teacher sets up the groups. The teacher's aide runs those groups. We have tracked student performance under the tuition of teacher's aides, and some of their reading ages in the last 12 months have improved up to three years. That is with a program that is run for three times a week for about a period. By the time we get into the classroom, it is about 45 minutes and not the full hour by the time we get up and running.

Other things that we use teacher's aides for, particularly for students with mental health needs, involves a very qualified teacher's aide whom I have and who also works with youth groups outside the setting. He runs a mentoring and goal-setting program with young men whereby he utilises the school gymnasium. The boys work out but also use the equipment and it is tracked on what we call—I do not want to get too complex—a school-based tracking system. The boys have to work to reward in order to get into the program. If they fail to behave appropriately within the lessons leading up to that throughout the week, then they cannot do it. It is a token reward for those students trying to work towards good behaviour.

We also use our teacher's aides to help students reach learning outcomes across the whole key learning areas [KLAs] of our setting because we help those students with their actual subject assessment tasks. Under my guidance and my tuition in the library setting, I have my teacher's aides work with groups of students to complete assessment tasks. If we did not do that, that particular program, I would have a huge number of students not reaching learning outcomes, therefore failing subjects. When we get to year 10 level, they would be ineligible for our Record of School Achievement [ROSA] because they would have been what is called N awarded for failing to hand in assessment tasks.

Mr DAVID SHOEBRIDGE: ROSA, as in?

Ms PENNISI: There was the old School Certificate. It is the new school certificate. What does that even stand for, ROSA?

Mr DAVID SHOEBRIDGE: It is the current equivalent of the school certificate.

Ms PENNISI: It is the current equivalent to the former School Certificate. Sorry for not knowing what that was.

The Hon. DUNCAN GAY: It keeps changing.

Ms PENNISI: It does, yes.

Mr DAVID SHOEBRIDGE: Public schools specialise in acronyms in a quite phenomenal way.

Ms PENNISI: Yes. We utilise our teacher's aides for a range of definitive learning outcomes. In fact, it is very rare for a teacher's aide in my setting to be used as a babysitting or a nanny-ing thing. The other thing we do too is, because we have a number of students who are unable to sit in the large cohort of the exams, we use them for readers and writers for our students within those formalised exams. We cannot do that at stage six level but we can do that in the junior school. I am trying to think of what else we use them for. They are an absolutely wonderful resource for staff, too—staff who are trying to think on their feet and to bring in things in the classroom. They are augmenting that learning by being able to work with that small group and by being able to quickly mark that worksheet and hand it back to the teacher so that she can go and have a conversation with the kid about their learning.

Mr WAIGHT: The point I was making in regards to funding is that if you are not addressing, with the resources and funding, the students' basic needs it can be extremely hard for a teacher's aide, as an unqualified teacher, to actually make some progress. If you are actually generally addressing those students' basic needs, then the teacher's aides can be really beneficial. That is why the funding is absolutely crucial.

The Hon. DANIEL MOOKHEY: Ms Pennisi, another area of your evidence which is somewhat contrary to the thrust of evidence that we have received so far has been your positive experiences with the access request process to which you alluded in your opening statement.

Ms PENNISI: Positive? No.

The Hon. DANIEL MOOKHEY: Right. I did actually mishear you.

Ms PENNISI: Negative, unfortunately, I am sorry.

The Hon. DANIEL MOOKHEY: Great—because now all of a sudden you are consistent with the thrust of evidence that everyone has given.

Ms PENNISI: Yes.

The Hon. DANIEL MOOKHEY: Can you explain to us just the basics about your experience with the access request process?

Ms PENNISI: Yes, certainly.

The Hon. DANIEL MOOKHEY: I am particularly interested in trying to place kids in schools for special purposes as well as being able to access additional classes.

Ms PENNISI: Yes. Thank you for the opportunity of being able to speak about that specifically. It is one of the greatest frustrations of my entire role. There is a system that exists in schools called an access request system. It is an online system whereby we fill out information and evidence and send it off to regional office whose members then sit as a panel and decide whether the application is good enough to pass on to State for funding or for placement. If you want to place a student with mental health, behavioural or emotional disturbance we get only two opportunities a term to make that application.

The Hon. DANIEL MOOKHEY: Why?

Ms PENNISI: Please ask of them. I do not know. That is the only time they will accept the actual application.

Mr DAVID SHOEBRIDGE: We were told in evidence from the department that they meet only once or twice a year.

Ms PENNISI: Oh, I can hand it in—but it will not be looked at. I could hand it in at any time throughout the term.

Mr DAVID SHOEBRIDGE: Yes.

The Hon. DANIEL MOOKHEY: It is the panel's assembly that is the guide.

Ms PENNISI: Yes, but the panel will rule on an application only twice a term. In my experience—and I have written over 100 access requests—is that if you hand it in too early, it gets forgotten about; so you are best to put it in on that Friday deadline so that it sits there and they are cognisant of it for Monday morning's meeting. Last Friday was the closure deadline for particular access requests. I sent in three on behalf of my setting last Friday—one for an emotionally disturbed placement, one for an intellectually mild placement and one for a behavioural disturbed placement. They sit as a panel. I do not know what processes of the panel are but I do know that I am unlikely to hear anything for about two months.

The Hon. DANIEL MOOKHEY: Of the 100 that you have submitted over the course of your administration, over what period have you submitted those 100? Is it a couple of years?

Ms PENNISI: Yes. I have probably been doing the process in my current setting for about four years.

The Hon. DANIEL MOOKHEY: Can you estimate your success rate? How many of those 100 have been successful?

Ms PENNISI: Look, in terms of integrated funding—do you know what, can I take that on notice? If you really want the actual figures, I do not want to say the wrong thing.

The Hon. DANIEL MOOKHEY: Would you characterise it as being a high number of them receiving a positive response?

Ms PENNISI: Now that I know the ropes and exactly what hoops to jump through, I am highly successful at getting them. But the frustration about the process is that a lot of that report is a report that is compiled by me, our school counsellors, classroom teachers, our teacher's aides and our year advisors. It is all evidence based on what we observe in our setting. Then I am supposed to give a score beside that—a domain score.

There are criteria. For example, on safety I give an evidence statement. I think I get about 500 words to provide an evidence statement and set a domain score from 0 of three or four down the side about the severity of how I witnessed that. It is based on all the observations of our setting and I find that, having written 100 of them, I still send them in and they still say, "You said a three. Panel suggests a two."; "You said a two. Panel suggests a one."; "You said a four. Panel suggests"—whatever. That sounds a simple fix but you have to understand the process. That means, every time they make a different ruling, they basically send it back to my principal and say, "Decline the following setting."

I have to ring my principal and say, "Decline these sections." I have to go in, change these scores, and I have to then reactivate it and send it back to my principal so that he can resubmit and so that it can go back to the panel. It is just a crazy situation. If they honestly want the scores changed to that then either trust our judgement that they are correct in the first place; or, if they do not think that, change them themselves and notify us. It just slows the process. We are waiting months and months for these kids to be placed. Often we are filling out access requests when they know already there is no placement, so why do they make us do that? You know, that is crazy. Then I have a family at the other end thinking that this might bring some sort of result for a child, and there was no placement available when I tendered that report.

The Hon. DANIEL MOOKHEY: You said that you work off the expectation that it will take approximately eight weeks or two months for an access request before you get an answer.

Ms PENNISI: Yes. Sometimes I do not get an answer. Sometimes I have to bring my district office and say, "I'm still waiting on student X's results. Could someone tell me what is happening?" In a recent one they said, "We don't know." They rang State office and came back and said to us, "State office said that that needs to be supported by funds available within schools."

The Hon. DANIEL MOOKHEY: If it takes eight weeks for you to find out what is going on, how long does it take for a parent?

Ms PENNISI: Even longer—oh, actually, around about the same. If it is taking me a couple of months, by the time we finally know that placement will be offered, that same day—or very close to that, apparently—a letter is generated and sent out to parents. We are not supposed to touch that process. We are not even supposed to discuss it with our parents at that point.

The Hon. DANIEL MOOKHEY: We have had other parents say obtaining a spot at a school for special purposes is the equivalent of winning the lottery.

Ms PENNISI: Yes.

The Hon. DANIEL MOOKHEY: Do you think that is accurate?

Ms PENNISI: I know that there are nowhere near enough positions available for students. We have to be creative. The other day I had to be creative in my setting. We have a non-government school placement that is available to us called the Haven Education Centre at Terrigal. I made the call to the Haven. I spoke to them and asked if they would interview two of our students. Then in a suspension resolution meeting with those parents working beside my deputy principal I said, "Why don't we talk about the Haven with this family?" The family went and talked to the Haven. It looks like those students might get a spot over there. I just knew that these particular students are such high needs that, if we had to wait for two months, I honestly felt in my heart that those particular students may be expelled from our setting, if I did not do something creative in the meantime.

Mr WAIGHT: If the Committee does not mind me supplementing, I think in regional areas it is more of an issue as well especially in regional areas of the Hunter. There might not be an appropriate setting an hour or two hours' drive so there is no access for that student or for that family. The burden—not burden—but the responsibility then comes onto the school that might not have the adequate resources to appropriately support the student.

Mr DAVID SHOEBRIDGE: Following on quickly from that, when you put in the access request, even if it comes back positive, such as "Yes, the student has been identified as having the need", that does not necessarily mean that a placement follows.

Ms PENNISI: No.

Mr DAVID SHOEBRIDGE: Is that right?

Ms PENNISI: If it is unsuccessful in gaining placement, they basically tell you to clone that report and hand it in when the next panel meets because there is not a placement available. If it is for integrated funding—individualised funding to support that student—I will get what is called a remittance advice. They basically tell you a dollar figure to expect but it does not come the next day. It is another month waiting for that figure to land in schools.

Mr DAVID SHOEBRIDGE: There are two distinct things that you apply for through that system.

Ms PENNISI: Yes.

Mr DAVID SHOEBRIDGE: One is for funding to assist in an inclusive environment in the school.

Ms PENNISI: Yes, that is correct.

Mr DAVID SHOEBRIDGE: The other one is for a space.

Ms PENNISI: Yes. The majority of my applications are for integrated funding.

Mr DAVID SHOEBRIDGE: Mr Waight, is that your experience too when you speak to other teachers? Is that a standard delay—two months minimum?

Mr WAIGHT: It is not really my field so I could not really comment on that one.

The Hon. DANIEL MOOKHEY: I have just a very basic question before we get too far beyond integrated funding. Another criticism we have heard repeatedly is that while lots of other resource methodologies and funding systems have been updated to reflect the current cost of providing the care that they are meant to fund, integrated funding has fallen behind and has not been updated as the system or a model or a formula for a long time. Is that reflective of your experiences in terms of the actual cost taken to deliver the support that you are applying for?

Ms PENNISI: To be perfectly honest, if I am lucky enough to get integrated funding, in particular, the dollar amount seems to be a little bit higher than what it used to be but I get far less. Put it this way, prior to the ESES model I could make an application for a student with any form of mental health or autism for integrated funding, and they were very successful. Once they went to the ESES model, I cannot make an application for a student with what we call mental health one [MH1] or mental health two [MH2] or straight out autism [AU]. They are not funded. Any student in my setting with an intellectual disability is not eligible for funding. It is one of the hardest things.

Mr DAVID SHOEBRIDGE: MH1 is mental health one and MH2 is mental health two. Is that right?

Ms PENNISI: Yes, that is correct. They are classifications.

Mr DAVID SHOEBRIDGE: They are what is considered as lower levels?

Ms PENNISI: No, they are not lower levels. The classification talks more to the nature of that particular mental health. In layman's terms—because I am not a school counsellor—it has been explained to me that MH1 are the sort of students who internalise. They may have anxiety or depression. There is probably far more to it. I am being very simplistic about it. MH2 is more the student who acts out. "externalise" and "acts out" is how it has been explained to me. I am sure there is more to it. The only MH funding that I can get for a student now is a student who has mental health three [MH3], which can include elements of those other two mental health conditions, but there is far more to it and I am sure a school counsellor could be far more articulate in explaining that.

The Hon. DANIEL MOOKHEY: But your evidence is that, for the purpose of integrated funding, it no longer counts.

Ms PENNISI: I beg your pardon?

The Hon. DANIEL MOOKHEY: For the purpose of obtaining integrated funding, it no longer counts as a disability.

Ms PENNISI: Yes. That is it, basically. It no longer counts as a funded disability in high schools—MH1, MH2 or AU—and certainly an intellectual disability, which can mean a student is operating at kindergarten level in a mainstream high school classroom, is ineligible for any form of funding.

The Hon. DUNCAN GAY: Can I go back to the grading? You said you put in a four or a three.

Ms PENNISI: Yes.

The Hon. DUNCAN GAY: They invariably come back one below. I suspect the temptation is just to arrive at your figure and put it lower.

Ms PENNISI: Sometimes they send them back even if I have put them lower and they want it higher, though, you know.

The Hon. DUNCAN GAY: Right. What delay does that cause? Is it just a few days, or does it put it through to two months' time?

Ms PENNISI: It has resulted in one or two occasions where I couldn't get the funding application in at all because the setup for that particular access request—once you set up the original page and say, "I am the school teach and my principal is Joe Bloggs", if Joe Bloggs goes on leave or is seconded to another thing, I cannot get them to unlock that. I had a situation once where a principal was on extended leave and I had to re-create the entire access request. They take hours and hours because you have to get all stakeholders to participate and feed information. They do not just sit with me as the author. It then bumps on to a school counsellor, to a district guidance officer, and all those people have to come together to comment before it can be submitted.

Mr DAVID SHOEBRIDGE: There is a potential solution to that, which is that their determination gets actioned as the default straight away.

The Hon. DUNCAN GAY: Yes.

Mr DAVID SHOEBRIDGE: And then if you want to bump it up or down—

The Hon. DUNCAN GAY: Yes, if you accept.

Mr DAVID SHOEBRIDGE: —then by all means go and do a fresh application. Would that be a better outcome?

Ms PENNISI: Honestly, as true as I sit here, I sent an email to my principal, who was actually working in district office the other day, and I said to him, "Could we not look at this? Could it be that we never put a mark and they decide, or if they want to change it, they let us know? There has to be a better system if it is that one that you are proposing."

Mr DAVID SHOEBRIDGE: If the panel determines it is a two, it gets implemented as a two.

Ms PENNISI: Sounds good to me. Sign me up.

Mr DAVID SHOEBRIDGE: By all means you can challenge it to make it a three.

The Hon. DUNCAN GAY: And then you get the option to accept it or not, which you could prefer, I am sure.

Ms PENNISI: You know, honestly, they are asking—

Mr DAVID SHOEBRIDGE: Let's get on with it.

Ms PENNISI: Yes. Let's get on with it. Also they are asking for my judgement. They have never seen the kid and they basically are saying, "No, you're wrong." That is a bit insulting, I am sorry.

Mr DAVID SHOEBRIDGE: When they have only got a paper analysis of it, as we know.

Ms PENNISI: Yes. At the end of the day we just want it in, and we want an opportunity for those students to get that application done.

Mr DAVID SHOEBRIDGE: Mr Waight, there is one aspect of Ms Pennisi's evidence that cuts across into your submission quite directly. It refers to students who cannot get support because they do not have the appropriate diagnosis. You say:

> Many students have a learning or behavioural disability but it does not present itself as so severe that paediatricians will give it a diagnosis.

Therefore they do not get any funding. You then go on to say:

> With extra funding, these students would be supported and engaged in learning in the classroom ...

Do you want to tell us about that?

Mr WAIGHT: Yes. In many cases, parents do not actually take their students to get a diagnosis as well. There are lots of students in their school that really should have funding, but because the parents choose not to—and that is really hard—

Mr DAVID SHOEBRIDGE: I will just stop you there. Sometimes these families' lives are really bloody difficult. They have multiple problems in their life that they are dealing with. Their kids have probably got a diagnosis, and is it an unrealistic expectation to think that all of those parents will have the wherewithal and resources to take their child to a paediatrician for examination?

Mr WAIGHT: Well, as I said—

Ms PENNISI: Try getting a paediatric appointment on the Central Coast in under three months, too.

Mr DAVID SHOEBRIDGE: How do we fix that? Just stopping you there, how do we fix that? Does just putting the burden on already sometimes massively overstretched parents mean we inevitably will fail the kids?

Mr WAIGHT: As I said in my opening statement, in many cases you are actually dealing with poverty. We are dealing with intergenerational disadvantage. To say to schools, "You have a capped resource with which to try to improve that", it is really difficult. For teachers, principals and schools, there are only 24 hours in a day. If we are having to use resources from different areas to satisfy that funding need, obviously that will have a big detrimental effect.

Mr DAVID SHOEBRIDGE: Just on the ability of parents to get the diagnosis, even if you thing it is cryingly obvious that the child would get the diagnosis if they were put in front of a paediatrician, are there kids that you are aware of—and this question is probably more for you, Ms Pennisi—who should be having the diagnosis and who should be having the funding but just have not been able to get to first base?

Ms PENNISI: We operate a learning support team. I coordinate that team. It is one of the wins out of the ESES model—to have a learning support team at the school. All stakeholders come together to discuss students and nine times out of 10, you know, we say to our school counsellor, "Can you talk to the parent about the possibility of going to a paediatrician?" Usually, yes, it is really difficult for our parents, even if they financially can do that, the waiting lists are extraordinary. This student is still having these problems and we are waiting three months before they have even been seen. School counsellors have a greater understanding of the diagnoses that sit alongside these students. I think that if we were going to look at a system where schools place judgement on possible diagnoses or a way to streamline the process, school counsellors would be a really valuable resource to be looking at.

Mr WAIGHT: Sorry to interrupt, but I just want to point out that the Gonski funding is changing students' lives. I know I keep harping on it. Mr Piccoli, our former education Minister, got up in Parliament and used the example of an Aboriginal student who previously had not been able to get the funding. A speech pathologist was employed in the school. That student spoke for the first time. I think there is a misconception with Gonski that it is a six-year program. It is six years to get every school up to a minimum resource. We are currently only in the fourth year of that funding. Public schools have had 36 per cent of those funds so there is a massive gap there. If the funding does not continue, as outlined in the original legislation, public schools are only at 88 per cent of that minimum resource so there is a 12 per cent gap just to get them that minimum resource, which is absolutely crucial.

The ACTING CHAIR: Could I go back to the opening statement you made in which you said you had 29 students with disability or complex needs and when the reforms were brought in, it went to 15.

Ms PENNISI: That is correct, yes.

The ACTING CHAIR: Can you elaborate on what the change was? Was it because the students moved out or the assessment changed, or what was it?

Ms PENNISI: No. It was because they no longer provided funding for the MH1, MH2 and autistic students.

The ACTING CHAIR: Right.

Ms PENNISI: Could I just make one comment, please, in terms of our parents and the difficulties they face in paying for paediatricians and things like that?

Mr DAVID SHOEBRIDGE: Yes.

Ms PENNISI: One boy in my setting has waited now long over three years for a piece of equipment that would support him to be able to compete at the same level as his classmates in food technology. He is a wheelchair-bound student, who loves food tech. He is doing his Higher School Certificate [HSC] now. But I have been waiting since year 9—actually, I have been waiting since year 8—to get a movable bench with various equipment on it, as specified. After waiting two years with nothing happening and being basically mucked around by Gosford office, I followed it up one day and they said, "We are not going to go on with this because it does not come with an OT report." I said, "I have never been informed that I needed an OT report."

Mr DAVID SHOEBRIDGE: This is two years in?

Ms PENNISI: Two years in, yes. "Of course, you'll need an OT report. Please talk to his OT." I rang the student's mum.

The Hon. DANIEL MOOKHEY: What is an OT?

Ms PENNISI: An occupational therapist's report. I rang his mum and she said, "He doesn't have an occupational therapist." Anyway, to cut a long story short, the advice from regional office was that the parent had to engage one and they had to come out to the school to conduct an observation of all the setting and everything. The bill for the occupational therapist was in excess of $800. We did not make the parent pay for it, but we had to wear it as a school out of our own funding.

Mr DAVID SHOEBRIDGE: This is a report to say that a child in a wheelchair needs a lower bench in order to do food technology.

Ms PENNISI: It had a number of things built into that bench like a convection cooktop and various other things that we were saying; but, basically, yes, regional office honestly expected our parents to foot the bill for that.

Mr DAVID SHOEBRIDGE: Is there a basic problem in terms of requiring parents to in fact prove disability or prove need through specialist reports which is, if you like, almost a fundamental problem with how we access funding?

Ms PENNISI: Yes. I cannot get the ball rolling without a piece of paper that basically gives a student what we call a disability confirmation sheet [DCS]. If I do not have a disability confirmation sheet, I cannot even make an access request.

Mr DAVID SHOEBRIDGE: For my part, I did not even know that disability confirmation sheets existed.

The Hon. DUNCAN GAY: They do.

Mr DAVID SHOEBRIDGE: You would know.

The Hon. DUNCAN GAY: Yes.

The ACTING CHAIR: Unfortunately, time for questions has expired. Thank you very much for coming this morning. You did not take any questions on notice. However, members may have additional questions they would like to submit to you which will be forwarded by the secretariat. Then you will have 21 days after that to respond.

Mr DAVID SHOEBRIDGE: May I give my question on notice now?

The ACTING CHAIR: You may. The question may be given to the witnesses in writing as well.

Mr DAVID SHOEBRIDGE: Could you give us your thoughts on what a practical and reasonable alternative system would be for accessing the funds? That question is addressed to both of you.

Ms PENNISI: Certainly.

The ACTING CHAIR: Again, thank you very much.

Ms PENNISI: Thank you very much.

Mr WAIGHT: Thank you.

(**The witnesses withdrew**)

SUZANNE ROBERTSON, parent, sworn and examined

MICHELLE McLELLAN, parent, affirmed and examined

The ACTING CHAIR: Before we commence with questions, would you like to make an opening statement?

Ms ROBERTSON: I will make a brief one. You will have to forgive me; I wrote it at 3:30 this morning, which is the only time afforded to special-needs carers. I am not even quite sure what I have written, so I will read it and hope. I want to thank the panel for giving me this opportunity to shed light on the systemic issues currently faced by deaf children in New South Wales schools. I also want you to recognise that I am not here to speak on behalf of the deaf community, as I believe it is important for the deaf community to speak on behalf of themselves. I am here to speak as a hearing mum of a deaf child, and can only speak to my own experiences and the journey I have encountered along the way.

I know as a mother of two special-needs boys how much preparation goes into getting a child ready for school. Parents get all the assessments together, work therapy programs, coordinate multiple practitioners and try to make it all fun and playful instead of the hard work it often feels like. We lay the groundwork and provide the information to the school, with the expectation that the recommended supports and adjustments will be made to give the child a learning environment that provides equal access to the curriculum. It is imperative that schools work collaboratively with the child's family, therapists and early intervention providers to provide a holistic picture of the child's needs, so that the appropriate adjustments can be put in place to support the student on their learning journey.

Unfortunately, we have come to realise that this is not always what happens and that there are many barriers due to lack of access to funding and a lack of understanding and awareness surrounding the needs of a deaf child in a classroom environment. One of the biggest barriers we faced was gaining access to a qualified interpreter. We had an understanding that this was going to be difficult due to the area in which we lived, but in no way did we realise that the systemic issues compounded this problem. One of the issues that we faced was the Department of Education do not have a minimum requirement for an educational interpreter, which means that a school can hire pretty much anyone they feel like to fill these positions, even putting people with little to no experience in these positions and deciding to train them on the job. This would be similar to having a teacher with little to no English coming into a classroom with a phrasebook of words and expecting them to deliver the curriculum while learning a whole new language at the same time.

Another difficulty is that the department do not pay educational interpreters appropriately. Educational interpreters go through many years of dedicated training to reach a level of competency so that they can work in this industry. But the current level of pay does not reflect this. The Department of Education have the expectation that these people are going to work in the position for a minimum wage. Currently educational interpreters are being employed as school learning support officers [SLSO] Auslan, which does not only carry with it a minimum wage but also the expectation that these highly skilled people would fill the role of an SLSO while trying to translate and interpret at the same time. That is impossible. It would be similar to asking a surgeon to clean the windows, serve customers and operate on a patient while receiving a minimum wage. This scenario is ridiculous, but if you understood the role of an interpreter, so is the above.

There are currently no clear guidelines on how an educational interpreter works in a classroom setting, which causes a lot of disharmony due to unrealistic expectations around their role. When a deaf child steps into a classroom, there are many things to consider including acoustic adjustment, environmental changes to the classrooms and the need for qualified people providing the support that these kids so desperately need. An individualised program is essential, but there still needs to be a baseline to start from. Programs can easily be tailored for individual needs of the child from there. Without a starting point, many professionals in the educational system are left without the knowledge and understanding of what is required, which can be detrimental to the student.

At the moment we have schools making decisions about the educational needs of deaf children without the understanding of how these children learn and the barriers they face. Whether or not the recommended adjustments are made comes down to the individual principal of the school. If there is a lack of educational understanding, students can be left without equal access due to the hiring of unqualified interpreters or the expectation that the interpreter can translate and fulfil the other duties of the SLSO.

We do have itinerant support teachers whose role is to educate the school on the needs of the deaf children. But due to a shortfall in these specialist teachers, this does not always translate into our schools. The shortfall of itinerant support teachers for the deaf in regional and remote areas is leaving deaf children vulnerable in schools that lack basic understanding and acceptance of deafness. There are many examples of this, with unqualified people working in the role of itinerant support and the total removal of the service three years ago in regional Catholic schools across New South Wales. The quality of itinerant support is also inconsistent across the State, with some families feeling supported by the service and other families who do not. The National Association of Australian Teachers of the Deaf have policy statements on the role of itinerant support teachers, but unfortunately due to departmental restrictions, lack of funding and a shortfall of qualified teachers this policy is not translating into schools and classrooms across New South Wales.

In the past deaf students were forced to sit on their hands as a way of teaching them to listen and speak. This was a devastating decision that has left a lasting impression on some of these kids to this day. Imagine if you were being taught by a deaf teacher who uses Auslan who forced you as a hearing child to use your hands as a means of communication but you felt that your best asset was to speak. That is exactly what happened to deaf kids in the past, which was a terrible injustice for them. After the Disability Discrimination Act was introduced, these types of methods were removed as it was recognised that the rights of deaf people were taken away. Now the Department of Education have deaf and hard-of-hearing children sitting on their hands in a different way by not providing adjustments they need in order to have equal access to the curriculum. This desperately needs to change. I am hoping today that by shedding light on these issues, this could potentially lead to some change for deaf children, which will hopefully translate into funding and awareness and support in our classrooms and schools.

Ms McLELLAN: Good morning and thank you for having me here today. My son, [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 8 MAY 2017] was born with a rare condition called Aperts syndrome. His condition has caused some bones in his body to be fused together, which include bones in his skull and his midface causing a cleft palate and breathing problems. He has delays in his cognitive development and his speech. His fingers and toes are fused—I am sorry but this statement was written at 2 o'clock this morning. His fingers and toes do not bend. He has undergone nine surgeries to date and he is seven years old. From the beginning I have had to advocate the rights of my son when accessing support. From his birth I have dealt with Centrelink, the area health authority, ageing and disability and the Department of Education—and now the National Disability Insurance Scheme [NDIS].

Today I am here to discuss with you key issues I have come across during the past 20 months when trying to enrol my son into a public school. He is currently in year 1. I accessed early intervention before kindergarten started to ensure my son would have the right support for his needs and so the department would get an insight into what Aperts syndrome is. I have photos of my son showing that his fingers were fused together and have been separated. It is a very rare syndrome.

We applied for a multi-category support class, which is five kids, one teacher's aide and one teacher. The department failed to notify me of my child success in our application. This delay means that my son failed to get orientated to the kindergarten program. We had no idea which school my son would be attending until this late notification. The drawbacks of these late notifications are they are disadvantaging kids that are already disadvantaged. The system is unfair not only to the children but also to the families, the teachers and the schools. The delay in finding out what school your child is attending is unsettling, and it needs to stop. It is far from being inclusive.

Mr DAVID SHOEBRIDGE: I must say you both worked beautifully in the early hours of the morning.

Ms McLELLAN: The education department do not list Apert syndrome on the list of disabilities. The system was extremely impersonal when assessing whether my son was eligible for support. In the beginning the department coded my son's disabilities into boxes and once again Aperts syndrome missed those boxes, so he did not get the reasonable hours that he really required. Not one person from the department to this day has come out to visually assess my son in his environment. It is horrifying to know that the future of my son's education lies in the hands of people who have never met him. They are simply making big decisions from a number on the page.

At first I was told he was only eligible for half an hour a day. I know a young woman with Aperts syndrome. She is now 29 years old, and her mother was up against the same issues. I am horrified that in 25 years the department has failed these kids with this syndrome. My physically disabled son is not classified as physically disabled enough to fit into the education department's physically disabled box required to access any funding. His mild intellectual disability also meant he did not qualify for a multi-category support class as only children with moderate delay can access these units. These are the kids who do not have physical disability to go along with their intellectual delay.

The school counsellor worked hard the year prior to kindergarten starting, putting in special consideration applications dealing every little detail of what Aperts is and how it would impact on him accessing the curriculum. It was not until then that his hours increased to two hours per day. Once that was approved, it took until May the following year, 2016, for the funding to commence. This year, during the first few weeks of my son transitioning into year 1, he received very little support.

I was told that his teacher's aide was helping transition the kindergarten children. The system funding allocation is very unfair and poorly managed. If my child has been allocated a pool of funding, this funding should be used to support him and not used on other kids who are not allocated any funding. This is where the system fails our children. The fact that schools can decide how my child's funding is going to be used is very unfair. Only over time will it have a detrimental effect on my child's level of education. But in the long term my child will require more ongoing support, because the foundations of this support were not enough in the beginning.

Currently my 10-year-old son supports his brother where there are gaps in the system. He will be moving to high school in 18 months. I feel there is still a lack of funding to maintain my son's learning. The future looks grim in terms of having support as the gap in his learning increases and he differs from his peers as they move forward onto primary school level with a heavier curriculum. I am also concerned about the long-term impact of not having access to the right support and the effects that will have on his mental, social, intellectual and behavioural health.

I have other concerns, of course. If his level of support changes because he cannot keep up with his peers and requires a multi-category support class, he will have to leave the school community that embraces his differences and be placed into a multi-category class in one of the neighbouring suburbs away from his friends and the teachers that he loves. My son's school is one of the largest in the area and it does not have a multi-category support unit. A neighbouring school that is fairly new to the region has had two multi-category support units open, one of them this year. I would like my son's school to be considered for setting up its own unit. Every school should have access to such a unit so as to offer families a place for their children within their local school. That would mean my family unit stays connected with siblings. That would create less stress on families transporting their kids to different schools.

I feel every child not in a support unit should have extra support therapists, such as an occupational therapist [OT] and a speech therapist, working within the school to provide an inclusive program to ensure that they have an ability to navigate the mainstream school environment.

The Hon. DANIEL MOOKHEY: Thank you for the effort you have put into preparing for appearing before us today along with your efforts on behalf of your children. Ms Robertson and Ms McLellan, the thrust of your evidence was around the enrolment process. How many schools did you approach in order to get your children into school?

Ms ROBERTSON: We went to numerous schools. We went to schools locally as well as schools out of the area to see what was offered, for [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 8 MAY 2017] in particular. He is deaf but he also has auditory neuropathy, so he has Cochlear implants but they do not give him full access. He requires Auslan to have access to the curriculum. We looked everywhere and there really was not a school for him. There was one probably in Sydney, but that would have required a move and everything would have been away from our family and support network. Then we applied at a local Catholic school, but we were told that my son's needs were too high for that school. We were rejected by that school, so the other option was our local public school, which when we first got there was very accepting and welcoming.

They offered different things at that stage, so that is where our enrolment process finished. We wanted a delayed school start, because [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 8 MAY 2017] needs are quite high to be going into mainstream school. We asked for a delay and that was a bit of process. We had to get a disability advocate involved to have that delay. We were given lots of different information about whether or not we could do that, even though all the professionals were saying that they would recommend that he had a delay. We were told where he had to go to school and we did not have a choice.

Mr DAVID SHOEBRIDGE: Was this while you were doing that intensive Auslan language?

Ms ROBERTSON: Yes, in the city, in Sydney. That was a bit confronting. That was the beginning of our journey through the educational system, having to go to those levels before we even started. It was quite confronting.

Ms McLELLAN: I got told that I had to apply to my local school. I did not get to choose what school my son could go to.

The Hon. DANIEL MOOKHEY: Who told you that?

Ms McLELLAN: I rang various schools around my local area. [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 8 MAY 2017] was attending an early intervention school at [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 8 MAY 2017], which supported him. There were five kids in school, an aide and a teacher. I really wanted him to continue there because he knew the class and he knew the kids. But I was not free to choose where he could go. I just had to apply to my local school in our area, and they would put in an application for it. That was denied.

The Hon. DANIEL MOOKHEY: What reasons were given to you for why it was denied?

Ms McLELLAN: His intellectual disability was too mild and he did not qualify for a physical disability.

Mr DAVID SHOEBRIDGE: To be honest, I cannot understand how your child [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 8 MAY 2017] does not qualify for a physical disability. Have they ever tried to explain that to you?

Ms McLELLAN: My school counsellor had to break down what exactly Aperts syndrome is. They went through the cleft palate and what comes with having a cleft palate and having fused skull bones from birth. That changed his cognitive development and his ability to lift his arms and all those things. His fingers were fused at birth and they have been separated. No-one from the education department has actually ever seen [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 8 MAY 2017], but they have made those decisions. I do not know where they got that figure from, but my school counsellor actually had to break down every little section to put in special considerations. It is very rare syndrome, and there are only probably about five kids that I know with it. But they are somebody's five kids.

The Hon. DUNCAN GAY: You said that whereas the current school is not ideal, there is a school in the area that now has the facilities. Is this school one you would want to send your child to or not?

Ms McLELLAN: I would have to get transport to and from there. There are other schools that are closer than the one where he started his early intervention primary kindergarten. There are schools that are a little bit closer now that I have got to know the system, but I have rung up schools and they have said, "No, you have to go to your local area school first and apply through them." We have done that; we have applied through them. You cannot just turn up to a school.

The Hon. DUNCAN GAY: You probably heard evidence from previous witnesses. I saw you nodding your head at the back of the room.

Mr DAVID SHOEBRIDGE: Did that all sounds very familiar?

Ms McLELLAN: Yes. Sometimes I could not even get through the front door of the school—the receptionist would say, "No, you cannot just turn up here and expect your son to come to the school."

Mr DAVID SHOEBRIDGE: The situation now is that [EVIDENCE OMITTED BY RESOLUTION OF THE COMMITTEE 8 MAY 2017] has relationships, he likes his teachers, he has friends, his brother is at the school and you want support to be provided at his school. What is happening?

Ms McLELLAN: The school has applied for a multi-category class within the school, but for some reason it is funding again. They wanted to do it quickly over the Christmas holidays, and the principal said, "No, it needs to be done properly. This thing cannot be rushed." She knew that it would not get finished.

Ms ROBERTSON: We have been told also that it is 18 months from putting in an application for something to change.

Mr DAVID SHOEBRIDGE: What happens to any child's education when they miss 18 crucial months?

Ms ROBERTSON: We were the same with acoustic adjustments within our school. They were not big adjustments, but we were told it would take 18 months. And that is pretty much what happened.

Ms McLELLAN: The principal was not game enough to go, "Yes, in 10 weeks we will get this multi-cat class going." It meant knocking down buildings so it is just not possible to do and rush that sort of thing. At the moment he is supported in his mainstream classroom in the local school I originally applied for, because he was unsuccessful in getting a place in a multi-cat class.

The Hon. DANIEL MOOKHEY: Ms Robertson, please describe how easy it has been for the school to modify systems in order to meet the needs of your child post the point of enrolment at your local public school. Please also describe the attitude of the school's leadership about those modifications as well as the extent to which the department was helpful in that process.

Ms ROBERTSON: I think I should start off by saying that we are in the middle of a human rights complaint.

The Hon. DANIEL MOOKHEY: We will infer from that that the process did not go well.

Ms ROBERTSON: Yes. We did try really, really hard. We took such a long time to come to the point where we felt forced to make a human rights complaint. We tried everything at a school level, at a departmental level, at any level that we could come across. Everyone was passing the buck, saying, "That is the school's responsibility," while the school was saying, "That is the department's responsibility."

The Hon. DANIEL MOOKHEY: What were you asking for?

Ms ROBERTSON: They were basic adjustments, so at that stage it was acoustic adjustments, which was like soundproofing panelling put on the walls. They are recommended adjustments for a deaf child. We had reports stating what was needed from professionals that worked with kids that are deaf. They had requested these because my son has tremendous difficulty in background noise. These adjustments are recommended for most kids with a hearing loss, but they just do not get made. We advocated for them through a ministerial complaint. That was the process that we had to get to before those adjustments were made at a classroom level, which took a very long time.

Mr DAVID SHOEBRIDGE: Before you put in your ministerial complaint, you were basically told by the school what the outcome would be. Is that right? They basically said to you, "The response is going to come back that the school is doing a wonderful job, and so what is your complaint?" What was the outcome?

Ms ROBERTSON: It was that. We were told by the principal that there is no point making a complaint about the school to the Department of Education, because they are just going to turn around and tell us that they are doing a wonderful job and they have done it before and they would do it again. We were told we were wasting everybody's time, but we did anyway and that is exactly what happened. Through that complaints process, not once were we contacted by the Department of Education to talk about that complaint.

The Hon. DANIEL MOOKHEY: The department was told that the complaints process is fantastic.

Ms ROBERTSON: It is not. It is so disempowering for a parent. I felt so overwhelmed by the process that I thought that I was going to be hospitalised due to the fact that we did not have a voice and we were still dealing with the same problems for about 14 months—like trying to get adjustments put in place. We thought, "Here we are; we are going to have a voice with the Department of Education." But not once did they contact us. They sent us a letter in the end stating that the school was doing a wonderful job, but no-one had contacted us. How is that a complaints process?

The Hon. DUNCAN GAY: I go back to your opening statement when you stated that deaf kids were forced to sit on their hands whereas Auslan is signing with hands. Can you elaborate on what you meant by that?

Ms ROBERTSON: Metaphorically, because basically in the past deaf students were forced to sit on their hands. Even at home their first language was Auslan and they were forced to sit on their hands at school, because the education department had decided that these kids needed to listen and speak. These kids that grew up in the time that that happened still have scars from that, because they live with what happened to them. As kids they felt that their language was taken away. Metaphorically, I was saying that this is still happening, even though they are not making kids sit on their hands, but they are doing it in other ways by not providing the adjustments that help support their learning. For instance, in the history of our district, where we live, not one deaf child has gone on to further education—not one. That shows me that there is a problem because deaf kids, with support, there is no reason why they cannot have the same opportunities as hearing kids. That shows me that this has been long-standing. Why is no-one looking into that? Why are those kids not going on to further education? It is because they are not getting educated in the right way.

Mr DAVID SHOEBRIDGE: For me, that is a pretty telling reality check. If no deaf kid in the region has gone on to higher education then something has gone horribly wrong with how they are being educated in the system to that point. We might double-check with the department about that.

The Hon. DANIEL MOOKHEY: Ms Robertson, as you were pursuing your request for modifications to the school, presumably you encountered a not particularly receptive attitude from the school's leadership. Why do you think they had that view? Was it because they did not have the money or did they not see the need? Is it a cultural issue? Is it a funding issue that is creating a cultural issue?

Ms ROBERTSON: Number one I felt it was a lack of awareness and understanding about why that was needed. It was funding. We were told numerous times, "We do not have the funding for that; we cannot afford that." We were told it would cost too much money and it was not going to happen. It was along funding lines. It is hard to know what is in someone's head. I like to think it was a lack of awareness; that is what I put it down to. I would hate to think it was cultural.

The Hon. DANIEL MOOKHEY: We have been told by parents who had similar experiences that at some point they are either told to move their child to another school or to explore other educational options. Were you ever told that?

Ms ROBERTSON: Yes. It was sort of mentioned a few times within the school at the school level but when we finally had a conversation over the phone with someone quite high up in the Department of Education, they actually recommended that we move States in order to get access for my son.

The Hon. DANIEL MOOKHEY: Move States?

Ms ROBERTSON: Yes, or put my son into a support unit. I said, "My son does not have an intellectual disability, so why would he go into a support unit?" There was no answer to that, but the thought that we would have to move our whole family to a different State, away from everything we know, all our family and friends. I have another son who has Asperger's with high anxiety. It is like forcing families to make a choice to help one child—

Mr DAVID SHOEBRIDGE: But uproot your high-anxiety son.

Ms ROBERTSON: Yes, and then I have this other child who is going to be vulnerable because of that move.

The Hon. DANIEL MOOKHEY: Did you list all this in your complaints to the department?

Ms ROBERTSON: It was hard to list those types of things, because I was so worried about repercussions at a school level.

The Hon. DANIEL MOOKHEY: Tell us about that.

Ms ROBERTSON: Most of the families I know are kind of the same. They feel, "I do not want to speak out; I really want to have a relationship with my school." That is what I wanted also, and the most devastating thing about the complaints process is that I feel like I was put in a position where I had to advocate for my son. I had to make a choice whether or not I was going to have a relationship with my school or have my child's needs met.

The Hon. DANIEL MOOKHEY: So you were in fear that there may be retaliation against either you or your child if you were to agitate for your rights?

Ms ROBERTSON: Yes.

Mr DAVID SHOEBRIDGE: On what basis did you form that fear?

Ms ROBERTSON: The relationship started to change. We had an itinerant support teacher that was not really advocating on behalf of my son to have his needs met. I was in a position where I became the person who had to advocate. There were lots of different things that I had to advocate for. It became advocating and people started to put up barriers to that advocating. They were not as receptive to what needed to happen. I could feel it happening.

Mr DAVID SHOEBRIDGE: It was like a withdrawal almost?

Ms ROBERTSON: Yes, it was like a withdrawal.

The Hon. DUNCAN GAY: Were you acting as a voluntary teacher's aide in that situation?

Ms ROBERTSON: No, I had educated my child in what he needed. I had spoken to professionals who had told me what he needed, and I was just relaying that information. That is difficult as a parent because you do not feel like you are in a position where you can do that. You feel that it is not going to be received well.

Mr DAVID SHOEBRIDGE: Sometimes it becomes very confusing in terms of history and process. He is at school now. What is he missing out on and what does he need during today's lessons?

Ms ROBERTSON: The acoustic adjustments have now been made within the school. My son went to school at the end of 2014, and the acoustic adjustments happened in mid-2016.

Mr DAVID SHOEBRIDGE: Is that a hearing loop or what acoustic adjustments?

Ms ROBERTSON: They were soundproofing on the walls, wearing the FM receivers consistently, using it appropriately—like passing it around to peers—putting captions on the TV when they were watching shows so he could have visual access, putting plastic—

The Hon. DANIEL MOOKHEY: Literally turning on the captions. He had to fight to get the captions turned on?

Ms ROBERTSON: That one actually happened a bit earlier than 2016. The physical adjustments to the school happened in 2016.

Mr DAVID SHOEBRIDGE: What is missing?

Ms ROBERTSON: The qualified interpreter is missing, and that is probably our biggest battle. Initially my son had a Certificate II person being his interpreter, which is like someone having a phrasebook in another country and trying to teach them English; it just does not work. Auslan is a totally different language. It has its own grammar and sentence structure. You need someone qualified who understands how to deliver that. We did not have that. We had someone to make an occasional sign here or there. I did not see a great deal of what was happening in the classroom, but at assembly she would sign 10 words in about 10 minutes. I realised what my son was lacking support; he was not getting access to lessons.

Mr DAVID SHOEBRIDGE: And that is happening now?

Ms ROBERTSON: Now we have someone with a diploma who does not have any qualifications for interpreting. She basically has a lot of vocab but does not know how to translate or interpret. Then we got given on a Friday a qualified interpreter, after we had raised the human rights complaint.

The Hon. DANIEL MOOKHEY: When did you raise the human rights complaint?

Ms ROBERTSON: It was submitted in April and it took until October for that to go through.

Mr DAVID SHOEBRIDGE: When he comes back from school does he say that he can understand much better on Friday than on Monday to Thursday? Is there a practical outcome?

Ms ROBERTSON: There is a difference, absolutely. He was going to Scripture every Friday, and once the interpreter started was the first time he started telling me about religion. I knew that there had been a change. In the relationship with the school, when I was saying that the Certificate II person was not an appropriate signer, the principal would turn around and ask the classroom teacher what she felt the sign level was. The classroom teacher did not have any skills for that.

Mr DAVID SHOEBRIDGE: Ms McLellan, thinking about your seven-year-old son at school today, you said that you had to fight to get two hours of assistance per day. Is that right?

Ms McLELLAN: Yes.

Mr DAVID SHOEBRIDGE: But at the beginning of term that assistance was directed to other students?

Ms McLELLAN: Yes.

Mr DAVID SHOEBRIDGE: I am sure your submission was harder to write but it was a tough read. I believe your son has amazing skills and talents, but he has severe speech delays, ADHD, cognitive impairment in the first percentile, two-year-old levels for fine motor skills, visual motor skills of a three-year-old, difficulties holding a pen and writing, difficulties in daily living including managing his own hygiene—and I have not completed the list. The department is telling you that he only qualifies for two hours of assistance per day and is not necessarily giving him that?

Ms McLELLAN: Yes, and so late last year we put in an application. It has only just come into place that he is getting 3½ hours. After I wrote that submission, 3½ hours started the following week after I had spoken to the principal. I do not know why, but now he is getting 3½ hours after I had put in a submission.

Mr DAVID SHOEBRIDGE: For the record, I want to say that I cannot believe that your child is not getting assistance throughout the school day. I think the department needs to justify that decision. At a minimum, do you think Aperts syndrome should be included as a special category that provides for full-time assistance?

Ms McLELLAN: Yes, it misses out at government level in every area. Centrelink started the minute he was born arguing with me on the phone about whether I was qualified for a carers allowance. It is disturbing enough to have a child that is quite deformed at birth, and then to deal with the department. It is happening with every single department I go to. He does not qualify for ageing and disability support either. I also have trouble getting support through the local area health, and now the NDIS. It is not just one area that I am fighting.

The Hon. DUNCAN GAY: Good on you.

Mr DAVID SHOEBRIDGE: The Department of Education is meant to help you with your child. Centrelink is meant to help you with your child. You should not need to fight them.

Ms McLELLAN: The school has been very good at supporting me; and they are behind me. To me they are saying, "This is not good enough; we need more time."

The Hon. DANIEL MOOKHEY: How much time do you spend dealing with the Department of Education on a weekly basis?

Ms McLELLAN: Not too much; I try not to dampen my week too much. I try to keep tabs on how much time, but not a lot.

Mr DAVID SHOEBRIDGE: Have you sorted out the issues with Centrelink?

Ms McLELLAN: Yes, well and truly. She googled Aperts after I told her to google it and read about it.

Mr DAVID SHOEBRIDGE: But that did not work with the department?

Ms McLELLAN: No, I do not think they did. We showed the department the same photos I have shown you.

Mr DAVID SHOEBRIDGE: Your essential frustration is that no-one came and saw your son. If a child does not fit into a particular category, surely it should start with that?

Ms McLELLAN: Yes, it is very impersonal.

The Hon. DANIEL MOOKHEY: We asked Ms Robertson about her experiences with the complaints process with the department. Can you give us a brief explanation of your experiences utilising the complaints procedures with the department?

Ms McLELLAN: I feel that it falls on deaf ears and things take a long time to get changed. I have to have a lot of support with the school counsellor and the deputy principal to get changes made.

The ACTING CHAIR: Thank you very much for appearing before us today. We commend you for all the work you do for your children. If there are any additional questions that committee members have, they will be sent to you for responses.

Mr DAVID SHOEBRIDGE: Again, thank you for writing your opening statements after midnight.

(The witnesses withdrew)

VIVIENNE FOX, President, Home Education Association, sworn and examined

KARLEEN GRIBBLE, Disability Spokesperson, Home Education Association, affirmed and examined

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

Ms FOX: Yes. As members of the Home Education Association we are volunteers who are home educators ourselves. I have been home educating five children, who are now aged 10 to 23, throughout their schooling. As part of my work with the HEA I have supported hundreds of parents with information about home education, including help with registration. Many of these families have removed children from schools due to the inability of mainstream schooling to cater to their needs.

The Home Education Association is a national non-profit association that has supported home educators in Australia since 2001. The HEA provides a range of services including a telephone helpline, individual support with registration for home education and providing advice to government regarding home education. The HEA has more than 700 member families in New South Wales but supports home educators regardless of their membership status. The association thus has experience with many thousands of home educating families.

Home education is the fastest growing education sector in New South Wales, with a 2.6 fold increase students registered for home education over the last decade and currently about 4,000 students. It is the experience of the HEA that the proportion of students being home educated because they experience disability or have a special need is increasing. The majority of calls to the HEA helpline are from parents who are withdrawing their children from school because the school has been unable to meet the educational needs of the student and/or to keep the child physically or psychologically safe because of disability. Home educated students experience a variety of different types of disability including physical, intellectual, psychological disability or giftedness. Sometimes children experience psychological disability such as anxiety, depression or post-traumatic stress disorder [PTSD] as a result of what they have experienced in school.

Within the school system, students who experience disability may receive support directly, such as in the form of a teacher's aide or specialist resources, or indirectly, such as support for their teacher. However, removal from the school system means that children lose any such support. They are even excluded from disability sport. The issue of exclusion of children with disabilities from support is one that is particularly serious, given the disadvantage that these children already face. That, unlike in other Australian jurisdictions, home educated students in New South Wales are unable to access part-time school, part-time home education, an option that would allow many students to access support within schools, is also a significant problem. The 2014 New South Wales parliamentary inquiry into home schooling recommended that the Department of Education look into this option, but there is yet to be any sign that this might be a possibility.

The inability of the NSW Education Standards Authority, the body responsible for registering students for home education, to adjust their procedures and policy in relation to students with a disability is also of enormous concern. This has caused harm to some home educated students, and the HEA believes that NESA should be required to prioritise the best interests of children, including their education and wellbeing, in their registration processes.

Finally, it is of great concern that home educated children with a disability do not count because they are not counted. The Federal Government does not count them, the New South Wales Government does not count them. They are invisible children and receive no specific government support of any kind. They are some of the most vulnerable children in the State. The HEA would support action to better support the educational, emotional and social needs of children who experience disability in government and non-governmental schools. However, we would also urge the Committee to consider that it will always be difficult to accommodate the needs of all children in schools and that families who choose to home educate, especially those who make the choice because school was inadequate or harmful for their children, should not be punished by the system for doing so but should be supported.

Dr GRIBBLE: I have been a registered home educator in New South Wales since 2000. Two of my children experience disability as a result of severe early maltreatment that occurred before they joined our family, and one also has a physical disability. I am also a university academic with a research interest in the parenting and care of children who have experienced early trauma and have published a paper on home education of children with a history of trauma. Over the years I have spoken with and assisted many individuals who have sought to home educate their children or foster children who experience disability.

Home education involves parents taking responsibility for facilitating their child's learning and developing a learning program that is tailored to meet the needs of the child. Home educated students are able to be provided with a truly individualised learning program that is matched to their educational needs, development, learning styles, likes and dislikes and capacity to manage stress. It is therefore very well suited to any student who has needs that are atypical, including children who experience disability. The image of the home educated student as one who is isolated is far from the truth. Home educating communities exist across New South Wales and enable parents and children to find friendship and support, participate in group learning, and organise excursions. In my own local home educating community, which is on the Central Coast, classes and social meet-ups happen every day of the week, often with multiple opportunities on the same day, and students also participate in activities such as Scouts and other after-school activities such as dance, sport and youth groups. The participation in further education, such as TAFE and university, following home education is extremely high, even for students whose special needs have had significant impact on their education.

The Hon. DUNCAN GAY: I have three questions. Ms Fox, you mentioned an increasing percentage of parents opting for homeschooling. What was the percentage and where is it now? How does the increase relate to the general education area for children with disabilities? Is a large percentage of children with disabilities being homeschooled? If you do not have this information with you, we would be happy for you to take this question on notice.

Ms FOX: I might pass the question to Dr Gribble.

Dr GRIBBLE: We do not have the answer to that question because nobody counts these children. Our impression from working with families is that it is perhaps more than half of home educated children experience disability.

Ms FOX: I mentioned that there has been a significant increase in children registered for home education. We do not know how many of those children have a disability, but from our phone help services and so on, a significant number of those people are withdrawing their children from school because of an inability of schools to meet their needs.

The Hon. DUNCAN GAY: You also said that homeschooled children do not count. If a child is taken out of a mainstream school to be homeschooled, surely they would have been listed in the first instance? When they go from a mainstream education to homeschooling, are they no longer on the horizon?

Ms FOX: It is like they are off the planet.

Dr GRIBBLE: They disappear.

Ms FOX: If you moved out of a mainstream school and went to a different State, you would disappear off the radar in New South Wales.

Dr GRIBBLE: But you would be counted in the State that you moved to, because we have the nationally consistent collection of data that the Federal Government does on disability.

The Hon. DUNCAN GAY: But within the State scheme they would still be picked up by Health and other government services?

Dr GRIBBLE: They would be if they are accessing health services. Health would know that they had a disability, but NESA, which is responsible for registration in New South Wales, does not collect data. The Federal Government has not asked for data from the States. There was a Federal parliamentary inquiry into education and disability that recommended the collection of data. They had the same experience you are having. They had an inquiry looking at education and they got a heap of submissions from parents who had withdrawn their children from schools to home educate them. They have the exact same questions: How many of the students are being home educated? We do not know.

Mr DAVID SHOEBRIDGE: For education purposes, they disappear.

Dr GRIBBLE: They disappear. There is a recommendation from the Federal Government inquiry that they should start collecting data, but at the moment nobody knows.

The Hon. DUNCAN GAY: I understand homeschooling a child to give a one-on-one education. We have heard evidence that the mainstream education system is not working terribly well for children with disability. One thing schooling provides for parents of children with disability is a form of respite; the children are actually out of the house for a certain time and some parents look forward to having their own time some days. You do not get that. How do you cope?

Ms FOX: No, home educating parents do not get that respite. They have not qualified for child-care support unless they are also working, which is a bit contra-indicated. There are parents who home educate and do part-time work. I know one who was a midwife and she did evening shifts over the weekend.

The Hon. DUNCAN GAY: I was not arguing for respite on top of schooling. Schooling itself provides a form of respite for the carers.

Mr DAVID SHOEBRIDGE: The question was: How do they cope?

Dr GRIBBLE: To be perfectly honest—and we heard evidence given this morning—for some parents the respite from fighting the system is enough to make it worthwhile. For a lot of students—and my expertise is in trauma—who experience disability, the way that it manifests is less problematic at home when they are not at school. That is very often the case not just with trauma but with children who are on the autism spectrum. When they do not have the stresses associated with school, they are actually much easier to deal with at home as well. That is where the option of part-time school and part-time home education could really make a significant difference. You are absolutely right that there are parents who are going, "I just could not cope if my child was home with me all the time." That is what school provides. The other thing with home education is that it is very individual in terms of why people choose to do it and the circumstances that they come from. There are no boxes to tick though, so we avoid all of that.

Dr GRIBBLE: I have a few stories from parents who are now home educating their children, and I can table the stories. One is from the parent of a child who is deaf, autistic and has a moderate to severe intellectual delay as well as significant sensory processing difficulties with severe motor dyspraxia. They started in the school system and they had a whole range of different issues. Eventually their child, although he had the ability to speak, became non-verbal and his physical health suffered in numerous ways. He ended up in hospital for seven weeks and they ended up home educating him. They actually have seven children, and five of them have diagnosed disabilities. It has been quite difficult for them to do what they have to do to provide their children with education. They are home educating all of their children. This boy is now about 18 and he has been out of school for many years. He is now doing things like assisting with event planning. He is running a disc jockey [DJ] business and he is a photographic artist. He participates in a lot of fundraising and he is quite interactive and personable. He is becoming a trainee Scout leader and all sorts of things.

Now he has lots of opportunities, but when he was at school it was just impossible. In fact, they were told to choose which of his disabilities the school should support—whether they were going to provide Auslan support or support in an autistic school. But he was better at Auslan at the age of seven than any of the teachers, so they could not really communicate with him. There is a range of different issues that he faced.

Mr DAVID SHOEBRIDGE: Your organisation obviously is a strong supporter of home education. To what extent are parents whose children have disabilities actively choosing home education or reverting to home education because they have not been able to successfully enrol their child in a formal school setting? Is it a choice or is it forced on them?

Dr GRIBBLE: I think that most of it is being forced. That is partly because people are not necessarily aware that it is a possibility, so it is something they come to. They had assumed that their children would go to school. But it is also partly because it just has not worked at all.

Mr DAVID SHOEBRIDGE: Is that based on anecdotal reports?

Dr GRIBBLE: It is completely anecdotal.

Mr DAVID SHOEBRIDGE: We could have got percentages if recommendation four of the homeschooling inquiry had been implemented. That was the recommendation that the then Board of Studies review their registration forms and include a mandatory provision of the reason as to why an applicant has decided to homeschool their child and that the data be extracted and reviewed annually. That data would be really important, would it not?

Dr GRIBBLE: It could be helpful, although you would have to word the question very carefully—I am a scientist. The question as it is worded would not necessarily give you the information that you are looking for, because there is often more of a story behind how people have come to that decision. We know from speaking to parents it is often not the first thing that they say. You will often just have to ask them for their reasons. They will not even necessarily consider it. We were having a conversation with someone the other day who has just removed twins from school because they had developed severe anxiety because of bullying. She did not consider that to be a disability.

Mr DAVID SHOEBRIDGE: I think the Hon. Daniel Mookhey has the 2016 data.

The Hon. DANIEL MOOKHEY: Yes, indeed. We have been sent this data and we will pass it on to the Committee. It seems that NESA undertook this research for 2016. It asked for the reasons for seeking homeschooling registration expressed as a percentage of the total number of applicants from 1 January 2016 to 31 December 2016. It said 20 per cent of parents told NESA the reason for seeking homeschooling was for special learning needs.

Ms FOX: It is an optional question.

Dr GRIBBLE: Yes, it is an optional question.

The Hon. DANIEL MOOKHEY: The nil response to that survey was one in five. From that we can infer that it was a minimum of 20 per cent.

Dr GRIBBLE: When parents talk about special learning needs, they are thinking about things like dyslexia. They are not necessarily thinking about other things.

The Hon. DANIEL MOOKHEY: The point is there is a large chunk of people who feel that their needs are not being met by schools. You said that you operate a helpline and a lot of people call the helpline to tell you about their experiences in trying to obtain an education for their children. What types of complaints are you hearing? What types of experiences are people going through before they call your helpline?

Ms FOX: I am a volunteer on the helpline and I answer some of the calls. People sometimes ring up and say, "My child is not coping at school. They have a range of issues, but now they are really anxious and refusing to go to school. I need to find out about home education because I have no idea what is involved in home education." Often people call us because they have come to the realisation that they have no other choices because their child refuses to attend school anymore. That is often because they have become so anxious because their needs are not being met at school. They might have a disability and that is not being accommodated so kids are bullying them. That brings on anxiety and school refusal.

The Hon. DANIEL MOOKHEY: If a parent decides to homeschool their child, are they entitled to any government money?

Dr GRIBBLE: No, there is some Federal Government funding for students under the assistance for isolated students, which is provided to families whose child is unable to attend their local school because of geographical or medical isolation. People who live way out in Woop Woop will get it for their kids, but also if medical professionals believe that attending the local school would be harmful to the child and they would miss more than 20 days of school the family can qualify for that payment.

Ms FOX: Which is $4,000 a year.

The Hon. DANIEL MOOKHEY: So it is not what you would characterise as particularly generous.

Ms FOX: No.

Dr GRIBBLE: The purpose is to assist with resources.

The Hon. DUNCAN GAY: It is pretty important.

Ms FOX: It is better than nothing.

Dr GRIBBLE: It is a significant amount of money.

The Hon. DANIEL MOOKHEY: I am not rubbishing $4,000.

The Hon. DUNCAN GAY: For someone who lives in Woop Woop.

Mr DAVID SHOEBRIDGE: Better than a poke in the eye with a blunt instrument.

Ms FOX: Some of these people do not live in Woop Woop.

Dr GRIBBLE: Although NESA thus far has refused to provide information about that payment to people who are registering for homeschooling, so most do not know about it.

The Hon. DANIEL MOOKHEY: If you were to guess the cost of homeschooling a child without special needs, what would it be annually?

Dr GRIBBLE: It is a "how long is a piece of string" question.

Ms FOX: For my family, we do a lot of outside classes. There are classes within the home educating communities such as writing classes or art classes. The art classes are $25 per lesson and I have three children still being homeschooled. You are paying for art classes, you are paying for writing classes, you are paying for gymnastics, swimming. Some of these things would normally be after-school activities, but because your child does not go to school for swimming lessons or for school gymnastics, you are paying for them.

Mr DAVID SHOEBRIDGE: We are not revisiting the 2014 inquiry about homeschooling. We are looking at special needs.

Ms FOX: Yes, but the question related to general homeschooling. We are accessing online programs all the time.

The Hon. DANIEL MOOKHEY: The point is there is a large financial burden on homeschooling families.

Ms FOX: Yes, and they often forgo an income.

Dr GRIBBLE: You are looking at a broad range of people. Disability does not discriminate based on income, so a significant proportion of families are single mothers on Centrelink benefits. It can be very difficult indeed.

Mr DAVID SHOEBRIDGE: One of the points in your submission is that children in homeschooling basically disappear off the education radar and that one of the impacts is that the Gonski data for the nationally consistent data on disability is not being collected from kids in homeschooling. Is that right?

Dr GRIBBLE: Yes.

Mr DAVID SHOEBRIDGE: We have heard from school educators that it is quite a process to gather that information and submit the information on disability. Would home educators be able to do that if they were part of the scheme?

Dr GRIBBLE: I would think that it would be the job of the registering body to do that rather than parents, would it not?

Mr DAVID SHOEBRIDGE: The situation that applies for kids in government schools, at least, is the teaching body collates and submits the data.

The Hon. DANIEL MOOKHEY: It is the same for independent and Catholic.

Mr DAVID SHOEBRIDGE: If home educators were to be part of the scheme, it would end up being carers and parents gathering the data. If we were to make a recommendation that they be part of the data, I can see that the Government might respond by saying that the data might be unreliable because it would be coming from home educators and not from school educators. I want to pre-empt that. What is your response to that?

Ms FOX: They do actually access some medical help. They often have diagnoses on paper from paediatricians or other medical practitioners.

Dr GRIBBLE: It is an issue for parents, and I am sure you have found this too, that parents are not trusted within the system. I guess the question is: Would someone fudge the data or not be capable of doing it?

Mr DAVID SHOEBRIDGE: To give the department credit, or would they not have the skills to properly assess the disability? I am asking for your response.

Dr GRIBBLE: People know their kids, and this is what you found. People know their kids better than the schools do, better than anybody, especially parents who are home educating. These are people who are committed to their children and committed to their children's education. It is not something that anybody undertakes lightly.

Mr DAVID SHOEBRIDGE: So if it required, say, a day of online learning—

Dr GRIBBLE: To fill out the form?

Mr DAVID SHOEBRIDGE: No, to understand how the criteria are being set aside and the various processes. Do you think home educators would be happy to do that if it was compulsory?

Dr GRIBBLE: I do not know.

Ms FOX: If it was compulsory. In order to access the funding, is that what you are saying, or in order to do the data collection?

Mr DAVID SHOEBRIDGE: In order for that body of kids to be part of a really important national study on disability.

Dr GRIBBLE: It might require them to actually modify their assessment collection in order to do that. But generally parents with a child with a disability are pretty damn good at filling out forms.

Mr DAVID SHOEBRIDGE: I think it is one of the core skills you learn, is it not?

Dr GRIBBLE: It is. I have not actually seen the forms that are required to be filled out, but I do think that there has to be a way of getting some data, even if it is not exactly the same as what is collected in schools at the moment.

Mr DAVID SHOEBRIDGE: These kids should be part of the national data, is that what you are saying?

Dr GRIBBLE: Absolutely.

Ms FOX: If there was likely to be some benefit, parents would participate in what it was, whatever it took. The reason they do not answer the optional question on the NESA form is that they are wary that perhaps there might be some negative repercussions from saying they are home educating. In fact, some parents have even been told that it is actually illegal to home educate a child who has autism. They might not then tell NESA that the child has a disability because they were informed by someone at their previous school, "That is not possible; that is illegal."

Mr DAVID SHOEBRIDGE: The NESA data is not very helpful—24 per cent assigned "other", 22 per cent say—

The Hon. DANIEL MOOKHEY: But it is a good thing that we are asking, is it not?

Mr DAVID SHOEBRIDGE: It has always been asked but it has always been optional and it is not a particularly well informed question. That is what you say, is it not?

Ms FOX: Yes. If you do say that your child has a disability, they will still make you go through the same hoops. They do not say, "Your child has a disability, so we are going to—

Dr GRIBBLE: "How do we need to accommodate your child?"

The Hon. DUNCAN GAY: You cannot say that they are not counted and when Mr David Shoebridge suggests a solution to bring them back into the data collection not look at the solution.

Dr GRIBBLE: We would absolutely welcome it.

Ms FOX: Yes, we would welcome it.

Dr GRIBBLE: We are not saying do not do it; we are saying find a way to do it.

The Hon. DUNCAN GAY: I think we have happiness.

Ms FOX: The question was: do you think parents would do this if it was compulsory? Parents are pretty compliant really. Most parents who have registered their children for home education are really keen to participate. They are just often thwarted in a lot of different ways.

The ACTING CHAIR: Thank you very much for appearing before the Committee today.

(The witnesses withdrew)

(Luncheon adjournment)

GAENOR DIXON, National President, Speech Pathology Australia, affirmed and examined

CHRISTINE LYONS, Senior Adviser Professional Practice, Speech Pathology Australia, affirmed and examined

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

Ms DIXON: Yes, I have an opening statement to make on our behalf. Thank you for the invitation to appear before you today. I am the National President of Speech Pathology Australia, which is the peak organisation representing over 7,500 speech pathologists across Australia, including 2,200 in New South Wales. Speech pathologists are university-trained allied health practitioners who specialise in diagnosis and management of speech, language and communication needs and swallowing problems. We provide a unique set of skills to the educational team supporting a student with disability. I am dual trained as both a speech pathologist and a teacher.

There is very good evidence both internationally and in Australia that students with communication problems have poorer outcomes than students without these problems. Recent Australian research indicates that students with communication needs do worse on every measure of NAPLAN at every year level tested. They never catch up to their peers and are more likely to be excluded from sitting NAPLAN than others. We also know students with communication needs have higher rates of school early leaving and behaviours of concerns, and unfortunately we know they often go on to develop mental health conditions and are involved in the youth justice system at much higher rates than other students.

However, with the right assistance and with policies to support them, students with speech, language and communication needs do not have to follow this negative path. The right support at the right time in the right way and by the right people can make a world of difference. I mentioned policies to support students as important. I am sure you are aware of the recent changes made to increasing the minimum standards of NAPLAN testing at year nine to be eligible to achieve Higher School Certificate in New South Wales. We are seriously concerned that this policy will disproportionately impact on students with speech, language and communication needs and adds an unnecessary and additional barrier for these students to achievement. We would be happy to speak with you further about why we believe this needs to be reconsidered.

I also mentioned getting the right support from the right people. Speech pathologists form part of the government-employed education workforces in a number of States and Territories, but not within New South Wales. In New South Wales, we know that some individual schools have begun to purchase in private speech pathology services to assist them to support students with communication disability. Some independent and Catholic schools also do this. It is more common that speech pathologists are in primary schools in New South Wales, rather than in secondary schools across all three schooling sectors.

We have long been on the record indicating that we believe the evidence shows that the best model of using speech pathology expertise within a school-based setting is when that workforce is embedded within the structures of the sector. In this case, we argue that speech pathologists should be employed directly by the Department of Education as part of the workforce within government schools.

However, you will find that speech pathologists are pragmatic people, and after many years of departmental resistance to this model of employment, we realise that there are other ways of having speech pathologists involved in supporting students with communication needs in New South Wales. I am pleased to say that our association is working with the Department of Education through a funding agreement to develop resources to help schools decide if and how they could employ a speech pathologist in their school. This is a good news story and I have with me today Christine Lyons, who is our Senior Advisor Professional Practice and is also dual trained as a teacher and speech pathologist. She is leading that project and can provide further details to you.

We can also speak in detail regarding issues we are seeing with the interface between the NDIS and schools. As a national organisation we have members who work in schools, in private practice and through NDIS funding streams across the country. In some ways, our members are at the pointy end of disagreements about which sector is responsible for supporting a student with disability. This is particularly problematic in situations where the student has complex disability needs and has swallowing problems. This interface problem needs to be resolved at a policy level, so that the students do not miss out on the support they need regardless of NDIS eligibility.

We feel it is also important to highlight that the NDIS has been extremely valuable for many children. Right here in Newcastle, at Waratah West Public School, we can see a great example of where a speech pathologist is working within NDIS funding and is embedded within the primary school's educational team. This speech pathologist is working with 10 per cent of the school's student population, all of whom are Indigenous children who have multiple layers of disadvantage and complexity. None of these children would have access to speech pathology without the NDIS, and the school is seeing great gains being made for these children. This scenario is not common but is an exemplar of what can happen when the NDIS and education sectors interface well. Thank you again for the opportunity to speak with you today, and we would be pleased to take your questions.

The Hon. DANIEL MOOKHEY: Please set out in further detail your objections to the year nine NAPLAN requirements as a prerequisite for gaining a HSC, because you said you had more to say on this topic.

Ms DIXON: We absolutely do. The issue is that in 2016 half to two-thirds of New South Wales students got results in band seven or below, so in effect you are actually cutting out nearly 66 per cent of your group of students from being able to go on to an HSC track. This is a huge concern in terms of the opportunities beyond there for them. We know that there are some students who may have specific difficulties in literacy, so they are not going to reach that band level. But they may potentially be gifted or highly gifted in mathematics and very capable of taking an academic track later on. There does not seem to have been any consideration for those students. We are talking about students with dyslexia and we are talking about some students with autism spectrum disorder [ASD], for example.

Mr DAVID SHOEBRIDGE: You said two-thirds.

Ms DIXON: Half to two-thirds.

Mr DAVID SHOEBRIDGE: Half to two-thirds of all students or students with special needs?

Ms DIXON: No, all students.

Mr DAVID SHOEBRIDGE: Are being prohibited from proceeding to HSC?

The Hon. DANIEL MOOKHEY: If the policy were to be applied.

Ms DIXON: If the policy comes in from the 2016 results, yes. It seems to be quite a punitive measure although there is not anything that has been announced that has been put in place to say that because a large number of kids will be excluded as a result of this, learning support will be put into place prior to reaching the bottom of the cliff. We need to be getting in early, we need to be getting in at primary school. We also need to be making sure that we screen kids when they hit year seven, so that secondary can also put in place the appropriate support. Secondary also needs to have lots of support for teachers in terms of teaching literacy, because it is something that traditionally secondary schools have not felt they needed to do. Secondary schools believe that kids come to their schools having learned to read, not learning to read. We are also concerned that what will happen is that teachers will now feel the pressure to teach the test from year 7 onwards, so that NAPLAN will become the driver rather than the Australian curriculum becoming the driver of what those kids are learning at school.

The Hon. DANIEL MOOKHEY: So at a minimum do you think that the policy to stop students who do not reach that level from proceeding to the Higher School Certificate should be suspended pending the designable features that you have just described?

Ms DIXON: Our recommendations are that the benchmark should be reduced. We think the benchmark is too high. Band six is always seen as an achievement at the national minimum standard. So if we are saying that at the minimum those kids must be at that, it is reasonable to expect then that they could potentially go on and have a go at the Higher School Certificate. Band eight is really quite unrealistic. Yes, we are certainly saying increase literacy and numeracy support. Do not just have the punitive ruling, but have the support so that the kids can reach that as well. We need to make sure that there is tracking for those kids who are identified as not on track to meet that in year nine. That tracking needs to start when they start school and follow them through.

Mr DAVID SHOEBRIDGE: Even if you did support the policy change—and I get a sense you are not—at a minimum this should be a policy change that kicks in from 2022 and, at a minimum, programs put in place between now and then to actually implement it?

Ms DIXON: That is right. There also needs to be reforms to tertiary education so that if you are not getting a Higher School Certificate there is still something for you to go on to, this is not limiting your life opportunities, and this issue in terms of those kids who are potentially very bright but have literacy difficulties who cannot access the Higher School Certificate track.

The Hon. DANIEL MOOKHEY: I presume you are aware of the Every Student, Every School policy?

Ms DIXON: Yes.

The Hon. DANIEL MOOKHEY: You are aware that it allows a great degree of discretion for a principal to apply an aspect of his or her budget towards meeting the needs as defined by his or her school?

Ms DIXON: Yes.

The Hon. DANIEL MOOKHEY: You are also aware that has been paired with the Gonski reforms, which has been giving schools more money to use. To what extent has that made a difference to the ability of students to access speech pathology services?

Ms DIXON: Unfortunately, over the past seven years we would say not much. I think we would say that our members are beginning to find their ways into schools, though some of that is also NDIS as well.

The Hon. DUNCAN GAY: In your opening statement you talked about a school—I think you used the term "exemplar"—providing through NDIS a group of students speech pathology.

Ms DIXON: Waratah West, yes.

The Hon. DUNCAN GAY: How do they go about that, given that NDIS is very much a personal bag of money and resources that travels with the student?

Ms LYONS: Perhaps I will go back a step to explain what is happening in New South Wales with access to speech pathology. As Ms Dixon mentioned, we have been on record for negotiating, advocating within New South Wales for access to speech pathology in schools for a long time. What we have seen over the years is that there has been gradually an increase in recognition of the value of having a speech pathologist working as part of your team in a school. So what has happened in some examples is that principals have made a decision to use some of their funding to purchase in speech pathology—whether that is as an employee of the school or contracting in services. That has gradually been something that some principals have looked to do.

So what it means at this point of time in New South Wales is that there are a handful of schools that are purchasing in speech pathology, but in the majority of schools there would be no access to speech pathologists within that school. Some parents do purchase speech pathology and they negotiate with the principal for the speech pathologist to come into the school to see their child. Usually what happens in that situation is that the speech pathologist has no contact with the teaching staff, they virtually just come in and use the premises to see the student and then leave. That is not best practice. Best practice would be that the speech pathologist is part of the team and that the support that is provided to the student is as part of the collaborative team—that team should include the parent as well.

What we are seeing with NDIS is that some schools are being inventive, with the agreement of the parents. If the parents agree that their funding can be used to support the child at school, then if the school sets it up—and what I believe has happened at Waratah West is that because a speech pathologist was working with these students prior to the NDIS rolling out. She had a good working relationship with the families. Once they had access to their funding a decision was made, in collaboration with the principal and the parents, that the funding would be used at the school. That was the best way to use that funding. The students are funded individually but it has been an arrangement that they have organised in collaboration with the parents and the principal.

Mr DAVID SHOEBRIDGE: I thought there was a central provision in the NDIS that said it would not substitute for educational funding?

Ms LYONS: Yes.

The Hon. DANIEL MOOKHEY: So my assumption was that this cannot happen.

Ms DIXON: Certainly one of the points of our submission is that there needs to be clarity around what the responsibilities are of each provider. We also want to be very careful that families' NDIS funding, which is about reasonable and necessary supports around socio-economic contributions, is not swallowed up in education which is a mainstream provider and has responsibilities.

The Hon. DUNCAN GAY: But you can get advantages. If you were to provide that funding to each individual student, and a group of students get together to do it, there is a grey area in which they allow it to happen. I have personally seen it.

The Hon. DANIEL MOOKHEY: Essentially the school is acting like any other disability provider in this space.

Ms LYONS: Yes.

The Hon. DANIEL MOOKHEY: It is not like they have a special role.

Ms LYONS: No.

The Hon. DANIEL MOOKHEY: They are operating as a disability group. Returning to your point about Every Student, Every School, that has not resulted in universal access to speech pathology, is that correct?

Ms LYONS: That is right.

The Hon. DANIEL MOOKHEY: Is that because there is not a need? Is there is an ignorance amongst principals? Is it the case that the people who are providing these services are not in touch with the people who have to procure them?

Ms DIXON: I think that probably it is the last two points you made. There is not a good understanding necessarily in all schools around what supports speech pathologists can provide. Some people still think that it is very much something that is not about access and participation in education. They do not understand that speech pathology is essential for students with speech-language communication needs to be able to participate in schooling. If you cannot understand what the teacher is saying in front of you then you are not going to be able to participate. If you cannot tell the teacher clearly that you need to go to the toilet then you are not going to be able to participate. It is absolutely fundamental but that understanding is not necessarily there on behalf of the schools or how best to use speech pathologists to their full advantage with that as well.

The Hon. DANIEL MOOKHEY: Understanding that principals have competing priorities, they have scarce dollars and they have to make choices—and the intent of the policies is that they are meant to make choices appropriate to their school communities—is it your evidence that, at one extreme, a mandate of some form is needed, and, at the other extreme, we are talking about the department establishing, for want of a better term, a marketplace in which you can connect with people who would otherwise be procuring your services? Where do you fall in that spectrum? Are you a consumer good or is there something we should be mandating?

Ms DIXON: Our position would be that we think the best way to get the best possible service out of a speech pathologist is for the department to employ them. There are other States where speech pathologists are employed within the department and we can see that there are strong supports for schools and for students coming out of that. In some States where that happens schools will also then use some discretionary money to purchase additional supports.

Mr DAVID SHOEBRIDGE: Which States?

Ms DIXON: Queensland, Victoria, Tasmania and South Australia all employ speech pathologists within the department.

Mr DAVID SHOEBRIDGE: You would almost say that New South Wales is unusual in not doing it?

Ms DIXON: Yes.

Mr DAVID SHOEBRIDGE: We are an outlier?

Ms DIXON: Yes.

The Hon. DANIEL MOOKHEY: What reasons has the department given as to why they are not prepared to follow the path of those other States? We will be asking the department the same thing. We are interested to know what information they have given you.

Ms LYONS: It is an economic decision.

The Hon. DANIEL MOOKHEY: By that you mean the money is not there?

Ms LYONS: Yes.

The Hon. DUNCAN GAY: You indicated earlier that, whilst it is not general, there are schools that actually do it?

Ms DIXON: Yes.

The Hon. DUNCAN GAY: What buckets of funding do they use to employ you?

Ms DIXON: We might have to take that question on notice and go back to those members who have told us that that is what is happening and ask them to inform us. Would you like us to get back to you on that?

The Hon. DUNCAN GAY: That would be fabulous, thank you.

Mr DAVID SHOEBRIDGE: There is no standard school per se but in a median school population what proportion of children would benefit from speech pathology services? Do you have that kind of data?

Ms DIXON: On school entry we know that about 20 per cent of students would have some sort of speech-language communication need. For some of those students those needs are very mild and simply providing teachers with some support around the best way to teach this would be sufficient. They would not need long-term ongoing support. But you will get down to a core group of approximately 3 per cent or 4 per cent of students who will need some more ongoing, intensive level support.

Mr DAVID SHOEBRIDGE: And for the other 15 per cent to 17 per cent, that intervention should be early in their education career because it would clear up those communication difficulties and set them on a very positive path? That small change at the beginning produces an incremental change at the end, is that not correct?

Ms LYONS: Yes, but it is not only for those students. Speech pathology in schools supports all students. Best practice is a response to an intervention model where you have classroom approaches. The speech pathologist works with the teacher to advise what can be put in place in the classroom to support all students access at a communication level. We would advocate that speech pathology in schools best practice would be supporting all students. Then you would work in small groups where you would potentially either work with the teacher or with the teacher aide to support students. Then there would be a very small of students who would require one-on-one support from the speech pathologist.

Mr DAVID SHOEBRIDGE: A common thread in the evidence given to the Committee to date is that doing the right thing by children who are classified as special needs ends up producing a much more inclusive education environment that helps everybody in the classroom.

Ms DIXON: Absolutely.

Mr DAVID SHOEBRIDGE: If there was a sudden decision from the department—and I am not suggesting that it is imminent—to engage speech pathologists, are there sufficient professional resources to pick- up that need or should we be training extra through the department?

Ms DIXON: You are asking numbers of speech pathologists?

Mr DAVID SHOEBRIDGE: Yes.

Ms DIXON: Absolutely, in terms of resources for speech pathologists to go and work in schools in the best practice way. In terms of the number of speech pathologists, it would be interesting to see in New South Wales specifically how that would happen because the workforce has not been set up in that way. However, we do know that in some States there are currently more graduates than there are positions so potentially there would be capacity.

The Hon. DANIEL MOOKHEY: You told the Committee before how many speech pathologists there are in New South Wales. What was that number again?

Ms LYONS: Two thousand two hundred are members of Speech Pathology Australia.

Ms DIXON: And there are more than that across the State but we do not know how many.

The Hon. DANIEL MOOKHEY: If every public school were to employ one speech pathologist, then we would have 2,200 public schools employing one speech pathologist. All of a sudden we would have some pretty serious work to do.

Ms DIXON: Yes, we would definitely have a workforce shortage if every school employed one.

The Hon. DANIEL MOOKHEY: We could probably safely say that we are not in any danger of that happening at the moment.

Ms DIXON: No.

Mr DAVID SHOEBRIDGE: One of the other aspects that you speak about as speech pathologists is children who have difficulty swallowing.

Ms DIXON: Yes.

Mr DAVID SHOEBRIDGE: One of your recommendations is to deal with the mealtime management for students who have swallowing disability. Can you explain why that recommendation is important?

Ms DIXON: Because students who cannot get the nutrition and the fluids that they need during the school day in a safe way are not going to be able to learn well. They are going to become ill. If they are not able to swallow safely then they are at risk of having pneumonia, choking to death—

Mr DAVID SHOEBRIDGE: Because they might take fluid down to their lungs?

Ms DIXON: Into their lungs, that is right.

Mr DAVID SHOEBRIDGE: Are there children who are basically fasting at school because the school system does not know how to help them eat and drink?

Ms DIXON: We have not had stories of that but we have had members tell us that some parents have had to go in and provide their children with mealtime support at lunchtimes.

Ms LYONS: That would be what would commonly happen—the parent would go in and feed the child at lunchtime.

Mr DAVID SHOEBRIDGE: Can you explain what kind of training would be required to ensure that there was sufficient competence at a school level to feed children with swallowing disabilities? Is it an achievable training task to have a dozen teachers who between them will share the duties?

Ms DIXON: Absolutely. The supports that you provide are going to be different for each student because it will be depend on the student's own needs. We also need to be clear that this also potentially needs to be multidisciplinary because you are usually talking about children with complex disability. You might need an occupational therapist or a physiotherapist as well to support with positioning the student in the right way—making sure that they are sitting well—to provide that. But absolutely you can work with the teachers and the teacher aides to support them to understand the safe way for that student to eat.

Mr DAVID SHOEBRIDGE: When I said "teacher", it probably is something that would be in the skillset of a teacher aide?

Ms LYONS: Yes.

Mr DAVID SHOEBRIDGE: You would expect this to be done through the teacher aide?

Ms LYONS: Yes.

Mr DAVID SHOEBRIDGE: Does it happen in other States?

Ms DIXON: Yes.

Mr DAVID SHOEBRIDGE: Where can we look for best practice?

Ms LYONS: In Victoria the Royal Children's Hospital manage this program for students in schools. They have guidelines and they provide training.

Mr DAVID SHOEBRIDGE: Could you provide those guidelines on notice?

Ms LYONS: Sure.

Ms DIXON: In Queensland the Department of Education speech pathologists would support the school with that student.

The Hon. DUNCAN GAY: So this is not a demarcation? It is not pathologists versus occupational therapists? It is a different role?

Ms DIXON: It would be multidisciplinary. The occupational therapists supports the student to be positioned so that they can eat safely and supports them to get the food to their mouth. The speech pathologist will ensure that once the food is in their mouth they can then process it so they can swallow it safely.

The Hon. DANIEL MOOKHEY: Can give the Committee an estimate—if this data exists—as to the size of the student population affected by this issue?

Ms DIXON: I do not know.

Ms LYONS: Not off the top of my head. We will have to take that question on notice as well.

Mr DAVID SHOEBRIDGE: The long and the short of it is, there are two States either side of us that are doing it much better and we could definitely learn from them. Do you have a preference for either model? You can take that question on notice if you wish.

Ms DIXON: I do not think that we would have a preference for either model. Our preference is that teachers and schools feel supported so that these children can be there participating fully.

The ACTING CHAIR: Unfortunately, we have run out of time. You have taken some questions on notice and Committee members may also have some additional questions. You are required to respond to those questions within 21 days. The secretariat will contact you. Thank you for appearing before the Committee today.

(The witnesses withdrew)

MATTHEW JOHNSON, Principal, Glenvale School, affirmed and examined:

The ACTING CHAIR: Would you like to make a brief opening statement before the Committee proceeds with questions?

Mr JOHNSON: Just a statement of background really. This is my twenty-ninth year employed as an educator in the public education system. I have been a mainstream high school teacher for 10 years. I am the head teacher of two tutorial centres for students with emotional and behavioural difficulties in Mount Druitt and Bathurst. I have been the principal of four special schools at Regents Park, Penrith, Greens Square and now Narara. I have also been Assistant Regional Director, Statewide Special Schools, Queensland, for two years. I appear today in regard to the submission made by the NSW Teachers Federation members at my school. I am happy to answer any questions.

The Hon. DANIEL MOOKHEY: You said you were the principal of four special schools?

Mr JOHNSON: Yes, I have been. At different times.

The Hon. DANIEL MOOKHEY: They were geographically dispersed across the State?

Mr JOHNSON: Yes.

The Hon. DANIEL MOOKHEY: You have served in a similar capacity in Queensland at the departmental level?

Mr JOHNSON: Yes.

The Hon. DANIEL MOOKHEY: How is the system going?

Mr JOHNSON: Our system here?

The Hon. DANIEL MOOKHEY: Yes.

Mr JOHNSON: I think it is going well. The difficulties that would have been mentioned by the principals association in previous evidence are historical anachronisms that have evolved over time. The challenge that most systems have, especially in special education, is looking at: How do we know that our students are progressing? How do we get data on how they are improving? How do they access the curriculum? How do they get the best opportunities they can at a school?

Mr DAVID SHOEBRIDGE: Can you tell us about your school? What is the student population and what happens at the school?

Mr JOHNSON: Sure.

The Hon. DUNCAN GAY: How do you set those key performance indicators?

Mr JOHNSON: Glenvale is a complex school. It is a big school, with 150 students, and it is spread over three campuses. The main campus is at Narara, a campus at North Entrance and a satellite class at Valley View Public school. That kind of balancing is difficult in trying to have a clear vision for the school and to be able to have a really united staff on disparate sites. That makes it a challenge to bring people in to share the message and to have consistency of practice. The student population is very complex, as with most special schools. We have students with autism, we have students with intellectual physical disabilities, but usually it is a combination of disabilities that our students present with. We try to structure the school through strategies and have assistant principals to be able to manage those standards. So we have got an early years sector, a middle—

The Hon. DANIEL MOOKHEY: Is the school from kindergarten to year 12?

Mr JOHNSON: It is kindergarten to year 12, yes. We have a middle sector and then the seniors, years 10, 11 and 12. The unique aspect of special schools is that the principals do not actually enrol students the way a regular school would—where someone can come off the street and say, "I would like my child to start kindy next year" and apply for enrolment. There are boundaries—and that is okay—but for a special school, as the Committee would have heard in previous evidence, we have regional placement panels. The guidance service will come up or the parents will complete an access request form, which will go to a regional placement panel—it has various different forms across the State but the same intent. It is about being able to prioritise the students to be able to find the most appropriate placement for that student, depending on their need, and then, depending on vacancies, those students would move through. One of the challenges for special schools in relation to the enrolment cohort is that sometimes there might be a really large—this does happen in mainstream, but in one of my special schools there were two years when we did not have year 5 and year 6 students at all. So all of a sudden you have to restructure the entire school and the timetable. Other times it might be top heavy and you might have a lot of senior students. So it is trying to change. You have the general structure depending on the size of the school—some schools might just have junior and senior.

The Hon. DANIEL MOOKHEY: Does your school have a maximum capacity of 150 or is that current enrolments?

Mr JOHNSON: That is current enrolments, and that is pretty full.

The Hon. DANIEL MOOKHEY: How many applications for enrolment would you turn away each year? Do you see that data?

Mr JOHNSON: You can see that data inasmuch as you know what vacancies you have as the principal of the school. That is, again, dependent on the factor of need. So it is not the simple student count; it is the complexity of the student—whether they are a factor 1.111 up to 1.666. That can wax and wane as well. So your actual number of students might not indicate how many vacancies you have at the time.

Mr DAVID SHOEBRIDGE: So your student population is not done on headcount per se, it is done upon a factor of need. Is there a factor of need count like the equivalent of 150 or what is it?

Mr JOHNSON: Like all special schools it is limited to the physical infrastructure that you have available—the number of classrooms that you have to open.

Mr DAVID SHOEBRIDGE: That sounds like a headcount?

Mr JOHNSON: It is a headcount. It would change but it is that variation just in the complexity of the students.

Mr DAVID SHOEBRIDGE: Lots of parents have told the Committee that they can be waiting six months, 12 months, two years, three years to get a placement. So an understanding of what the enrolment limitation is at your end is important. Is there a clear policy position? Is there a clear numerical figure that sets the limit?

Mr JOHNSON: The type of classes can vary on how they have been established—the number of students you can have in a class due to classification. So a multi-categorical class, of which I have a few at my school, can take up to 10 students but if I have got students who are a factor of need 1.666—

Mr DAVID SHOEBRIDGE: It might be seven.

Mr JOHNSON: Essentially that is the way it works. Special schools over time really have just been built on the need that appeared in the community at the time. So some schools have been established with seven classes, some have been established with four classes, some with more.

The Hon. DUNCAN GAY: You indicated earlier that you do not know how many people are not getting into your school, and from evidence given before the Committee that appears to be the case. You get the allocation from the board and they look at your facilities. Do you get any input into that?

Mr JOHNSON: Absolutely.

The Hon. DUNCAN GAY: Do you have any vision of how many people are missing out or not?

Mr JOHNSON: I can absolutely say this as a matter of fact, I have never seen someone miss out on a service but they might not have got a first preference. A lot of the times with an access request form a parent might have indicated one service, other times it might have been five services. It is also really looking at that triage system as well to make sure that you have had as much intervention as you can before you get to a special school placement, that you are really looking at every available option.

The Hon. DUNCAN GAY: So you do have an input into the decision when an allocation is made?

Mr JOHNSON: When the student is coming up for placement we will have all the background information that we need to make a good decision on the access request form. That is then with the committee that looks at whether we agree this student is a really high priority for a place.

Mr DAVID SHOEBRIDGE: So you are on the regional panel?

Mr JOHNSON: Yes.

The Hon. DANIEL MOOKHEY: So you would see the application process predominantly from your membership of the regional panel?

Mr JOHNSON: Yes, but I see the same information that the other principals who are providing services see as well.

The Hon. DANIEL MOOKHEY: Are all principals of special schools on the regional panels that determine enrolments in their schools?

Mr JOHNSON: It has been different in every region that I have been in.

The Hon. DANIEL MOOKHEY: Do you know why? Is there a reason for that?

Mr JOHNSON: Just evolution of scale. Where you have regions with a smaller number of special schools or classes the process can be streamlined because you are simply not dealing with large numbers; at other times it will be very large numbers of students. Really for the department to be able to have transparency and to be act in good faith, they want to have as many people included in that process as they can to make a fair decision.

Mr DAVID SHOEBRIDGE: If I understand your evidence correctly, you are saying that the allocation of resources for classrooms and schools for special needs is largely a result of history. History has got us to where we are now—that is, the resources available at a regional level. It is an historical fact, rather than a current needs basis?

Mr JOHNSON: It is an historical fact the way we have had all our schools. It is like primary schools and high schools, they are established around identified populations so the demographers can see there is a need for that facility.

Mr DAVID SHOEBRIDGE: Are you aware of any demographers employed by the department who are looking at special needs—for example: with 25,000 students in this region, we would assume X number of special needs places would need to be made available? Is that kind of demography happening?

Mr JOHNSON: I have met demographers from the department but it was many years ago. The establishment of some of the new specialist schools that have only opened recently would indicate that they are responsive to that need.

The Hon. DANIEL MOOKHEY: I return to the issue of the access request form. The Committee heard this morning from teachers and parents who said, firstly, that these panels make decisions without necessarily meeting the children. Secondly, and this point was made predominantly by teachers, these panels disagree with their assessments as to special needs and what number to give on the grading without any independent base. They have the same information as that provided by the teachers in the application and they reach a different conclusion on the basis of the same information. The implication is that these panels are not functioning as needs-based assessment; rather, they are rationing scarce spots. Alternatively, if they do agree there is a need; it is not atypical that they then come back and say: "There is that need but there is not a spot. You will have to reapply next year." Does that happen?

Mr JOHNSON: I have never seen anyone have to reapply next year. I have certainly seen students who would be held over for the very next panel, which in most cases would be four weeks.

Mr DAVID SHOEBRIDGE: The reapply happened when the student had to be held over, but then some key officer in the department who was responsible for that application was not available and it was frozen. That officer was on long-term leave and the only way that they could reinvigorate the bureaucratic process was to put a fresh application in.

Mr JOHNSON: I have never seen that. I have certainly seen the need where a student might—again, it is the perception and the quality of the access request form. I have seen a lot of schools in my time. A school that might be particularly challenging because of its cohort would view behaviour and the needs of a child in a different way to a school that might be high performing and have a different cohort. As to the quality of the access request form, I have seen a panel say: "Look we have not got enough information on this access request to make an informed decision." It has been then been sent back to the school to be able to say: "We need more information than this."

Mr DAVID SHOEBRIDGE: Another clear frustration the Committee heard about in evidence earlier today, and it is also in the submissions, is that the sometimes panels only meet twice a year and if there is a disagreement on the grading score that can require another six months of delay, as it goes back and forth between the teachers and the panel.

Mr JOHNSON: Years ago it was a bit clunky—I am talking 15 years ago—but, if I can use the example of the current process that I am involved with, it is twice a term.

Mr DAVID SHOEBRIDGE: I am sorry, the evidence was twice a term.

Mr JOHNSON: There is also the opportunity for students, especially if they are being transferred from interstate there might be an ePanel, so they will convene virtually, then each of us will have the access request forms to be able to make an informed decision so that student can progress.

Mr DAVID SHOEBRIDGE: I will take you through the evidence given to the Committee earlier today. The application is made—there was concern that if you make the application too early before the panel sits it can lost in bureaucracy, so it tends to be made the Friday before—on the deadline, and then they expect a two month delay before they get notified of the outcome. The evidence was that they might have graded the application at a level three and it has come back as a level two, or they might have graded it as a level two and it has come back as level three, but because there is that disagreement no resources are allocated until that disagreement is resolved. That was said to be a very real and common frustration.

Mr JOHNSON: I have never seen that to be common, and I have been on a lot of panels.

Mr DAVID SHOEBRIDGE: What happens when the panel disagrees with the teacher's assessment of the applicant?

Mr JOHNSON: I actually have not seen that because usually the teacher's component of the access request form is informing about the classroom practice, but there will also be the guidance service, the school councillor, information on it. Every panel that I have been on, apart from having principals representation, has always had senior district guidance officers or senior psychologists as they are now. One example we used to have was the district guidance officers would meet from a region and have the applications beforehand because they have really got the expertise around the diagnosis and the psychological needs of the student. They are also aware of the special schools and settings in classes in their areas, and their particular flavour—what their particular focus is, what they are good at. They would meet before a panel to save that time. So they would do a preliminary ranking and then it would go to the panel to assist with the decision. I have never seen an argument over the student's needs. I have seen discussion where they might say: "There are two settings that are an option for this child." People might differ in their opinion of what that service provides, but I have never seen that.

Mr DAVID SHOEBRIDGE: Are you saying that you have never seen the panel form a different view of a child's needs and grading to that on the application? Is that what you are saying?

Mr JOHNSON: Yes.

The Hon. DUNCAN GAY: This is the number grading. There is the descriptor and then there is a number grading.

Mr JOHNSON: No, sorry. Just to be clear, it is not the factor of need that I am talking about. It is really looking at prioritising the students. So if you had 10 students and there were nine places available, how would you rank those students as far as who is in the most need for the particular service? What is the right service for them?

The Hon. DANIEL MOOKHEY: The Committee has heard evidence that there is tremendous contest between applicants and assessment panels around the factor of need score, and that it is common for panels to disagree—which may or may not be legitimate. The reason for having these panels is to make assessments. The Committee has heard evidence that when such a disagreement emerges it is not clear what additional information the panel is either utilising or which parts of the information that has been submitted have been interpreted differently to reach a different conclusion and nor is any explanation given to the applicant—be it the school or teacher, and certainly not the parents. Is that fair?

Mr JOHNSON: Inasmuch as being able to discuss the outcomes of deliberation within a panel, you are dealing with a lot of confidential information about students. Any documentation about a student, especially one who has not even started at my school or might not start at my school, I would leave with the panel. I would not be carrying that documentation out of the room.

The Hon. DUNCAN GAY: Their concern is that there is a variance made—for instance, they put a three, and Mr Shoebridge said earlier, it will either come back from the panel as a two or a four. They might not disagree with that when it finally happens, but the problem is that they have to wait for the next panel for something to happen. Rather than that, why not have an interaction and get on the phone to say: "We have kicked it up or down. We have a problem with that. We are going to let you go ahead with the others."

Mr DAVID SHOEBRIDGE: They have described that as a very real frustration. They said: "Even if we do not have to agree we are happy to take the panel's call, but please get the resources flowing now."

Mr JOHNSON: That is usually the case because any student who is going to have an access request form completed on them, it should not come as a surprise to the school they are in. The student is already accessing a school or a service for the access request to be completed. If a student has needs, essentially you always expect that a student will have every resource, every welfare program, every behaviour support you can think of if they are having difficulties at the school, and that the learning support team within the school has done everything they can within that mainstream school's resources to be able to support the student before an access request form comes.

Mr DAVID SHOEBRIDGE: That is nowhere near the evidence that the Committee has had from not one parent, two parents, ten parents or twenty parents, but scores and scores of parents who say that they are not getting that assistance at their school, when they put the access application in there is enormous delay and then their educational needs are not being met for 12 to 18 months. That is not isolated evidence.

The Hon. DANIEL MOOKHEY: That is the evidence of the principals association at secondary and primary levels.

Mr DAVID SHOEBRIDGE: It is hard to marry your evidence with all of the coalface evidence the Committee has heard.

Mr JOHNSON: I can marry it. If you are looking at those individual access request forms from a school, if I am the principal of a mainstream school or a parent I am obviously going to be incredibly invested in that single application. If I am looking at my entire school and I know that I have a year 12 moving on and I am going to have 15 vacancies next year, I will be looking at 15 applications and trying to get every single kid who has applied into my service. That is what it is about. I have never met a panel that deliberately wants to obfuscate or make it difficult for people.

Mr DAVID SHOEBRIDGE: Nobody has suggested that it is deliberate; it is about bureaucracy.

The Hon. DUNCAN GAY: They are concerned about making the system better.

Mr JOHNSON: Interestingly, Mr Gay asked: "Can it be a phone call in the end?" The systems that we have got, which might appear overly bureaucratic, have come about because there used to be a phone call. That was viewed as nepotistic—everyone was looking after whoever rings up first, whoever has the biggest school has the biggest pull. I know that is the last perception all panels want to have. I can understand the frustration of parents and schools that an application they have made has been: "More information. Not this panel, the next." That is going to be vitally important to them. But in view of all of the applications that come in, I have never seen in my career in special education students who have been pushed for a year. I have absolutely never seen that.

Mr DAVID SHOEBRIDGE: We literally had, sitting in that chair next to you, a very experienced teacher give directly contradictory evidence. It is really hard to marry it up. It was not only her—

Mr JOHNSON: I have been frustrated with panels.

Mr DAVID SHOEBRIDGE: I have a folder here full of submissions, many are confidential, which express exactly the same from both a teacher perspective and a parent perspective. Perhaps you can explain to me what I am missing and what they are missing?

Mr JOHNSON: I am struggling with it—I really am—because I have never met a panel that did not want to do the actual best they could.

Mr DAVID SHOEBRIDGE: Nobody is suggesting it is poor intention from the panel; it is about bureaucracy and resourcing. That is the issue that people are raising. Nobody is suggesting bad intent.

Mr JOHNSON: I have seen it as timely. There used to be—years and years ago it could take a term because a lot of the panels only met once a term and people did complain if they missed out on that cut date why the panel could not accept an application: "It is only one day past." Then you would have to wait another whole term. They were honest, real frustrations that I did witness. Most of the panels then, especially depending on how many students they were dealing with, went to twice a term panels; with interim "E" emergency panels to look at any students who might have missed out or had just arrived in that area to make sure.

The Hon. DANIEL MOOKHEY: Is it better to describe this as being relevant to the integration funding stream of a panel's requirements or special school access?

Mr JOHNSON: I can only speak from the special schools side of it.

The Hon. DANIEL MOOKHEY: So it is possible that a lot of the frustrations that people are feeling is to do with the integration funding side. Is there a meaningful difference in the way in which they are treated at the panel level?

Mr JOHNSON: Yes, there is. There is a lot more—not necessarily complexity but it is different. You are looking at what supports, graduated supports, and it is very much down to those individual needs. Clear cut is not the right word, but for a student whose access request clearly indicates a school for specific purposes, the need is quite clear and quite identified. But there is not as much discussion in relation to what you are talking about there.

Mr DAVID SHOEBRIDGE: You are saying that every request form that says: "This is a child who needs access to a school for special purposes" is granted and all those children go to schools for special purposes without delay? It just happens like an eight-day clock?

Mr JOHNSON: No.

Mr DAVID SHOEBRIDGE: Then I do not understand your evidence.

Mr JOHNSON: What I am saying is that when people are doing access request forms, wherever they are from, they have a really good idea of the services within their area. They know what is available; they know the reality. But they also, with the guidance service, look at—and it is really going for the least invasive first—what are the support services we have? What can they access? Will we need that additional support? Will they succeed in that setting? This might be a first stage, and if they see that it is not working within that setting then: What is our next step?

Mr DAVID SHOEBRIDGE: You are disentangling my question and going backwards.

Mr JOHNSON: I do not intend to.

Mr DAVID SHOEBRIDGE: They have gone through all of that. There is an identifiable need for the child to go to a school for special purpose. Are you saying that everyone of those applications is accepted by the first panel and the children go straight into a school for purposes? The term that has been used in a number of submission is "it is like winning the lottery". Winning the lottery is not a usual event.

Mr JOHNSON: Within the special schools there is variety. One of my special schools was a behaviour school and there were limited spaces and a lot of need. There were students who were on a cycle of waiting between the panels, whereas I have not seen that as much—I have not seen it at all in my current school compared to when I was the principal of behaviour schools because it is a very different service and the need for a disability confirmation is not required for that. You were looking at a lot of people who were really frustrated about having people access the service, but at the same time it was meant to be a medium term placement where the students had the opportunity to integrate back into the mainstream. So if students are not integrating back in there are no vacancies to go back in. Where it worked, it was a really good cycle of intervention.

The Hon. DUNCAN GAY: I come back to your answer about it being inappropriate to make a phone call. I can see your point of view on that, but if you cannot make a phone call why could you not look at having an ePanel straight after to overcome the variance in the grading issues? If you cannot do phone calls why not look at a process that helps to fix the problem?

Mr JOHNSON: I am not part of the guidance service that would actually look at that factor of need—that is their role. That factor of need has already been decided before I see the placement. I am dealing purely with the number of students up to vacancies.

Mr DAVID SHOEBRIDGE: Are we talking about your role as principal—

Mr JOHNSON: Yes.

Mr DAVID SHOEBRIDGE: —or talking about your role on the review panel? I thought the Hon. Duncan Gay's question was based on your role on the review panel, rather than your role as principal.

The Hon. DUNCAN GAY: It was on the review panel. The Committee has heard evidence that the schools submit with a written descriptor and a number. It is the variance in the number, which they may or may not have a problem with—the number either goes up or down—and they have got to wait minimum half a term to get the matter resolved.

Mr JOHNSON: Okay.

The Hon. DUNCAN GAY: That was my question about the phone call. Why can you not just call them and say: "We are going to vary this. Are you happy with this?" Tick and off it goes.

Mr JOHNSON: I would like to apologise because I have confused my answer. I was thinking placement panel, not review panel. I am not part of the review panel. Apologies.

Mr DAVID SHOEBRIDGE: So the placement panel is once the review panel has determined that the placement needs to happen?

Mr JOHNSON: Yes.

Mr DAVID SHOEBRIDGE: I think this might clear up a lot of the evidence we have been taking to date. You were talking between 1.1 and 1.6 and they were talking between 1.0 and 3.0 or 1.0 and 4.0, so they are quite different. Could you describe the role of a placement panel once the review panel has made a determination?

Mr JOHNSON: Essentially the students will come to a placement panel. All the appropriate information will be there—what year they are in, how they have been travelling, everything. These are the students who are requesting these particular services.

Mr DAVID SHOEBRIDGE: And they have already been sifted through the review panel.

Mr JOHNSON: That has already happened.

Mr DAVID SHOEBRIDGE: I think I understand the tenor of your evidence now. The review panel knows what the capacity is in a region in terms of vacancies in special support schools?

Mr JOHNSON: Yes, they would.

Mr DAVID SHOEBRIDGE: Understanding that, they allow as many applications to go through to your placement panel as there are positions and you always find them, is that right?

Mr JOHNSON: No. I have been the principal of several schools where we have had more vacancies than submissions; other times more submissions than vacancies.

Mr DAVID SHOEBRIDGE: But there is a reasonably close approximation between—

Mr JOHNSON: In my experience, yes.

Mr DAVID SHOEBRIDGE: Because the review panel knows what sort of capacity is out there?

Mr JOHNSON: Yes.

Mr DAVID SHOEBRIDGE: It is the step before that. I think all the frustration has been about going to the review panel. That is not your role?

Mr JOHNSON: No. And that, I would agree with you, would be a highly contested area of professional expertise.

Mr DAVID SHOEBRIDGE: Of the children who have been assessed by the review panel, gone to your placement panel and then been placed in special support schools, would some have benefitted from the placement and more intense resources 18 months to two years before? When they first come in there is a lot of catch-up to do.

Mr JOHNSON: That is an interesting question because the level of intervention that students have had can vary widely. The majority of students, especially in the younger years, will take a lot—if they have had preschool the discipline is highly noticeable in how that student engages in the program compared to a student who has not had that experience or a bit of that structure. We can occasionally get students come from interstate who might be classified but as far as our classification goes I can see that the student—I am not sure that the student is appropriately placed. It is not uncommon, it is not regular, but special schools will actually do their own access request forms where they think a child will be better placed in a unit that might have an integration program.

Mr DAVID SHOEBRIDGE: The Committee has received lots of submissions from parents who say that it can take 18 months to two years to get the necessary support at their school, and sometimes it does not eventuate even after that. So there is a big learning gap. One parent earlier today said she is still not getting proper Auslan interpretation for her child who is now into their third year of schooling. There must be a big developmental delay that comes as a result of that. I am wondering if you experience that when kids come into your schooling environment?

Mr JOHNSON: You do, but the level of intervention that schools have had is highly varied. Some students and parents who are articulate and have been able to advocate for their child more vigorously have tended to get more support than someone who might not be well versed to be able to work with bureaucracy and to access those services. They might not have the financial resources or supports, they might not have the family connections around them to be able to do that.

Mr DAVID SHOEBRIDGE: One of the teachers we heard from earlier today said there is a correlation between poverty and access. Kids whose families are in poverty, dealing with multiple problems, are the ones who have the greatest difficulty in getting the formal paediatric diagnosis or the paperwork in order. Do you notice that correlation?

Mr JOHNSON: I would agree, as evidenced in a lot of other research around education, the socio-economic factor does affect student performance but it also affects the amount and range of services available.

Mr DAVID SHOEBRIDGE: When you think about the children who are coming into your school, do you think that the State Government has an obligation to look at that inequity in poverty and more proactively intervene and support those kids from lower socio-economic groupings?

The Hon. DUNCAN GAY: They probably would not get to his school without those?

Mr DAVID SHOEBRIDGE: Should we do more to support the kids? If there parents are having difficulty doing it, often for very understandable reasons, surely we as society have an obligation to the kids?

Mr JOHNSON: It is a vexed space because you have got a special school and how does that work with the inclusionist agenda? How can a segregated setting be an inclusive setting? They can. For me it is being able to have—the high schools and the mainstream schools are not that well equipped—some do it well—to really deal with the range of diversity of the students. That is how we would get power into the system—namely, having the expertise we have in the system spread across all of our settings to be able to provide quality special education services across all our mainstream schools and specialist schools.

The CHAIR: Unfortunately, time has expired for questions. Any additional questions that members may have will be sent to you. Thank you for appearing before the Committee today.

(The witness withdrew)

PETER SMITH, Director, Public Schools NSW, Callaghan and Port Stephens Network, NSW Department of Education, sworn and examined

STEPHEN HARRIS, Director, Public Schools NSW, Lake Macquarie East Network, NSW Department of Education, affirmed and examined

The ACTING CHAIR: Would either of you like to make a brief opening statement before we proceed with questions.

Mr HARRIS: I thank the Committee for the opportunity today to speak about support for students with special needs. My last principalship was at Brisbane Waters Secondary College, which is a multi-campus collegiate on the Central Coast that caters for up to 1,800 students. On the two sites I had six support classes within the mainstream school, as well as a regional setting on the middle school campus where there were three classes that catered for students identified as having emotional disorder [ED] and behavioural disorder [BD] needs. It operated as a separate entity within the school. Prior to that I was at Wyong High School where my colleague who spoke this morning was and we had three support classes there.

Coming out of Brisbane Waters Secondary College I took up a role as Relieving School Educational Director, which was a similar position to the current model we now have. I worked in a variety of settings in the Maitland-Cessnock area for the then Hunter/Central Coast area 9, and also locally in both Hunter/Central Coast 7 and 8 patches, which service Adamstown, Lake Macquarie, Newcastle. Under that role I had a couple of portfolio responsibilities, and the one that is relevant today was that of student services. I was also a member of the team that lead the implementation of Every Student, Every School [ESES]. When we changed over to the current model I was the director with responsibility and accountability for that in the local area. As I said, I am currently the Director for Lake Macquarie East, which I took up in 2016. I have 28 primary schools and six high schools, one school for specific purpose, and I include 24 support classes within my regular schools.

I am passionately committed to the principles of the Melbourne declaration, in particular, that Australian schooling delivers equity and excellence for all. I am very proud of public education's fundamental philosophy of inclusive education on the same basis for all students. The ESES reform is focused on strengthening education provisions for students with additional learning needs in all government schools. If I can very briefly talk about some of the benefits locally. There has been a significant enhanced understanding and awareness for all teachers and principals relating to the Disability Discrimination Act and the Disability Standards for Education. This has been a significant recognition of the changing profile of students in our schools and the increasing number of students with a disability who sit both within regular classes and also specific support areas. We recognise the changing nature of service delivery and, in particular, we celebrate inclusivity. There are many examples that both Mr Smith and I could talk about, and if questions permit I will certainly do that quite happily.

We are also heavily focused on building teacher capacity to teach every child within the class. That has been a very significant philosophical change, and it has certainly changed cultures within public schools. We have seven blended learning modules. I am pleased to say that since the implementation of ESES 624 participants have been involved in those learning opportunities and enhanced teacher capacity to support students with additional learning needs. Our learning support team processes within schools have been refined and become far more proactive, rather than reactive in nature. Coupled with the implementation of local of Local Schools, Local Decisions, this has meant that 70 per cent of available funds are in schools as opposed to previously 10 per cent. School principals have far greater flexibility to utilise those to meet the needs of the students who exist within their cohort. That ability to contextualise is something for which I put my hand up and loudly said, "Give us that opportunity because we can certainly improve results for students."

I am very proud of the commitment of the department to provide high-quality educational experiences for all students. The leadership of our local executive director challenges the directors under the Tamworth Operational Directorate in how we are supporting students with additional learning needs, and certainly in how we can find new and better ways of providing that support. Indeed, as directors we are charged to challenge our principals with the same questions. I celebrate the improved support and outcomes that have been achieved for students with additional learning needs. Our Secretary has stated a personal philosophy that every student, every teacher and every school can improve. Providing support to students with additional learning needs and their families is certainly complex and challenging and, like the department, I am committed to continuous improvement.

Mr SMITH: I am also pleased to be here. Thank you for the invitation. I am a trained English history teacher in high schools. I started teaching in 1980. I have worked across most of country New South Wales—from the top to the bottom. I was a principal for nine years in two different high schools. I have been a director of public schools down in Albury along the Murray River and up in the Snowy Mountains for 12 years. I have been at Callaghan-Port Stephens and Newcastle for 16 months. Currently I work with 37 principals, high school and primary—from Shoal Bay on the ocean at Port Stephens up to Minmi, west of Newcastle. I have had some wonderful experiences. I have been in public education all my life. I am very proud of what we do in public education and I have the utmost respect for the people who work in our organisation.

The Hon. DUNCAN GAY: Mr Harris, I noticed that you have been present for the duration of today's hearing. You may recall that the first witness this morning mentioned the ESES. You mentioned that you played a major role in that roll out and that there has been an increase under it. But a teacher this morning told the Committee that her school went from 8.5 to 2.5 teacher aide positions. How does that fit in?

Mr HARRIS: I am so pleased to be been given the opportunity to respond. It was so hard to sit there and say nothing—as a teacher we are used to talking. The first thing that changed was that school's allocations happen in a different way. There was a removal of the need to apply for direct funding for students with low level disability—funding up to approximately $6,200. Those funds were put into the schools under the resource allocation model [RAM] as part of equity loading, or what we talk about locally with our schools as complexity loading. Schools had an opportunity to choose what they did. In many ways schools had gone down a path previously that the moment a children had a diagnosis or a disability they converted that into what used to be known as teacher aide allocation. They would talk about a child getting 2.2 hours of allocation.

Under ESES we asked them to look at: What is the child's learning needs? What do they need to be able to access education and achieve parity of outcome? That is the way the money should be spent. I cannot talk, even though I was at Wyong High School—sorry, I was at that school where the teacher was previously, I cannot talk about the specifics. However, the school had the opportunity to choose how they spent that money. They also got the additional allocation of a learning and support teacher position.

The Hon. DUNCAN GAY: They got one extra?

Mr HARRIS: Yes.

The Hon. DUNCAN GAY: And they dropped six teacher aide positions?

Mr HARRIS: Without having access to the records here with me I cannot answer that in that specific context, except to say that no school went backwards. Part of that process when we looked at it was to moderate all schools. So whilst they might have chosen to use their money in a different manner than they previously did, the assertion that they went backwards by five positions I would contest.

The Hon. DUNCAN GAY: Can you take that on notice?

Mr HARRIS: I would be happy to take that question on notice.

The Hon. DUNCAN GAY: You said you could not answer off the top of your head, and I am sure there would be other questions. I find it hard to equate that dropping six teacher aide positions is not going backwards.

Mr HARRIS: I think I should take that on notice so that I can give the Committee factual information.

Mr DAVID SHOEBRIDGE: This is a special needs inquiry. The focus of our attention is resources that are going to assist kids with special needs. Your answer was that the same amount of money went to the schools, which they might have allocated to special needs or they might have allocated to another purpose at the schools. Is that your evidence?

Mr HARRIS: Absolutely not, no. What I would say is that funds went to the school and they got to choose how it was allocated to support student learning. Simply converting it into school learning support officer [SLSO] time—

The Hon. DANIEL MOOKHEY: Do you mean special needs student learning or general student learning?

Mr HARRIS: I am talking students with additional learning needs, so special student learning needs, but simply buying SLSO time might not be the best provision. It might be to give teachers extra release time so that they can work on reasonable adjustments for students. One of the things that was challenging is that there are some things that would not be clearly visible but there was an increase that went to schools, rather than a decrease. I would absolutely, with hand on heart, say that schools were better provisioned to support students with support and learning needs.

Mr DAVID SHOEBRIDGE: But if you are the parent of a child with special needs who previously was getting three hours assistance a day, and that was allocated to the student, the money then gets allocated to the school and the school can apply it however they like. What sort of auditing do you do to ensure that the money is spent to support kids with special needs?

Mr HARRIS: Can I come to that through a few different ways?

Mr DAVID SHOEBRIDGE: However you like.

Mr HARRIS: The first thing was in the past the money was not allocated to a student, the money was allocated to support a teacher deliver better outcomes to the student.

Mr DAVID SHOEBRIDGE: But that teacher was attached to the student?

Mr HARRIS: No, I would not say that. One of the confusions was around the fact that the money needed to be spent previously to support student learning, rather than being actually accounted in terms of this much time for an SLSO. What should happen now, and should have happened then, is quality personalised learning support plans developed in consultation with the parents so that there is a clear communication around where the child is at, what the child is learning needs are and what the school is doing in partnership with the parent. You asked the question around audit requirements. We have an audit process within the department but my conversation with my principals is around: "Tell me about the impact." Under the previous model we used to talk about: "Show me how the dollars were spent." Now we talk about: "Let's measure the impact on student learning and talk about the quality of outcomes."

The ACTING CHAIR: You talked about quality support plans. Who is responsible for implementing them and is there a follow-up to make sure they are being done?

Mr HARRIS: A principal is responsible for the educational leadership within the school, directors have a responsibility for oversighting the principal's operation. In terms of making sure that they are there and implementing it, I would say that ultimately it is the principal's responsibility—

The ACTING CHAIR: But is it the teacher's job to sit down with the parent and the child and develop a plan? And who monitors it each year?

Mr HARRIS: It should be a process that is monitored jointly between the parent and the teacher.

Mr DAVID SHOEBRIDGE: Should be.

Mr HARRIS: I say "should be" because, as you highlighted before, with 2,200 schools it is impossible to know what is happening every minute of every day. There will always be exceptions, regardless of how tight processes are, but the principal has that responsibility to ensure that the teacher is implementing it and, depending on the size of the school, there can be multiple layers involved—deputy principals, assistant principals and it can go through the learning support team.

The Hon. DANIEL MOOKHEY: What does the department do to make sure this all happens?

Mr HARRIS: Directors have supervision responsibilities for principals and we talk to them about the processes that are employed. That said, we trust and support—we talk about trust with verification with our principals. In professional communications with my principals I would talk to them about students with additional learning needs and, as you have already heard, the implementation of Every Student, Every School [ESES] was particularly a passion of mine. It is one that we have talked about quite specifically. We talk around what they are doing and talk about the outcomes. I have sighted individual learning plans. The flipside of this is—if it is not going well, the people who find out would be directors. Parents would make complaints known, hopefully at the school level first, but if they are not remedied they invariably find there way to the directors.

The Hon. DANIEL MOOKHEY: How many complaints from parents have you received?

Mr HARRIS: In relation to students with support needs? I would have to take question on notice but I would say it is a fairly low number. We get complaints about everything from the colour of classrooms through to students with disabilities, trees and buses. To actually break it down like that would be very small.

The Hon. DANIEL MOOKHEY: Do you collect that data? The evidence from the department so far has been that no-one does.

Mr HARRIS: I have every complaint that I have ever received on record. We go through a TRIM process, which is a record management. I certainly keep that and could classify it. Basically though what I do is work very quickly to look for effective solutions to problems because sitting beneath every complaint is a child. However, what—I am talking in general terms for directors now—we would be looking for is common patterns. Now whether they are common patterns at a school that would identify that there is a problem or if there are common patterns across schools then we would look at more professional learning and support for principals at a network level.

Mr DAVID SHOEBRIDGE: I make it clear that I think public schools do an outstanding job with the resources they have. But when it comes to ensuring that the scarce resources that are available for kids with special needs are being properly applied, your evidence was that you asked the principals—I think your words were—"Tell me about the impacts." Is that the checking that happens?

Mr HARRIS: We have an audit process that goes into schools and looks at financial management and accountability.

Mr DAVID SHOEBRIDGE: But that has nothing to do with checking the quality of the educational outcomes for special needs children or with tracking the special needs funding to special needs children, does it?

Mr HARRIS: No. I will separate that.

Mr DAVID SHOEBRIDGE: We are talking about checking the money set aside for children with special needs is actually spent on them.

Mr HARRIS: That is the principal's responsibility. However, I would go through a process in professional dialogue of talking around what they are doing, as well as looking at school plans and then mapping that against our milestone measurements.

Mr DAVID SHOEBRIDGE: Mr Smith?

Mr SMITH: I would just add there that the school planning process is fundamental to the operation of schools. Part of the accountability is in the annual school report, along with analysis of data—that is done internally and externally. But part of the development of the school plan is that consultative decision-making process, so parents are not only involved in—

The Hon. DANIEL MOOKHEY: In the thirty seconds—

Mr DAVID SHOEBRIDGE: Mr Smith has not finished his answer.

Mr SMITH: I was just saying that part of the consultative planning is that the school plan is developed in conjunction in parents, just like a learning support planning process. So that is an accountability.

The Hon. DANIEL MOOKHEY: The Committee has previously been told that the department's position on how the expenditure of funds for students with disability should be disclosed is predominantly through the mechanism of the annual report. Is that consistent with practice in your catchments?

Mr HARRIS: Yes.

Mr SMITH: Yes.

The Hon. DANIEL MOOKHEY: You said you were responsible for 37 schools, 37 principals.

Mr SMITH: Principals, yes.

The Hon. DANIEL MOOKHEY: Mr Harris, how many are you responsible for?

Mr HARRIS: Thirty-five.

The Hon. DANIEL MOOKHEY: If we were to go and grab those 35 annual reports, they would clearly state that the money that was received in those schools, which were given to last by way of disability loading in accordance with student population, was spent on these disability services. Would we receive that information in those annual reports?

Mr HARRIS: No, the annual financial statement does not have that level of detail as it is published.

The Hon. DANIEL MOOKHEY: So where would a person obtain that level of detail?

Mr DAVID SHOEBRIDGE: It is sounding a bit like the vibe at the moment. It is a chance to answer that it is not the vibe; that there is some actual checking of it.

Mr HARRIS: The thing that I would say to you, and what we say to our principals, is that this is supplementary funding and we would expect that there is far greater prioritisation of need done from the whole school funds. Schools attract funds through a variety of services but I think of it in my personal professional opinion as a supplementary fund—

The Hon. DANIEL MOOKHEY: So that—

Mr DAVID SHOEBRIDGE: Can we let Mr Harris finish his answer?

The Hon. DANIEL MOOKHEY: No, I want to jump in there. So when you say—

Mr DAVID SHOEBRIDGE: Point of order: Mr Harris should be able to finish his answer.

The ACTING CHAIR: Order! I uphold the point of order. Mr Harris will complete his answer.

Mr HARRIS: What I would say is that the school attracts—if I can talk about it as a pie of funds. You also get some supplementary funds, but a school allocates its whole funding based on the priority needs within the school. Having been a principal for numerous years, supervising schools now in five networks, I would say that schools prioritise the needs of those students. I would be very confident to say that there are not principals sitting on money unspent that is earmarked for students with additional learning needs.

The Hon. DANIEL MOOKHEY: Except that is your characterisation. You say "supplementary", but under the resource allocation model [RAM] a loading is attached to a student with disability, is that not correct?

Mr HARRIS: We have got several forms of funding.

The Hon. DANIEL MOOKHEY: One of them is a special category in which you attract additional money for students with disability, is that not correct?

Mr HARRIS: You are talking targeted funds now, you are not talking about the low level?

The Hon. DANIEL MOOKHEY: No, I am talking about the RAM model.

Mr DAVID SHOEBRIDGE: The equity funding.

The Hon. DANIEL MOOKHEY: That is correct, is it not?

Mr HARRIS: That is not targeted to specific students, no.

The Hon. DANIEL MOOKHEY: I am not asking about that.

Mr DAVID SHOEBRIDGE: But it comes about because of that student?

Mr HARRIS: It comes about because of the complexity of need of the entire school, yes.

The Hon. DANIEL MOOKHEY: Your evidence is that those funds are put into the general pool of funds available to the school and can be appointed to the principal's choice under the Every student, Every School policy, is that correct?

Mr HARRIS: Yes.

The Hon. DANIEL MOOKHEY: Under the RAM model the loading is 15 per cent for a student with disability, is that correct?

Mr HARRIS: I am not sure of the percentage.

The Hon. DANIEL MOOKHEY: Putting aside the supplementary funding sources that you made reference to—the targeted funding, the integrated funding, all these different things which are reported in a different model to the RAM model funding—how is the RAM model funding explained to parents? How are principals reporting it to you? To what extent can the department override the opinion of a principal should they find a scenario, as we have been told, where some of that money is used for things that are not at all related to students with special needs? For example, we were told about drama being one instance in which it was being used. Does your catchment have any specific requirements that would allow parents and lots of other people as well to have transparency as to how that RAM funding is used?

Mr HARRIS: I need some clarity around your question. As a component within the RAM there is funding for low-level disability that is not tied in any way to any students, likewise there is low socio-economic funding, English as another language, and those funds are not tied to a student but they become part of the funding for the complexity of the school that the principal is required to prioritise, they publish in their school plan the key priority areas but they also report on it as part of their annual school reporting process.

Mr DAVID SHOEBRIDGE: But you made it very clear in your earlier evidence that you cannot follow the funding through the annual report. There was no ambiguity about the evidence you gave earlier—you cannot follow the funding through an annual report.

Mr HARRIS: In terms of special needs. Can I give you an example?

Mr DAVID SHOEBRIDGE: Yes.

The Hon. DANIEL MOOKHEY: Before you do that, Mr Smith is indicating that he would like to say something.

The ACTING CHAIR: Mr Harris will answer the question he has been asked. We will then move on because Mr Gay also wishes to ask a question. Mr Smith, if you have any further comments we will come back to you after Mr Harris has answered this question.

Mr HARRIS: Out of the global funding that the school has attracted, the school might look at its contextual needs, having done a high-quality situational analysis, and determine that there is a program or professional learning that it thinks will benefit the school. Because that money is not tied to students with special needs—it could be a program that would benefit from top to bottom, or it might be just students with special needs—those funding sources come from a variety of areas. In the past we used to talk as principals about buckets: "I can only spend this bucket to buy a certain thing. Out of here I can only spend it on this." Now that has accumulated and schools and principals are required to determine those priorities. So that is not reported against students with special needs because it is attracted as part of the complex funding. The funding that is attracted as targeted, based on applications for students through integrated funding support, that is an entirely different scenario, which is where I was not understanding your question.

The ACTING CHAIR: Mr Smith did you wish to make a comment?

Mr SMITH: Just quickly. The Committee has no doubt heard about the School Excellence Framework and External Validation processes, accountability measures. I just emphasise that we are working at Callaghan and Port Stephens towards representative finance committees that work with the principal and in consultation with the community to tie the funding to the school plan. That is what I as a director would interrogate the principal—not in a bad way—to ensure that occurs so that all students involved in the school plan, particularly students with disability, aligned with the wellbeing framework are included there, and that would be reported on. There would be a process of plan, implement, review. The accountability is at the beginning, ongoing and at the end.

The Hon. DANIEL MOOKHEY: Is that your initiative? As far as you are aware are you the only person in your catchment that is doing that?

Mr SMITH: I cannot comment on that. For years right across the board as a principal, deputy principal, head teacher, et cetera, and certainly as a director, I have encouraged and some times actually insisted on a representative finance committee.

The Hon. DUNCAN GAY: Can I go back to the area of complaints and a question that was asked earlier by Mr Shoebridge. Mr Smith indicated that it is important that we have analysis data. Mr Harris said, and I am sure appropriately, that any of the complaints that come in he acts upon and fixes, but there was silence on what actually happens to them. Do they get acted upon, put into a filing cabinet and forgotten about? Theoretically fixed but not going through, because it might be a matter of process or policy with statewide ramifications that caused these problems in the first place. Without that data going through and proper analysis it will not get fixed. Am I correct in assuming that is not what happens or can you tell me with great glee that something better happens?

Mr HARRIS: I am going to give you a very complex answer I think. We had a new complaint policy and process start at the beginning of this year, so I need to answer it pre-2017 and post-day one 2017. Our previous process had three significant procedures that we could use—negotiation, system and remedy, and investigation. They system and remedy is one of the things Mr Gay might be alluding to—where we look to fix the process but then we fix the issue and go back to the fact—

The Hon. DUNCAN GAY: I was not quibbling with the fact that you probably did fix it. I was being totally benevolent of that. What I wanted to know was what happened with the complaint that caused the complaint in the first place. When you fixed it did it just get left in a filing cabinet or did it get reported through as a concern that had happened, because it may well be something of policy with state-wide ramifications that needs to be fixed. The same thing could be happening in Mr Smith's area. He might have fixed it there yet the rest of the State does not realise, particularly those guys down in head off, that they have technically "stuffed up".

Mr SMITH: As you are alluding to, a fix is difficult to do in every case and every case is different. Sometimes it is system and remedy, as Mr Harris has said, and that will have implications for policy down the line. Sometimes there is a fix, as you call it, because there is an agreement between the complainant and the person who is being complained about, about a direction forward—that is what we aim for. Those complaints are kept on record. I have got one at the moment that went to a Minister and I am following it up. As part of that response I will go to the complainant and try to give a full answer. That will be ongoing; I will check periodically as per agreement. There is no single answer to that, except to say that they do not get forgotten.

The Hon. DUNCAN GAY: But they get locked away like the police assistance files?

Mr SMITH: They are in a file. They are there for reference if they come up again, but some actions are ongoing as a result. Look, as Mr Harris said, a complaint is an opportunity to make things better.

The Hon. DUNCAN GAY: That is why I am asking this question. You talked about data analysis. If the data is not going somewhere and it is just being locked in your filing cabinet, it is not getting proper analysis.

Mr HARRIS: As part of the new complaints procedure there is a greater commitment from the department for collecting and analysing that data. That was probably, I would have to agree, an area of opportunity. Previously we certainly looked at it at a local level but unless we recognised it as a policy systems improvement requirement we did not send it on. It is early days yet but we hope that becomes a future strength.

Mr DAVID SHOEBRIDGE: Can I give you a small extract from one of the many submissions we have had about complaints, and it relates to a student and parent from the Hunter region with real concerns about the failure to provide a key and obviously essential resource for a child with a very clear special need. The parent complained to the school and said, "I am thinking about escalating this up to a ministerial level." The exact words that were given were, "There is no point making a complaint against the school as the department will only come back and tell us what a wonderful job we are doing." She then persisted with the complaint and made a ministerial complaint, similar to what Mr Smith was dealing with. Again, in the words in the submission, "We heard back from the Minister who told us what a wonderful job our school was doing and that we had no reason to make a complaint." The person said they were shocked because at no point was this parent ever contacted by the Minister about the complaint. The school was contacted, but they were not.

Mr HARRIS: Obviously I cannot say things on behalf of the Minister. I ran local training for the Tamworth Operational Directorate for the directors and also our educational support services team over the past two years. The first step we talk about is reaching out and making contact—talk to the person, find out what they want, hear and see what we can clear up—

Mr DAVID SHOEBRIDGE: This parent was contacted and they were told at the beginning, "Do not bother making a complaint because the department will just come back and say what a wonderful job they were doing." It was precedent, as it turns out.

Mr HARRIS: I would be surprised and disappointed if that were accurate, but I obviously cannot make comment on that.

Mr SMITH: I would encourage them to make a complaint about that.

Mr DAVID SHOEBRIDGE: Who would they make a complaint to? They have complained to the Minister and been hosed out.

Mr SMITH: I would like to know about that as a director.

Mr DAVID SHOEBRIDGE: Is it your evidence that when people make complaints they end up being satisfied they got a fair hearing and they think it was good.

Mr SMITH: Did you say most or some?

Mr DAVID SHOEBRIDGE: Most? The kind of proportion that you would hope would think it was good.

Mr SMITH: I think in my experience over a long period of time most resolve; if not happily, there is an understanding of the difference of positions. A lot of the time it is a communication problem and a lot of the time, particularly for students with disability, there is a high degree of emotion, anxiety, which I cannot say that

I understand because I do not have kids with disability, but I have been around this sort of emotion a lot and I have been in special education classes a lot. Once that emotion is dispelled and you can calm people down and re-establish the connections and the relationships that make education work, then you usually get a good outcome for that student. Sometimes, in my experience, the degree of emotion is beyond our control and the control of the parent, and we do not get what they would call a satisfactory solution. However, we have exhausted all possibilities to try and get to that understanding.

The Hon. DANIEL MOOKHEY: Do you inform the principals you are responsible for oversighting that they have a legal requirement to enrol students with a disability?

Mr HARRIS: Absolutely. Our principals are well aware of the Disability Standards for Education 2005. I believe that there is a genuine commitment for principals to enrol. I would not say it is an exception, but there have been instances where in discussions principals have talked—whilst they would be willing to accept an enrolment—about facilities that might be more suitable at a nearby school. If I can go back to my own time when I was on the Central Coast, one of the neighbouring schools was on the side of a mountain and it was nearly impossible for somebody with mobility issues. We took many students at my school simply because the ground was more conducive. That is not a principal refusing; that is looking at what might be the best educational opportunity in consultation and agreement with the parent.

The Hon. DANIEL MOOKHEY: To what extent do principals provide such advice? Is it common?

Mr HARRIS: I think the vast majority are about welcoming students in. Again, if there were issues there that would be something that would come to directors I would believe quite quickly.

The Hon. DANIEL MOOKHEY: Do you agree that if a parent were to receive that same advice from multiple principals consecutively as they attempted to enrol their child that it might begin to resemble a pattern of subtle coercive pressure to enrol their child elsewhere?

Mr HARRIS: Without knowing the circumstances that you might be alluding to in general terms, I would say yes.

The Hon. DANIEL MOOKHEY: Would you agree with me that would be incredibly frustrating for a parent who may well interpret that as a signal that the public education system is saying that their child cannot be educated there?

Mr HARRIS: I certainly could understand that.

The Hon. DANIEL MOOKHEY: Your evidence is that might not be maligned from the perspective of a principal?

Mr HARRIS: Certainly that would not be my expectation of any of the schools that I deal with locally.

The Hon. DANIEL MOOKHEY: What procedures do you have in your network to provide parents with assistance in the enrolment procedure? We have had other parents who quite legitimately have said that one of the ways in which to solve this problem is if the catchments have a more proactive approach. So rather than the onus being on the parent to find a spot, if someone in the system helps to guide them to a spot then they do not feel like their child is being denied an education that they are legally entitled to.

Mr DAVID SHOEBRIDGE: "We are mountainous but they are flat, go there."

Mr HARRIS: In addition to our school and director roles we have our educational services team.

The Hon. DANIEL MOOKHEY: We are very short of time. How does a parent access all these services? How do they know that these services exist?

Mr HARRIS: I would expect that if somebody went into a school—let's just say it is a complex enrolment, I am not saying that they are turning them around—the principal might reach out and they initiate the contact to say: "I am going to engage our educational service learning wellbeing officer to come and meet with us, to provide information, to look at alternatives, to talk about what support is available for the student and the school." That is an incredibly proactive process.

The Hon. DANIEL MOOKHEY: When you say this might happen, does that mean it is theoretically possible or does it actually happen? Do you record this?

Mr HARRIS: It happens regularly.

Mr DAVID SHOEBRIDGE: Is it mandated?

The Hon. DANIEL MOOKHEY: Is it reported? Is it a practice that we can say that happens in your catchment that everybody else should be following? If so, how would we point people to it?

Mr HARRIS: I would believe that it would be a practice that would happen across the State because all schools have a designated learning wellbeing officer and schools know to reach out and make that contact. I think it would be happening across New South Wales. Again, it is one of the areas of strength. I know what the Committee will hear are the stories when it has not gone well, but there are amazing examples of fantastic results that happen locally.

The Hon. DANIEL MOOKHEY: But you can accept that for the parent for whom it has not gone well, of which there are many who have come to us, that is a big concern.

Mr HARRIS: Where you said you had examples locally—I cannot speak for Mr Smith—but I know that all directors would want to know about it so that we could follow up. I would say it is the exception, but if that is the reality for that family then we need to see what has been done since and if there is anything we can do to further remedy it, but certainly to prevent it recurring.

The Hon. DANIEL MOOKHEY: Mr Smith, can you describe what happens in your network?

Mr SMITH: I will do my best. I do acknowledge the anxiety that parents can feel at transition times. We encourage linkages between preschools and early intervention centres and schools. We have around the State local management groups or networks of schools that work together, which helps in disseminating information and supporting parents and identifying the ones who need help. But I cannot categorically say that that occurs in ever instance. I do not know.

Mr DAVID SHOEBRIDGE: Why not mandate the process that Mr Harris suggested? If it is best practice, why not do it all the time?

Mr HARRIS: I actually believe that within our enhanced enrolment procedures it is something that does sit there.

Mr DAVID SHOEBRIDGE: Perhaps on notice you could provide the procedures that prove that?

Mr HARRIS: Okay.

The ACTING CHAIR: Time has expired. You have 21 days in which to respond to any questions that you have taken on notice and also to any additional questions that you may be asked.

Mr DAVID SHOEBRIDGE: Can I ask two questions now?

The ACTING CHAIR: Yes.

Mr DAVID SHOEBRIDGE: Specialist Disability Discrimination Act training is available for principals and others. Could each of you advise the Committee how many principals there are in your area and as of today how many of them have done that training? Mr Harris, you said there had been 624 participants in the blended learning modules, is that right?

Mr HARRIS: Yes.

Mr DAVID SHOEBRIDGE: Could you tell the Committee how many teachers and others were in the pool who could have done that? That will give us an idea as to how successful 624 participants are in terms of the pool.

Mr HARRIS: Certainly.

The ACTING CHAIR: Those questions will also be sent to you in writing. Thank you both for appearing before the Committee today.

(The witnesses withdrew)

(The Committee adjourned at 15:00)