REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 3 – EDUCATION

CHILDREN AND YOUNG PEOPLE WITH DISABILITY IN NEW SOUTH WALES EDUCATIONAL SETTINGS

CORRECTED

At Macquarie Room, Parliament House, Sydney, on Tuesday 23 April 2024

The Committee met at 9:15.

PRESENT

Ms Abigail Boyd (Chair)

The Hon. Anthony D'Adam
The Hon. Greg Donnelly
The Hon. Natasha Maclaren-Jones
The Hon. Sarah Mitchell

The CHAIR: Welcome to the third hearing of the Portfolio Committee No. 3 – Education inquiry into children and young people with disability in New South Wales educational settings. I acknowledge the Gadigal people of the Eora nation, who are the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today.

My name is Abigail Boyd and I am Chair of this Committee. I ask everyone in the room to put their mobile phones on silent. Parliamentary privilege applies to witnesses in relation to the evidence that they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of those procedures. Please also note that Auslan interpreters will be interpreting at this hearing for the gallery and live broadcast. I ask members and witnesses to please make sure they speak clearly into the microphone and wait until the previous speaker has finished talking.

I note that some witnesses will be participating via videoconference today. A few notes on virtual hearing etiquette to minimise disruptions and assist our Hansard reporters—firstly, if the participant loses their internet connection and is disconnected from the virtual hearing, they're asked to rejoin the hearing by using the same link provided to them by the Committee secretariat. Secondly, I ask Committee members to clearly identify who their questions are directed to, and I ask everyone to please state their name when they begin speaking.

I ask the witness on videoconference to mute their microphone when they are not speaking and to please remember to turn your microphone back on when you are getting ready to speak. If you start speaking while muted, please start your answer again so it can be recorded in the transcript. Members and witnesses should avoid speaking over each other so that we can all be heard clearly. Also, to assist Hansard, I remind members and witnesses to speak directly into the microphone and avoid making comments when your head is turned away.

Mrs LOREN SWANCUTT, Chairperson, Inclusive Educators Australia, before the Committee via videoconference, affirmed and examined

Dr CATHY LITTLE, Associate Professor Special Education and Chair, Initial Teacher Education, New South Wales Chapter, Australian Association of Special Education, affirmed and examined

Dr SALLY HOWELL, President, New South Wales Chapter, Australian Association of Special Education, affirmed and examined

Dr CORAL KEMP, OAM, Chair, Institute of Special Educators, affirmed and examined

Dr JENNIFER STEPHENSON, Director, Institute of Special Educators, affirmed and examined

The CHAIR: Welcome to our first panel of witnesses, and thank you for taking the time today to give us your evidence. I'd like to begin by inviting each of you to make a short opening statement for your organisations. Can I start with the Australian Association of Special Education.

SALLY HOWELL: The Australian Association of Special Education is fully committed to providing the very best educational opportunities possible for all children and young people. A position that we would like to make clear is that special education is not a location; it's a type of service provision and should not be pitted against regular education. The Australian Association of Special Education—AASE, as I'll just refer to it throughout the hearing—has long advocated for improvements in actual preparation of classroom teachers to support children with disabilities, and also strongly advocates for special education qualifications for special education teachers and the provision of someone with such qualifications in every school and in every special education classroom.

The CHAIR: Thank you. I'll go online to you, Mrs Swancutt.

LOREN SWANCUTT: IEA is an organisation that was established to represent and support education professionals who are committed to advancing quality inclusive education practices in Australian schools. We represent educators who believe that all students, regardless of their background or ability, have the right to quality inclusive education which is in the regular education environment, alongside their same-aged peers, accessing the regular curriculum and participating fully as valued members of their school community.

We acknowledge the knowledge and skills of inclusive educators to do this work, and we promote and support their valuable leadership across schools and education systems. We're also focused on celebrating and advancing inclusive education reform efforts that are being undertaken by our members in schools and education systems, and supporting them to build their confidence and capability to make sure that inclusive education is realised in their particular settings.

Our work therefore aligns with human rights frameworks, including the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. We acknowledge and align our work to article 24, General Comment No. 4, of the CRPD, in particular, around the right to inclusive education. Of course, our work also aligns with our national legislation, being the Disability Discrimination Act and the Disability Standards for Education.

We've got a board of directors who bring a range of valuable and diverse skills to our work. Our personnel comprises very experienced education-system-level leaders, school leaders and classroom teachers, as well as teaching assistants and allied health professionals who work in an education capacity in schools. We convene a leading national network of over 8,300 members, who are committed to inclusive education practices, and the network provides a highly collaborative forum for those educators to ask questions, generate professional discussion and share information. Our organisation has a really strong and wide-spanning reach across inclusive educators nationally, with real, deep connection to classrooms and schools, representing people who don't only know what's possible in the space of inclusive education but are actually making it happen right now, daily, in their classrooms and schools.

The CHAIR: Thank you very much—and the Institute of Special Educators.

JENNIFER STEPHENSON: InSpEd is a not-for-profit organisation established to improve the quality of education for people with disabilities, from preschool to post-school. We have established evidence-based competencies required for teachers to be qualified special educators and evidence-based content standards for postgraduate university programs that prepare special educators. Our submission focused on the key role that qualified special educators can play in educating students with disabilities as support teachers in mainstream schools, as class teachers in special units or schools, and in education bureaucracies.

We draw attention to the shortage of qualified special educators across settings. We estimate, based on Victorian figures, that about one-third of those in special education positions are qualified. Perhaps other witnesses can provide you with accurate figures. In mainstream schools, lack of special education expertise can result in limited and light-touch adjustments which often do not meet student needs. It can also result in inappropriate use of school learning support officers.

For students in specialist settings, we believe that they deserve teachers with specific skills and knowledge of programming, teaching and monitoring. An accredited specialist education qualification should be required for appointment to special education positions, just as allied health professionals who work with people with disability are accredited. Special educators need to be graduates of university programs that provide the required skills and knowledge. Several of the courses which the NSW Department of Education approves for scholarships appear not to have this content. At the bureaucratic level, there need to be senior decision-makers who are qualified special educators to ensure recommended policies and practices are evidence based. Qualified special educators need to be recognised by pay and status as specialist teachers. New South Wales needs more qualified special educators—at least one in every school.

The CHAIR: The Committee will be asking questions in a free-flow format. I'd like to start with a question about workforce issues. We hear a lot that there aren't enough special ed teachers. Are there any tips from other jurisdictions or other places that we could adopt here to try and encourage more people into the workforce?

CORAL KEMP: I'd like to answer that question. We've just looked at the websites of every Department of Education across Australia, and departments of education are not asking for qualifications to work in these roles. So while teachers can get jobs in special education without qualifications, they will. Just on a personal note, my niece has just completed a master's in special education from one of our universities that we have accredited. She already held a position as the person in charge of a special education unit in a mainstream school. She didn't have to do this course. She's not going to get any more money when she finishes it. She's not going to get more status when she finishes it. She did the course because she thought it was the right thing to do. Not everyone is going to do that.

I have here a handout that you might be interested in. I've made several copies. I've focused on New South Wales, but in our last newsletter we actually put in a paragraph for every State in Australia. If you get onto the Department of Education website in New South Wales then you'll find there are no requirements for people to have a qualification.

The Hon. ANTHONY D'ADAM: Could you table that?

CORAL KEMP: I would like the table it, yes.

The CHAIR: You were talking about—sorry, did you say your daughter or your niece?

CORAL KEMP: My niece.

The CHAIR: What were her qualifications before?

CORAL KEMP: She was a qualified primary school teacher. At the end of her course I said to her, "So did you learn much from doing this course?" She said, "Aunt, I should've been taught this in my initial teacher qualification. I have learnt so much." A lot of people question the use of the label "special educator". I'd like to say that special educators are instructional specialists. They have knowledge of evidence-based practice in working with anyone who needs additional help. We retain the label "special educators" because that's the internationally recognised label for people who work in this field. A special educator is only as good as the evidence-based practices that they implement.

It was interesting—on the Department of Education website, you'll see here that four types of teachers are listed: early childhood teachers, primary teachers, secondary teachers and specialist teachers. When you look at the list of specialist teachers, you're looking at ESL teachers, you're looking at librarians, you're looking at career advisers. For all of those specialist teachers they list a qualification, but I couldn't find one for special education. This is appalling, given that many of the children that special educators work with have very complex learning needs.

I've listed here a whole lot of advertisements I got from the website, and these are just representative. Believe you me, if there had been one that was different I would've included it. I've included advertisements for roles in regular schools, in units, in special schools and in executive teacher positions. They're asking for approval to teach special education. Well, what are the criteria for the approval? Who approves? What's the background of the people who approve? Do they have expertise in the area? I doubt it, or experience teaching students with moderate or whatever the school is catering for. What we would say about experience is that could mean practising error. Because if you don't know what you're doing and you practise it, you get very good at practising what you don't know. I would think that experience in teaching students with disabilities—not good enough, not for our very precious students.

The CHAIR: That's incredibly useful.

The Hon. ANTHONY D'ADAM: I'm just looking at the criteria. If you have approval to teach special education, does that not necessitate a qualification?

CORAL KEMP: No, it does not. I looked everywhere on website. If you can find anywhere on the website where it says—they talk about, "Do you want to work in special education? We'll offer you a scholarship to train," but they don't say that that's necessary for you to work in special education. In my niece's case, she was working full-time in a very difficult position, including having responsibilities for teaching a class of kids with special needs, and she was having to do a very, very difficult course part-time. I wonder whether there's enough support given for people to do these courses.

The CHAIR: Presumably she had to pay for that out of her own pocket.

CORAL KEMP: No. That was paid for by the department.

The Hon. SARAH MITCHELL: In terms of the requirements around approval to teach special education, in your submission you call out—and I think it's a very pertinent point—that there are no AITSL standards relating to the competencies of special education.

CORAL KEMP: They have just released some.

JENNIFER STEPHENSON: There are no AITSL standards for—

The Hon. SARAH MITCHELL: Is that something you'd like to see implemented?

CORAL KEMP: Yes.

JENNIFER STEPHENSON: Absolutely. Definitely.

The Hon. SARAH MITCHELL: I'm happy for any others to jump in on this too.

CORAL KEMP: If you look at the AITSL board, there's no-one on that board with a qualification in special education.

The CHAIR: If I could come back to that question for our other witnesses as well. You called it AASE, didn't you? That's probably the easy way to say it: AASE. What is your experience of New South Wales versus other States in terms of trying to get that workforce in?

SALLY HOWELL: I don't feel that I am really qualified to talk about all the initiatives that might have been apparent in other States, but as far as AASE is aware, it's a universal claim. Every submission that AASE does—whether it's at Federal level or at a State level—revolves around this idea that it is okay to teach children with complex needs as a result of their disability without any specialist training in that field. Coral has made reference to her niece. I can make reference to my children's own school. I know the NSW Department of Education released an initiative some years back, before 2010. I think it was called Every Student, Every School. In that release every school was going to get a specialist teacher with a view to supporting students with disability and the inclusion of students with disability. It was termed a "specialist teacher", not a "special education teacher", because no qualifications were required.

In my child's own school I know that appointment went to a first year out teacher. I knew her personally because she was lovely teacher. She had been working in early childhood before that. She had been my son's early childhood teacher. She had finished a teaching degree and was appointed as the specialist teacher at my children's public school. The role description was that she was going to be a key player on the learning support team. That would help determine what adjustments were made for students with disability. She was going to coach and mentor other teachers in effective strategies to support. This is what the role description said. This role was given to a teacher who had never taught in a classroom, let alone never having actually taught children with disabilities.

I know there's a teacher shortage and I don't have the magic bullet, but as Coral has said, training for teachers is absolutely essential. I started my career as a regular classroom primary schoolteacher. Very soon I took myself off to do a postgraduate course in special education because I knew that I just didn't have the skills to teach the diversity of children in my classroom. Like Coral's niece, it was, "Why wasn't I told all of this in my undergraduate training? It would have been so helpful."

The CHAIR: I think I probably know the answer, but if there's not that requirement to have specialist training before you become the specialist educator, presumably there's not also then a requirement to update your knowledge over time. As we know, the research and the evidence base for what is an effective intervention strategy or what is a reasonable adjustment, even, would vary as research and time goes on.

SALLY HOWELL: Yes.

The CHAIR: Is there any requirement for the special ed teachers to then go on to do further training in special ed?

CORAL KEMP: There isn't, but if there were AITSL standards that required professional learning, as there is for other teachers, and that professional learning was in the area of special education, then that would be covered. Part of the content of a special ed course is looking at research and examining research. Like Sally, I was a primary schoolteacher. I went back after two years because I couldn't cope with the range of kids in my class, and that was before we had kids with intellectual disability in mainstream classes. Even then, just with kids with learning difficulties, I didn't know what to do. You were asking about other States. I've only got one copy, but this came from our newsletter and this a paragraph on every State in Australia, looking at their website.

The CHAIR: Thank you. We'll copy that.

CORAL KEMP: I'm happy for you to have that as well.

The Hon. NATASHA MACLAREN-JONES: Can I jump in? Just following on from additional training through university, to what extent could you include part or all of that education training within the university curriculum, or would it extend the course for too long? How realistic is it?

CATHY LITTLE: My other hat that I wear—I'm chair of initial teacher education at the University of Sydney. We have a prescribed accredited program that we are required to deliver in accordance with AITSL requirements so that all of our graduate teachers meet all of the graduate standards. It's a very crowded space and at the moment we have one mandatory unit in special and inclusive education that every pre-service teacher must undertake. Is that enough? No. Is it ever going to be enough? No.

We are meant to be embedding more core content into our undergraduate programs at the moment as a directive of the TEEP report, but the focus in terms of workforce planning from our sectors, special and inclusive education remains an afterthought. We're focusing on things like STEM. We are focusing on things that society views as more productive to our economy and we continue to fight for the rights of participation, equity and access for all of our students. All of our students with disability can participate in STEM programs.

All of our students with disability can participate in anything that you afford them at school, but in order to do that we need to have the opportunities to expand our workforce and build on the capacities for our preservice and our beginning teachers to be able to do that. It comes back to the notion of scholarships. It comes back to the notion of value, of recognition of our students with disability requiring that degree of expertise. We don't allow our secondary students into a TAS lab with someone that doesn't have the requisite qualifications to teach that. Why are we allowing the same thing for our students?

In terms of our curriculum, our NESA-approved curriculum, our accredited curriculum with AITSL, yes, it would be wonderful if we had some more targeted specific requirements in there that addressed these sorts of things, but our comments and our feedback from AITSL, when we suggest these, are that if you want to put something in, you've got to suggest something that can go out. That, to us, is not a tenable solution.

The CHAIR: Can we bring in the IEA online? I know it's difficult sometimes to be included if you want to respond to any of the questions that have just come before.

LOREN SWANCUTT: Thank you, yes. Good discussions and certainly things that we would agree with. When you asked about experiences in other States, I think as the other witnesses have mentioned, it's quite common practice for people to be in special education roles without qualifications. Obviously, current workload situations and workforce situations are making that even more difficult to have specialist people in specialist roles. I don't think New South Wales is any different in terms of experiencing those struggles than any other State that we have. I'm not aware of any requirement in any other education jurisdiction for people to have the formal qualifications like have been mentioned already, but from our perspective I think we'd also like to see a shift in the discussion around qualifications.

While special education qualifications are important skills, and important qualifications to have in segregated special settings for students, they don't always neatly or productively transfer over into inclusive education settings. We actually know from experience working with special educators that they indicate that when they are working in inclusive classroom settings, they feel under-skilled in being able to utilise the skills that they've developed in the special education paradigm to implement them in an inclusive education setting.

There's also national research which demonstrates that special educators don't feel confident in the curriculum that's being taught in regular schools and don't know how to make that curriculum accessible to students with disability who are accessing their education in inclusive education settings versus special education settings. I would like to see the conversation shift around actually skilling the workforce in relation to inclusive education practices because it is a paradigm shift. They are different skill sets. There's value in both skill sets but it's not just an easy one person picking up skills in a specialist setting and then implementing them in an inclusive setting. We know that the majority of our students nationally but also in New South Wales with disability are accessing their education in regular classroom settings, so we really need to be building with the skills that can support our regular classroom teachers to teach those students in those regular settings.

The CHAIR: I think that's a really good point. It's hard not to go off your own personal experience but I have seen incredible instances of special ed units mainly in private schools where they perform not only that role of shepherding a child through each year and being that point of contact, but also, importantly, educating the other teachers, not just in relation to that child but in general, picking out where there are more systemic problems within the school and helping with that. That's a kind of example where it works really well. Do you have experience of that ilk? Is it a case of those private independent schools taking people that do have that education or have that specialist education, or is it just a case of having more support staff? Do you have any learnings across the different settings that we could use to make recommendations for the public system?

LOREN SWANCUTT: Yes. What we know is that regular classroom teachers are very capable of teaching students with disability right across the broad scope of the requirements of adjustments that some students have. What they need is the support to build that confidence and capability. We know from lots of research that the practices that support students, even with the most extensive support needs, are quite common in regular teacher practices that occur in regular classrooms. It's the intentionality and the intensity of those practices for those students that increases when they are included.

Our regular classroom workforce is well placed, but they need people in their schools to support them with that job-embedded collaboration, guidance and coaching to support them to bring those practices to life in an inclusive manner and to build up their knowledge and skills to include all students in that classroom. Yes, having models or people in schools that have the expertise in how to make that happen, not just the special education skills set, but how to then translate that into a classroom where there are 28 students learning year 10 trigonometry when we've got a broad range of students with a broad range of needs in there.

The CHAIR: Thank you. Did you want to answer as well, Dr Kemp?

CORAL KEMP: Yes. I would probably disagree with the fact that most classroom teachers are able to deal with the range of kids in their classes. Just to let you know, most of the special educators who are employed in the system are probably in special classes and special schools. That means that fewer qualified people are working in mainstream classes. If a special educator is well trained, they're an instructional specialist. They're not necessarily a curriculum specialist. I'm talking secondary school now. This means they need to work with the curriculum specialist. It's a partnership. What the special educator brings is the instructional strategies that we know work for these kids. Maybe my colleague might have something to say about the research into the competence of teachers working in regular education classes with children with disabilities.

JENNIFER STEPHENSON: Yes, in one of my other hats, I've been involved with colleagues from Wollongong university in research on students who are included in mainstream classes. We did some work looking at how decisions were made about adjustments for students who were included in mainstream classrooms. We worked with, I think, 22 schools. We interviewed parents, teachers, principals, learning support teachers and whoever was involved with the student with disabilities. The students that we looked at were those with the two highest levels of need, according to the Federal disability classification. When we looked at that decision-making process and the adjustments that schools were making, we found that some schools were really doing a good job. They had really clear goals for the students, the teachers knew what they were doing and the students were well supported.

But in a lot of schools, simply because there's nobody in the school who is aware of the full range of potential adjustments to teaching, the adjustments that were being made were not meeting student needs. The schools themselves often recognised that. In most of the schools that we talked to, at least one of the people we talked to said that the adjustments they were putting in were not meeting student needs. So unless you've got someone in the school who knows what will work for students and who can support teachers implementing those kinds of adjustments, it's just not going to happen. Where you haven't got the special education expertise, the adjustments that were made were often very light touch—things that were easy to do and didn't really make big changes to teachers' everyday classroom practice. Although some schools are doing an excellent job, there are schools out there that are still struggling, that recognise that they are struggling and that need qualified people in there to support their teachers in making sure that the adjustments that are made for kids with disabilities will actually meet the students' needs.

LOREN SWANCUTT: We would certainly agree with that. But I would also like to call out the fact that mainstream is not the same as inclusive education. I think too often we misrepresent what inclusive education actually is. It's not just students being present, it's not integration and it's not mainstream. What we often, as I said, hold up as being inclusive education really isn't. Inclusive education is about a school and classrooms that have undergone very deliberate reform, where they have changed their practices and they are ensuring that students are included. Often the schools that have been successful in that are the ones that have sufficient staff on site who are providing that coaching and job-embedded professional learning and who are at looking at systems and processes to make sure that those practices are occurring for students. We need to stop conflating mainstream schools that haven't undergone any reform and that aren't implementing inclusive education practices and holding them up as being inclusive, because they're not at all. We need to make sure what we're calling on is actually inclusive education.

JENNIFER STEPHENSON: That's very true. But it's kind of avoiding the argument that if it's not working, it's not inclusion. These kids are out there in regular schools. Some schools are committed to inclusion and doing a good job. Some schools are just coping as best as they can. It involves special and regular ed working together to develop schools that are fully inclusive.

The Hon. ANTHONY D'ADAM: This debate touches on where I wanted to take the discussion, which is that we've heard in previous sessions from a range of organisations advocating for an end to segregation, and that would obviously have a radical impact on the practice of special education in this State. I think Loren is on one end of the spectrum in terms of this debate. I wanted to maybe invite the panellists to make some comment about this underlying question which this Committee is grappling with, which is the recommendations from the disability royal commission around an end to segregated education for disabled people.

SALLY HOWELL: I'd like to make a comment on that. I have spent 45 years in the education system and 35 years of that in the special education space supporting students with disabilities, including—I'll put on the table—as a principal of a special school. I retired last year. In the last stage of my career, I was truly dismayed by the portrayal of special education settings as something to be demonised and devalued and by the emotive language that is used—even the term "segregation", which has certain negative connotations to it. We don't talk about segregating students who go to selective high schools. We don't talk about segregating our children who go to various religious schools. We don't talk about segregation if it's a sports high school or an arts high school. That word is used very much to, I think, smear special education as something that is detrimental and somehow unfair to children.

I would absolutely, wholeheartedly agree that there is a lot more we can do to make all schools more inclusive and to successfully cater to the needs of a vastly greater range of students with disability than we are currently doing. But at the same time, the minute that you say that all children must attend an inclusive regular classroom with, maybe, 30 other children, you are deciding that some children will be denied the education that is going to be more supportive of their educational needs. There are children for whom being placed in that sort of environment is really not going to provide them with an opportunity to maximise their learning and their development towards a more independent life.

I could give some specific examples of where I have experienced that and think that that is the case. I do think that it is a real shame that so much emphasis is being made about setting rather than always thinking that it is the child and their needs that have to be at the centre of every decision about their education and that we as a society have an obligation to provide an education that is responsive to the needs of every child. Putting any kind of policy or statement that says "all" negates the capacity to really give that sort of individual attention to a child.

The CHAIR: Can I pick up on that as well? When we talk about ending—I will use the word "segregation". When we're talking about ending that, we're talking about it being a transition period of a number of years. There will always be exceptions, but if we don't lead ourselves towards a position where we're including at least the vast majority, then it will never change. I'm not sure that it's helpful to say we're rejecting the idea of all of it closing so, therefore, we're not going to be working towards it. I'm sure that's not what you're saying, but is there a willingness on the part of your organisations to work towards a far more inclusive educational setting, keeping in mind what you said.

SALLY HOWELL: AASE, as an organisation, just advocates for children with disability, regardless of their educational setting. AASE does not hold this opinion that more children should go to special schools. It comes back to a position where there is a choice and that parents of children with disability and the children themselves do have the option of going to a specialised setting that actually meets their educational needs. There are some children for whom being in a busy, noisy classroom with 30 other children is not conducive to their learning. I know Loren has talked about teachers in classrooms needing the supports. My experience of some children is that I cannot envisage what supports could possibly be put into a classroom to support particular children that I have worked with, whereas a very specialised setting that has high ratios of support and that has a quieter environment—a smaller environment, a less busy environment—is actually conducive to reducing their anxiety and promoting their learning.

The CHAIR: Can I just pick up on that one last bit? I hear what you say.

The Hon. ANTHONY D'ADAM: I think Dr Kemp wanted to say something.

The CHAIR: Sorry. It is the idea that the special schools are not busy and also not noisy. Is that actually the case? It's not what I've witnessed.

SALLY HOWELL: I'm sure there are many, many improvements that could be made in any educational environment. I'm going to be very biased, aren't I, having been principal of a special school where we had extremely high expectations for the children's learning. I would say we provided an incredibly supportive environment that was able to take into account the needs of the children. I will absolutely agree—varying levels of success, not as successful for every single child. But certainly children who were not able to flourish in much busier classrooms were able to flourish in smaller classrooms with higher adult-to-student ratios.

CORAL KEMP: Like Sally, I have worked in this area a long time. I've been involved in special education for 50 years. I did the first master's in special education that was run in this country. I have worked in mainstream. I've run a two-teacher school in remote Western Australia. I've taught in regular primary school classes. I've taught in a special school. I've been in charge of a special unit within a regular school. So I've had quite a range of experience. When I was a special education teacher, I worked tirelessly for my children to be more included. As an early interventionist, I certainly worked to have the children included in regular early childhood settings. In terms of inclusion, gosh, yes, I support inclusion wherever it is possible. But if you are going to look at the commissioners, who recommended the phasing out of special education—

The CHAIR: They all had a disability.

CORAL KEMP: Yes, but it wasn't an intellectual disability. These were very intelligent people. They wouldn't have been commissioners if they weren't. I don't know whether they would have had much experience with kids with severe intellectual disability, behavioural issues. I doubt it, somehow. In terms of the phasing out of special schools, I don't think it will happen because I don't think parents will accept it. I remember in 1990 when Virginia Chadwick was the education Minister in this State. On her agenda was the closing down of special schools. It didn't happen because parents didn't want it to happen. They wanted to be able to put their children in special schools if they thought it would benefit them.

The other thing I would like to say about special schools, in terms of education, is that we've come a long way from the time I started working in the field. I have worked in two institutions. It was hideous. Deinstitutionalisation, parents keeping their kids at home in a normal community—that's inclusion. What you've got to think about is there's a whole lifetime ahead of these people. They need to be prepared to live the most inclusive, best life they can live. If a period of segregated education is going to make that happen for them, then so be it. It's not just about what happens at school.

The CHAIR: No, that's right.

The Hon. ANTHONY D'ADAM: Can we ask Loren to make a comment about this as well?

LOREN SWANCUTT: There is lots to comment on. I, too, started out teaching in segregated settings. I will use the term "segregated" because it is in the human rights framework. It does have a formal definition, and that is what those settings are and recognised as internationally. I worked in special education units, teaching small classes of students with extensive support needs. I worked to transition those students out into regular classrooms. I have worked in schools where I fully closed segregated units, and all students have been successfully included in their regular classrooms for many, many years now. I have worked with a larger number of schools as an adviser who supports the inclusion of students with extremely extensive support needs. I have also worked with students who have transitioned out of segregated settings into inclusive schools, where in the segregated settings they had two staff members assigned to them, they were doing their learning in separate classrooms from other students in those segregated settings, and they went on to be successful in inclusive education classrooms.

I really think we need to not be limited by what we can imagine and what we've experienced but what's actually possible and not only possible but what's actually happening in our schools. We know that we have schools that are including students with quite extensive support needs right now. It's not the students themselves that present as a challenge that aren't able to be included, but a challenge for our educators, our schools and our systems to enable the conditions that allow that to happen successfully. There are comments there about students needing to be included in communities beyond school. Absolutely, and that happens when they are included at school. You don't transition from being in a segregated school with limited opportunities, with limited interaction with communities and then go on to have a flourishing inclusive life beyond school. We know and all the research shows that when students are included in schools, their school outcomes improve considerably and so do their post-school outcomes.

We also know that segregated settings through the royal commission increase students' exposure to violence, abuse, neglect and exploitation, and that has been found time and time again in many of these similar inquiries in the State-based system but also through the royal commission. I think we do need to get over this arguing around what should and what should not be and start working toward the goal of ensuring that all students have that genuine opportunity to be included, because right now there isn't a choice. It's a choice between mediocre mainstream education and mediocre outcomes that come out of segregated education. That's not a real choice for parents. I would like to see us on a journey where we are working toward more inclusive schools. I would support the recommendation from the three commissioners, who have suggested that phase, because it can't be quick. It can't be overnight. We know we need to build our workforce and build our schools to enable inclusive education to happen over just integration and mainstream education so that it can be successful.

CORAL KEMP: But it's not going to happen in eight years, which is, I think, the time period, wasn't it?

LOREN SWANCUTT: Eight years was not the full time period, no. Eight years is just the preparation period and it extends beyond that where we stop enrolling students into prep in segregated provision, and then it phases through. Those currently who are undertaking their education in specialist settings can continue to see out that education in those settings.

CORAL KEMP: But no more enrolments after eight years. I can't see it happening.

The Hon. SARAH MITCHELL: I want to raise a slightly different issue. It comes from AASE, in your submission. I was interested in the part where you spoke about the most recent version of the suspension policy from the Department of Education—we have witnesses coming from there this afternoon—where you say, "Suspension is now deemed a behaviour management intervention," and you see that as being problematic. Could you just give a little bit more insight into why you have concerns about that approach and what you would suggest in terms of a better way of managing those sorts of challenges in a classroom?

CATHY LITTLE: In terms of AASE's position, we're finding that the default for schools, particularly for students who are presenting with challenging behaviour, is not to actually work through the process of identification. Why is this behaviour happening? What are the things that are sitting around this student that perhaps as a school and a system we can actually afford support? Does the family need support? Are there bigger things that we need to be thinking about here? The kneejerk reaction tends to be, "Let's just remove this student as soon as possible because they're disrupting the learning of everybody else." The student in that case then becomes not necessarily a victim as such but they become the consequence of quite a kneejerk reaction that hasn't been thought through in terms of looking at the underpinning reasons for this.

It's too easy to suspend students. Don't get me wrong, suspension in schools can be a very effective tool if it's used correctly. If it's used as a means of giving people space apart to sit, think, reflect and plan for how this student re-enters back into school to ensure their success, that it's not just a revolving door where they come in and go straight back out again. If that's how we use that process, then that's fine. But what we're finding is that because of the increasing issues around disruptive and challenging behaviours in students, schools are leveraging this notion of suspension much more frequently as a mechanism of response. So it's being far more reactive, and what we're hoping and what we're advocating for is a more proactive system of support for our students who are living with very challenging behaviours as a result of mental health, of domestic violence, of things that exist beyond their remit. So as a system and as a sector we need to be investing in more proactive strategies in this space rather than simply the reactive strategy of just suspending a student, because it doesn't address the underlying issue.

The Hon. SARAH MITCHELL: The data very clearly—and it's something that we've had witnesses speak about and in the submissions around the high proportion of children with disability who are suspended but also the recurrent suspensions that, as you say, rather than it being a tool to reassess and reset what's happening in the classroom, it's multiple suspensions for the same student year after year, and I think that's something that we're all equally concerned about.

CATHY LITTLE: Yes, and so we do need some investment in looking at a more proactive support way to actually support our students, support their families, leverage the expertise that we have in our schools and our communities to do that.

The Hon. SARAH MITCHELL: Do any of the other witnesses want to make a comment on that?

LOREN SWANCUTT: I just want to say that I agree with everything that they've said. We have the same concerns and would like to see the same sorts of reforms in relation to behaviour management in schools.

SALLY HOWELL: And it comes back again to training and having specialist support on site on an ongoing basis. Calling in a behaviour support person who might come in from some department office, spend half an hour, give some expert advice and then disappear just goes nowhere near addressing the issue.

The Hon. SARAH MITCHELL: So more consistent support.

JENNIFER STEPHENSON: Can I add to that too? It's part of our research. We've been talking to the assistant principals, learning and support, who are support people who come into schools to deal with problems that schools have and provide additional support, and those teachers have told us that most often they're called in for behaviour. When they actually get down and look at what the problem is with the student, the issue is instruction and curriculum. So it's the child reacting against inappropriate teaching, inappropriate curriculum that's one of the elements that's feeding into those behaviour issues. So, again, it comes back to good teaching, good curriculum.

The Hon. NATASHA MACLAREN-JONES: I just have one question in relation to AASE and your submission where you've talked about the lack of data on student outcomes, and I'm also interested for the other witnesses to comment. What data is missing and what should be measured?

SALLY HOWELL: For all children who participate in NAPLAN, that is a base level of data and that is kind of universal across the country. There is no data collected, to my knowledge—and others might want to correct me—on educational attainment for students who don't sit NAPLAN. So individual schools might have good practices in place. I like to think that the school I was at did, in that we set individual education plans and we monitored the student's progress and we provided feedback; we used data to inform our practice. But there's absolutely no requirement for that detailed progress monitoring of student outcomes. There's no recording of whether children are achieving the goals that have been set for them. I don't think anyone is aware of data being collected.

LOREN SWANCUTT: I'm not aware of any specific data sets either, and I'd certainly agree that we need to have them. There needs to be accountability in regards to the learning of students with disability in our schools. Being able to draw on and use datasets that give us that information and that we can look at and reflect on and be accountable to would be an important part of the work.

The Hon. SARAH MITCHELL: I think we might have covered this already, but with InSpEd you talked—and I know you used the example, Dr Kemp, of your niece—about the issue around not having a high level of pay and status for those teachers who do that additional education in special education. I probably know the answer to this but I'm assuming you would support the Committee making some recommendations around acknowledging that additional learning in terms of pay and position in a school for those who undertake those master's or additional courses. Is that something you would support us recommending?

CORAL KEMP: Absolutely. We'd absolutely support that because otherwise why would people be encouraged to do it? If they can get a job—in my niece's case, she got the special ed job because at that point that was the only way she could get a position in a school, so she took it. She did the right thing and she did a course. But if you're going to do a Master of Special Education, it's a minimum of one year full-time. In many cases, it's more. The one I did was one year full-time, one year part-time. That's an incredible commitment, and in any other profession it would be recognised but not in education. It's like being a specialist doctor, I suppose. You have your GPs and you have people with additional qualifications. Well that attracts status and it attracts the funding. If you want to encourage people to be special educators, then you need to recognise them and pay them accordingly.

CATHY LITTLE: Even while they're doing their study, to try and support that, to provide them with maybe release from face-to-face teaching for one day a week. At the university we a have a number of students doing the Master of Education but they're expected to do it in their own time. They'd like to go on to do further research but they're not supported by their employer to do that. They are not given any time off work to do placements. They have to do that in their own leave time. So having some conversations at a sector level so that the sector can support their teachers through the process as well as potentially at the end, but I think if we want people to engage in special and inclusive education specialisations and training, they need to be given that sector-level support from the get-go.

The Hon. SARAH MITCHELL: Did you want to add anything to that, Loren?

LOREN SWANCUTT: No, just that I agree, not just around the financial support for people to participate or be acknowledged but as was just mentioned actual time and release from school to be able to engage in the study I think is something that teachers raise as the most prominent hesitation in undertaking further study, that you're obviously working in busy schools, long hours, teaching, preparing and then you have to go home and do master's level study at night-time and it's really difficult to get release or get support for release during regular school working hours to engage in that.

SALLY HOWELL: I'd just very briefly like to add to that. Quite aside from financial recognition, I think recognition of special and inclusive educators, teachers, specialist teachers in that space. There's also a slight trend since the introduction of the National Disability Insurance Scheme in school systems for more value to be placed on what an outside therapist says than the people who are actually working with the child every day. There is a slight risk already, I think, of the educational support for children being outsourced to therapists in a way that is not particularly helpful. Ways of addressing a more inclusive education system is huge. It's looking more around having those therapists in the schools rather than "I'll go and visit them once a fortnight" or whatever. It's recognition that it is a specialist field and that people do have specialist skills. As Coral said, we recognise specialist doctors. We don't recognise specialist teachers, and we should.

The CHAIR: We could keep talking for a long time. Thank you so much for your submissions and for coming along and giving us the benefit of your considerable expertise. To the extent there were questions taken on notice or there will be supplementary questions, which I think there will be, the Committee secretariat will be in touch in relation to how to respond to those. That concludes this panel.

(The witnesses withdrew.)

Dr SHANNON SCHEDLICH, Chief Executive, Siblings Australia (SibPlan), affirmed and examined

Mr PHILLIP PETRIE, Chief Executive Officer, Allevia, and NSW Divisional Committee Chair, National Disability Services, affirmed and examined

Mrs MORGAN FITZPATRICK, Chief Executive Officer, Koorana Child and Family Services, and NSW Divisional Committee Member, National Disability Services, sworn and examined

Professor IONA NOVAK, AM, Cerebral Palsy Alliance Chair of Allied Health, University of Sydney, sworn and examined

Ms SOPHIE GEEVES, CPActive Champion and Lived Experience Representative, Cerebral Palsy Alliance, affirmed and examined

The CHAIR: Welcome to our next panel of witnesses. Thank you very much for making the time to come here today. I'm going to ask each of you if you'd like to make a short opening statement. I will start with Siblings Australia.

SHANNON SCHEDLICH: Thank you very much for having me here today. Siblings Australia is the only sibling-focused organisation operating nationally. We began in 1999 and are celebrating our twenty-fifth anniversary this year. We exist to make sure that siblings are acknowledged in policy and practice, and we work across the lifespan. Our largest cohort is siblings of people with disability but we also work with mental health and chronic illness. Before I go any further, I'd like to make a quick note on language. When I refer to siblings, I am talking about the student without a disability or whose disability requires less classroom supports and interventions. When speaking about the student with disability, I will refer to them as the brother or sister.

Siblings experience myriad issues with education directly related to being siblings. They may be unable to participate in extracurricular activities, find it hard to have time to study at home or might have disrupted sleep from their brother or sister's night-time activities. They experience higher rates of school absenteeism and less social engagement than their peers. They are also more likely than their peers to experience anxiety and depression. Many report their own schooling being interrupted by teachers or school staff who lack the skills or confidence in managing challenging behaviours, calling them out of class to assist with their brother or sister.

They love their brothers or sisters and want the best for them, but they don't want to be defined as being a sibling. At the same time, they want recognition of the impacts that being a sibling has on their education. SibsUK released a paper earlier this month, *If Only You Knew*, which found that two out of every three siblings had spoken to their teachers about being a sibling but three-quarters didn't receive any support for the impacts that had on their education. I don't think the educators don't care; I just don't think that the impacts of being a sibling register for them. And while those are UK figures, they reflect what our feedback tells us, too.

But sibling support isn't just important for siblings. When siblings are seen and supported, there are many benefits for the student with disability. Last year, we produced a white paper looking at the Australian disability strategy. It found that research demonstrated that siblings were relevant to two of the three policy priority areas directly related to education and learning, as well as the priority area of transition from education to employment. Siblings are often the primary communication partners with their brothers or sisters, and they are strong supporters of a truly inclusive model of participation. Siblings are commonly tuned into an empowering approach to their brother or sister's rights, safety, communication and empowerment.

They often aim higher for their brother or sister than others in the lives of people with disability, seeing their abilities rather than any limitations and encouraging others to too. By recognising and addressing the unique needs and challenges faced by siblings and the important role they play in supporting their brothers and sisters, we can create a more inclusive and supportive environment for all individuals with disabilities and their families. We must work collaboratively to ensure that siblings receive the recognition and support that maximises the positive contributions they can make to education. Thank you.

PHILLIP PETRIE: Firstly, can I just thank the Committee for the opportunity and for inviting National Disability Services to be part of the inquiry. Personally, just for context, I'm a registered nurse with 43 years experience working in the disability sector. I have a master's degree in educational studies, specialising in special education. I am also the CEO of an organisation called Allevia operating in south-west Sydney. We are a registered NDIS provider, and we work with people from the age of seven up and their families. I am the chair of the National Disability Services New South Wales divisional committee and, just to make sure, when I refer to NDS I am not referring to the NDIS, which is a common problem that we have to deal with at the moment. NDS advocates for the best NDIS for everybody: one that's accessible, equitable and appropriately funded through fair pricing. We believe that we can achieve those goals but, whilst we've guided people from the old State-based system through into the National Disability Insurance Scheme, we unfortunately have not focused on the next generation of NDIS participants very well, and we have neglected to even consider the needs of those who fall outside the scheme.

Whilst Allevia does not provide supports to children under the age of seven, or even in an educational setting, we do work alongside a lot of organisations that do. We have an inherent stake in the journey of children because, ultimately, we end up being their primary service provider when they reach adulthood. National Disability Services is the peak body for non-government disability service providers. We have 300 member organisations in New South Wales and about 1,100 provider organisations nationally. Collectively, we provide thousands of services to people with all types of disability and for all age groups. Our members employ about 100,000 people, and we provide services to nearly half a million Australians nationally. Our vision is for an inclusive Australia where all people with disability live safely and equitably. To achieve this, people with disability need to have access to the right supports at the right time from the right people. Equally important is to ensure that support starts as early as possible in a person's life to minimise the impact of their disability and maximise their potential as a contributing member of society.

Our members often identify barriers—but also potential opportunities—for the New South Wales government in order for it to be able to address and improve access and the delivery of safe, quality and inclusive education for children and young people with disability in educational settings. We know that the current system is not providing good outcomes for all children and their families. For reasons such as the introduction of the NDIS, many children and their families are actually missing out on essential early opportunities that build their capacity to grow and thrive. We see this at Allevia with our interactions with young adults as they come to us as school leavers looking for the next journey into adulthood and into situations such as employment and housing opportunities. NDS members believe that there are emerging opportunities now to promote best practice in early childhood support and ensure critical wraparound supports are in place and accessible for all families. Our members are acutely aware that the work required is considerable and very, very complex, and it won't happen overnight.

The challenges are even more difficult when we start looking at regional and remote parts of New South Wales. To this end, NDS supports the recommendations of the Royal Commission into Abuse, Neglect and Exploitation of People with Disability and, in the context of this inquiry, particularly volume 7 of the commission's report. We also support the recommendations of the NDIS review that is currently being considered by all governments, State and Federal. With my learned and eminently more qualified and experienced colleague Morgan Fitzpatrick, who is also a member of the NDS divisional committee, we hope that we can contribute to the inquiry—particularly on the impact the NDIS is having on children and service providers in early childhood and educational settings.

IONA NOVAK: Honourable members of Parliament, thank you for the opportunity to make an opening statement. I respect the Gadigal people of the Eora nation, whose land we meet on today. Let it be noted that some members of the panel are wearing glasses, while others will rely on the digital recording and the notes taken by the court reporter. These accommodations help us all to contribute meaningfully to this inquiry. However, not all New South Wales students are afforded these accommodations: the sorts of accommodations that allow them to show what they know. I speak before you today as an advocate for the equitable treatment of students with cerebral palsy. Cerebral palsy is the most common physical disability of childhood, but it's a reality facing many, many students in our system. Statistics reveal that one in three cannot walk; one in four cannot talk. Many experience epilepsy, chronic pain and sleep disorders, which are further detrimental to their learning. Research also shows that individuals with cerebral palsy experience more fatigue than their able-bodied peers, and that requires accommodations such as glasses, such as scribes and such as extra time.

These simple accommodations require our equitable implementation. Education is a fundamental right and has to be equally accessible to all. However, high-quality research studies consistently show that there are disparities in the educational experiences of people with cerebral palsy. They participate less frequently in school activities and peer interactions, both within the classroom and outside the classroom. Environmental, attitudinal, support and policy barriers, coupled with the fatigue of attending school, compound this inequity. Throughout my career, I have provided evidence regarding the necessities for accommodations and building code changes for students with disabilities. Not only are these accommodations difficult to obtain, they often require years of advocacy to secure their funding and implementation.

Nevertheless, hope does prevail. The Partnering for Change initiative in Canada serves as a beacon towards equality. Through classroom support, as requested by teachers, the program ensures timely access to universal accommodations for all students with special needs, with or without a diagnosis, including those with cerebral palsy. The results are compelling: enhanced school participation, heightened engagement in the home and the community and decreased emotional and behavioural challenges. Furthermore, the program was shown to be cost-effective to the Ontario government. On behalf of the 34,000 Australians living with cerebral palsy, I implore us to cultivate an educational ecosystem that ensures that every student, regardless of their abilities, can realise their full potential.

The Hon. NATASHA MACLAREN-JONES: Thank you to everyone for appearing and for your submissions. My first question is to NDS in relation to your submission where you have talked about therapists and particularly, I suppose, the inconsistency of how services are delivered. We have heard from other witnesses where sometimes therapists will attend a school, their rooms are not being made available for that support or, in some cases, I have seen in regional communities where a therapist may go out, they then go home and then come back out again in the afternoon to see another student. I'd be interested to hear from you as to how this is impacting delivery of service but, more importantly, how it can be improved.

MORGAN FITZPATRICK: Thank you for the question. This is a very important one. In addition to my role with NDS and with Koorana, which is an early intervention provider, I am also the chair of a network of not-for-profit providers. We have 19 providers of early childhood intervention and allied health. We support over 20,000 children a year in early intervention and allied health across New South Wales, Victoria and the Australian Capital Territory. This issue is something we are observing across all areas—across the Sydney metro area and regional and remote areas as well.

Some examples that have been given to me and that I have experienced in my own organisation are not allowing therapists in for all of term one or up until week five or seven, not in the last term of the year, or maybe only allowing one therapist per child. So you have to pick—do you want occupational therapy or speech therapy for your child in the school setting? Only one time slot a week—if you say, "Friday at 1.45 p.m., all therapists can come in," that may not be the class that the child is struggling in, that may not be the time of day that the child is struggling, so they are not able to get the support at the time they need. Not allowing therapy in the classroom—we have had cases where schools have said, "You can only deliver therapy in the hallway" or "You can only deliver therapy for five minutes, and not in that setting."

I had a case study sent to me yesterday of a school that is requiring therapy to be done in a director's office unsupervised. The therapists are uncomfortable with that because of the child protection risk that exists and their reputation and their safety as a professional. I have had another example sent to me around schools requiring CPR and first-aid training. Even though the policy says they that they are not to provide that in the school setting, they are still required to have that before they can access the school. Another example that was sent to me is a school that is charging therapists a fee for coming to see the children in the school, and that is an administrative fee that the therapists need to cover. The impacts of that are obviously very profound.

I listened in on the earlier session today. I think the comment that was made there at the end was about allied health professionals cannot in any way on their own solve the inclusion challenges that we have. But when they work collaboratively with the educators and they are able to collaborate on the curriculum and making that inclusive, we can have very good outcomes. We, as a provider with Koorana, have some schools that we work in as a sole provider, and we are working very closely with those schools. We also operate two inclusive preschools ourselves. Early learning has its own set of challenges around this that can in some ways mirror the examples that I have given and in some ways they are different.

Where we as a provider are working one on one with a school, we are able to collaborate. We have planning sessions at the start of the school term and in every school holidays to go, "What are the needs of the school? What are the trends we are seeing? What are the themes coming out?" We can do professional development to the entire set of educators and teachers in that school setting. We can also do capacity building and workshops for the parents if there are global issues that are happening. Then we can also work together in schools where there is a need and co-develop the curriculum and influence the curriculum in a way to make that more inclusive. It is so important that we can have allied health access into schools, not just from the individual child point of view and the benefits that that child will get, but from a global point of view and developing inclusion in schools.

The Hon. NATASHA MACLAREN-JONES: What are the reasons why therapists are being denied entry? Is it just a decision by that school? What action can a parent or a carer take?

MORGAN FITZPATRICK: I think the reasons vary by school and, at the end of the day, it is up to the principal of each school to make that decision as to what the policy will be. Our personal observation is that it relates to administrative overwhelm. The NDIS had many benefits, obviously, for the sector, and the principle of choice and control is a principle we really support. However, that has meant that families are choosing which provider they'd like to use, and some schools report that they have 200 providers wanting to come in for that week. I think the example we gave is we had one principal say 180. That was in the paper. That is a large volume for the schools to coordinate—for them to look at what timing suits, what classrooms are suitable and to go through all the paperwork required.

Our observation is that this a way of managing the administration and the disruption that comes to the classroom where you don't have the opportunity for meaningful collaboration. I think that could be improved. There is centralised processing for Working with Children Checks and identification, but there is not that across all schools and not all schools look to the centralised system. They may have their own requirements on top of that and they may duplicate the centralised requirements as well. If that could be centralised, you would save a lot of time for schools and a lot of time for providers. In addition to that, I think the disruption to the classroom is really important. I think moving to a system where you reduce the number of providers involved would allow a more meaningful engagement with schools.

You did ask about parents and their avenues. Listen, it is different for every school. I have been on the phone with principals; I know that many of my colleagues have been on the phone with principals. Certainly, our therapists try to advocate through whatever channels are appropriate in that school. But at the end of the day, it does come down to the individual school.

The Hon. NATASHA MACLAREN-JONES: Before I hand over to my colleague, I have one question for Siblings Australia in relation to what supports are currently available here in New South Wales or if you are aware of other supports in other jurisdictions that should be implemented here.

SHANNON SCHEDLICH: Specifically for siblings?

The Hon. NATASHA MACLAREN-JONES: Yes.

SHANNON SCHEDLICH: Not on a system-wide basis. We are working with the Department for Education in South Australia to develop a practice guide for working with siblings. I had a meeting yesterday with the Department of Education here with their inclusion and wellbeing section, and discussed that concept with them, which was something they were receptive to. But those sorts of system-wide supports are in their infancy.

The Hon. NATASHA MACLAREN-JONES: I am happy for you to take this on notice, but if you could provide a list of key things that would be good to be included as part of a potential recommendation for us.

SHANNON SCHEDLICH: Absolutely.

The Hon. SARAH MITCHELL: I have a couple of questions for the Cerebral Palsy Alliance, just coming out of your submission. The first one that I wanted to ask about—and I think you make a very good point in terms of the reasonable adjustments and that lack of consistency from both school to university and even within school, and you talk about what the settings might be in terms of a school-based assessment versus what happens with NESA and the HSC. I was keen if you were happy to share some more insights into that process—and I don't know if Ms Geeves would like to speak from personal experience about what it was like and maybe how it could be better.

The CHAIR: Could I just pause us there because I just found out that Ms Geeves would like to make an opening statement. Apologies for not giving you that option before.

SOPHIE GEEVES: I would like to begin by acknowledging the traditional owners of the lands on which we meet today, the lands of the Gadigal people of the Eora nation. Thank you for giving me the opportunity to share my experiences and the experiences of my CPActive colleagues. Please allow me some extra time, given my slower speech. We strongly believe that the only way to make schools a better place and more inclusive is by listening to and learning from the lived experience of people with disabilities, and so I am so grateful to the Committee for establishing this inquiry. I am here today on behalf of our CPActive champions group. CPActive is the Cerebral Palsy Alliance's grassroots advocacy campaign, bringing together people with CP, their families, carers, the disability workforce and allies who are passionate about creating a more inclusive and accessible society.

My passion for disability advocacy stems from my own journey through education. My schooling experience was at times incredibly challenging as I often had to spend time justifying my needs and special considerations in exams and assignments. Throughout my schooling the adjustments I required were often put in the too-hard basket. As a student who went to a mainstream school, I wanted nothing more than to be included and accepted and to have equal opportunities, just like my non-disabled peers. As a teenager, I was already self-conscious about my disability. I felt that these assessments and doctor reports that were collated from specialists were further highlighting these differences.

At CPActive we embrace the central concept of disability justice; nothing about us without us. I am a member of the CPActive Champions steering committee and the chair of the Blaze the Trail working group campaign that was created as part of our inclusive education campaign. In the lead-up to the 2023 State election, CPActive decided to campaign on three tangible asks that were informed by our common experiences in education and employment. The two platforms that focused specifically on school experiences are, one, clear, consistent and enforceable guidelines for support around assessments at school and universities for students with disabilities; two, pathways for people with disability to enter the teaching workforce. While some of these recommendations may already feature in government policy and/or in legislation, it is the experience of CPActive Champions that these were not applied and far too often our access to reasonable supports and accommodations are disregarded or minimised.

NSW Labor committed to three policy asks in February 2023, and we recently met with New South Wales Minister for Disability Inclusion, Kate Washington, to progress action in these areas. Our focus and expertise is not in policy or legislation but in our own lived experience as young people with physical disabilities trying to navigate the New South Wales education system, having to advocate for ourselves on a daily basis, and carrying the extra burden of adapting to disabling processes that we face in education and the wider society. We can and should do so much more to support the next generation of young people with disabilities and set them up for positive experiences that are equal and fair, and this starts with clear and consistent processes for all.

The CHAIR: Thank you so much. Apologies again for not realising.

The Hon. SARAH MITCHELL: You answered some of my question, to be honest. You set that up quite well, and I am happy for some more commentary. What would be some of the things that this Committee could recommend in terms of making that adjustments process cleaner, more simplified and better in terms of the lived experience that you have had, Ms Geeves?

SOPHIE GEEVES: Yes, definitely. In the lead up to my HSC—and I know I speak on behalf of my CPActive colleagues when I say this. The HSC is stressful enough for any person going through the HSC and, on top of that, my HSC year was filled with getting doctors' reports, different allied health professional reports and things like that. They all came back saying the same thing, but it was incredibly stressful. I remember I didn't actually know what special considerations were going to be finalised until about a week or two before my HSC, so I was preparing for the best-case scenario, which was getting what I had asked for, which I think at the time was 15 minutes extra per half-hour, or they could have come back and said, "No, you are only going to get the standard five minutes extra per half-hour."

I think that caused a lot of anxiety in not knowing whether I was going to get the equal opportunity to do my HSC just like everyone else. And whilst I understand that doctors' reports and stuff have to be written, I think one doctor's report from a specialist that's been seeing you for the last 18 years, particularly at the children's hospital, should be enough. I don't believe that you should have to go and get hundreds of doctors' reports and spend hours in therapy appointments or proving otherwise.

IONA NOVAK: I think Australia owns the largest disability database in the world now, thanks to the National Disability Insurance Scheme. Solutions like data linkage would allow the department and the Government to cross plan. We are talking predominantly about lifelong disabilities. These do not change; they do not need to be reassessed. Things get more difficult with time, not easier, and to present evidence that you have a lifelong condition is insulting and disrespectful to people with disabilities. There are ways to do this that would save the department both time and money and allow students to not experience additional stresses undertaking examinations.

The Hon. SARAH MITCHELL: So almost—for lack of a better term—a tell-us-once approach. This is the support that this particular student needs, and then you have got that certainty—not a week or two before your HSC exams. That, to me, seems very sensible.

IONA NOVAK: Absolutely.

The Hon. SARAH MITCHELL: We have NESA coming later today, so we will put that on the list of things to raise.

The CHAIR: They have pulled out.

The Hon. SARAH MITCHELL: Oh! No, we don't. Well, we will find a way to make sure they know about it.

IONA NOVAK: We have a system with the New South Wales driver licence that flags that you wear glasses and confirms your vision. They don't actually reassess. These systems do exist and can be repeated.

SOPHIE GEEVES: If I can just add to that, my school was preparing for my HSC. I was really fortunate that I went to quite a good school in terms of accommodations, and they have quite a lot of experience with disability. My school was preparing for my HSC from my first exam in year 7. So just to paint the picture: They were documenting, over six years, exactly what accommodations I had and exactly how much time every exam took me, so there was so much data to prove that these are the accommodations I needed, and the school was completely in favour of that. In addition to that, I then had to go and get professional reports, and I believe that if you have that data already you shouldn't have to re-justify yourself.

The CHAIR: On the back of that, Ms Geeves, can I ask about the impact on you having to basically re-prove your disability every time you needed an adjustment?

SOPHIE GEEVES: Yes. It's soul destroying, basically. Particularly growing up with a disability, I think you already learn to accept your differences and learn to accept that you are different to your peers and try to fit in, and then I feel like these reports are further highlighting those differences. I have constantly had allied health professionals say, "This is not what we think of you as a person, but we have to paint it in this way so that you get the support that you need." I just don't think it needs to be that way.

PHILLIP PETRIE: Can I just add to that? When you have met one person with disability, you have met one person with disability. I know that can be a bit of a throwaway line, but the NDIS was built on the premise that everybody is an individual. Unfortunately, one of the very first premises and one of the bipartisan agreements of setting up the NDIS was that there was going to be a nationwide harmonisation of systems. This is where we seem to have forgotten that the process, for example, that's just been mentioned to prove that you're eligible for the NDIS is an onerous process.

Minister Shorten has already given an undertaking that he's going to change the arrangements around having to continually re-prove that you are eligible for the NDIS, and I think there's an opportunity here to be working across governments, across all States and Territories, to look at ways of being able to reduce that administrative burden, particularly on families and individuals that actually have the disability. I think we've got a great opportunity in the introduction of the navigator system that will come into being over coming years. That will assist people to be able to navigate the systems, and that will include education. We're going to need a lot of people that are very specialised in understanding how that system works and how to navigate individuals and families through it.

The CHAIR: One of the things that often gets overlooked in these discussions is the impact on people without a disability when there are people with disability in the same classroom, and the benefits that has in terms of ending discrimination against people with disability. Do you have something to say on that?

IONA NOVAK: Sure. My best friend had cerebral palsy when I was four years old and I work in this field because of her. She was the first person to offer to be my friend, and I extend that to other Australians. It's deeply a part of what we do, and so I think there are profound benefits that we lose when we don't afford these opportunities.

MORGAN FITZPATRICK: I would just add to that; I certainly agree. We operate two inclusive preschools. Just before my time coming on at the organisation, those were integrated rooms, so we had almost like a special room within a bigger preschool. We've now fully included those students in the mainstream classroom, if you will. That's with the support of allied health professionals, and that model has evolved. What has been so beautiful to see is the friendships between the students and the confidence between the students in supporting one another with their needs and understanding each other's needs. I am such a firm believer in inclusion today as the foundation of an inclusive society tomorrow. If we want an inclusive society of the future, we have to build that now in schools. It starts with children and their experiences now. We know it can have, as you said, profound benefits for everyone involved. When it's working well, the educators are learning. They're developing their skills and capacity.

We have new educators come on with our centre so nervous about 25 per cent inclusion and how they will be able to support those children. They come back to me a year later and say, "Oh, my goodness. I get to work alongside this whole team around the child. I'm learning from so many different disciplines that I wouldn't have the opportunity to do, and my confidence now to support children with additional needs has increased." We have families coming back and saying the benefits that flow on to the home environment. We're doing capacity building that is supporting them outside of the classroom, and it's really important for the children that they have that support in all aspects of their lives—and then obviously for the students, both the student with additional needs and those peers.

The CHAIR: Dr Schedlich, what is the impact on siblings when they have their sibling included versus not included or not fully included?

SHANNON SCHEDLICH: It's a really mixed bag. When we're talking about how schools should be set up, our families have very differing views. Some of them are very much wanting their children to all go to the same school and have the same experience, and some of them are choosing to send their children to alternative options schooling or homeschooling or what have you. It's really a twofold issue for them. There is the concern that mainstream schools aren't necessarily equipped for dealing with their child who's got the disability, but there's also the concern in some cases for the sibling child, as I referred to in my opening statement—that teachers aren't equipped for dealing with the child with the disability in the classroom and it's disrupting the education of the sibling child.

We've had instances where families have come to us and said, "I really wanted my kids to go to the same school for a whole host of reasons. We wanted them to be doing recesses and lunches together, and we wanted them to be able to look out for each other, and we wanted to do one school drop-off. But we've actually now moved the children into different schools because the sibling child was being so disrupted—they were being called out of class so often to come and help with the behaviours or modifications or what have you for their brother or sister—that it just was having such negative impacts that we couldn't keep doing it." A lot of those sibling children are really quite distressed when they are being called out of the classroom.

I had a mum in my office not that long ago crying, talking about how her son and daughter were at the same school. Her daughter was moving into a high school environment and her daughter was really distressed because she was saying, "The teachers don't know how to look after him. Once I'm gone, what happens with him?" From a sibling perspective, there are those concerns. Families would love to have all of the same opportunities for all of their children, but they recognise the systems just aren't there at the moment.

The CHAIR: That's quite concerning—that reliance on siblings as carers.

SHANNON SCHEDLICH: Yes, absolutely.

The Hon. SARAH MITCHELL: I know we're nearly out of time, but I just wanted to ask one more question for the Cerebral Palsy Alliance about the recommendation around a statewide initiative for pathways for employment. Again, the Committee is looking at the whole gamut of education. In an ideal world, what would that look like? If you were in charge, Sophie, what would we be implementing here in New South Wales to make it better?

SOPHIE GEEVES: Wow, that's such a big question. I can only speak from my experience, but I think, first of all, extensive consultations would need to be done with people with disabilities. Whilst I can sit here and make a recommendation, I can only talk from my perspective. I don't have several other disabilities that may come into the picture. But certainly I would be looking at internships and paid work experience for people with disabilities.

If I'm talking from my own personal experience, I remember how it was so hard to get my first paid job and to get my foot in the door. I had so many people come up to me and go, "We can offer you volunteer experience and unpaid work experience." Whilst I think there is a place for that, I think that we do need to recognise the contribution of people with disabilities and we should be paying them accordingly. I think paid internships, but also better support within the NDIS, outside of the two years post-school. Outside of school leaver employment support, there should be ongoing support. I believe there is some level of support but I don't think it's sufficient, and I think it's quite hard to get that level of funding.

The CHAIR: Thank you so much. That was a really great discussion and it's been very useful, with some very clear indicators for what we might do to help. To the extent that there are follow-up questions, the Committee secretariat will be in touch, but that concludes this session.

(The witnesses withdrew.)

(Short adjournment)

Mr DAMIAN GRIFFIS, Chief Executive Officer, First Peoples Disability Network, before the Committee via videoconference, affirmed and examined

The CHAIR: Welcome. The other person we had scheduled for this panel has unfortunately had to pull out, so this session is all yours, Mr Griffis. Would you like to make a short opening statement?

DAMIAN GRIFFIS: Sure. I'd like to confine my opening remarks to two elements: firstly, a brief reflection on some of the barriers that Aboriginal children with disability face in the education system across New South Wales and then briefly offer some solutions. In terms of the barriers that Aboriginal students with disability face in the education system, they range from lack of access to support teachers—so teacher aides or school learning support officers. In some situations there's still the low expectation of Aboriginal students with disability. That is an experience that we still encounter. The question of whether the school embraces a philosophy of inclusive education remains a significant one, in our view. Is the school culturally safe for Aboriginal students with disability and their families is another key question, and just a general lack of appropriate resourcing to meet the needs of Aboriginal students with disability across the board. I'm sure you've heard a lot about the barriers throughout the hearings, and you'll hear more about that.

We're anxious to make some suggestions around some positive actions to address the often very serious discrimination that Aboriginal students with disability in education face. One of the barriers and one of the issues that we think can have immediate attention is something we hear a lot from teachers. We have several former teachers that work within my organisational role, and they talk about a lack of education for teachers about disability. It's often ad hoc or it's not significant enough, particularly around particular disability types. That's a common complaint of teachers. So better training for teachers, including school learner support officers. So having a broader depth of disability training that covers the broad spectrum of disability.

Another issue that we think requires immediate attention—and we do believe there's a solution for this potentially—is there's an ongoing problem with diagnosis. This is really problematic for low-income families, particularly our families and individuals that live in regional and remote parts of the State. Getting two diagnoses from professionals is virtually impossible and very cost prohibitive. There's obviously a role for the NDIS here, and there needs to be some recognition as well that there's going to need to be some sort of subsidy to enable families to do that.

Smaller class sizes is a common request from teachers. I recognise all the challenges that exist within the education system, but that is a reality as well. We often talk about the need for a whole-of-community response to disability. What I mean by that is too much falls on teachers. Teachers potentially have to have expertise from perhaps diabetes management to how to use a hearing loop in the classroom and understanding how to provide behaviour-related supports for some students with disability. That's an extraordinary amount of things to fall upon a teacher, particularly if they don't have access to an SLSO. Those skills require a long history of training and understanding how to do that effectively.

The other thing that teachers often tell us is that they want to utilise external expertise more often. We've had that experience at the First Peoples Disability Network now for many years, where we're often called upon to provide informal training. It's quite common for us actually to do guest talks, if you like, with teachers, often at the start of the teaching year or during in-service days, where we are asked to come along to a school and talk a bit about the issues that impact on Aboriginal children with disability. They're often very well received and very well evaluated, but it's very ad hoc and very informal. We often find teachers are craving that experience from external agencies like ours. I might leave it at that for the moment and I'm happy to proceed as you want to.

The CHAIR: I'll start with the first question and then hand over. Are there any States and Territories that are doing this better than New South Wales? Are there any lessons we can learn from other jurisdictions?

DAMIAN GRIFFIS: In very general terms, Chair, I would say Victoria certainly has a commitment and progress on justice for Aboriginal people that is further down the track, to be honest. Things like the Yoorrook commission and stuff do focus heavily on education, and there's an opportunity to frame suggestions in that way. I don't think we really have that system well established yet in New South Wales, but I welcome the progress on terms of treaty appointments and treaty commissioners. I think those things are very important in the bigger picture context. There's actually an avenue to erase some of these really critical systemic changes that need to happen.

What happens generally, though, is isolated. There's no doubt there are some schools in New South Wales that are doing extraordinary things. They're engaging very effectively with the local Aboriginal community, local Elders, and naturally getting great results. There are also schools in the education system across the State that are doing the same when it comes to disability. But learning from those and making those experiences universal across the State I think still remains the major challenge. Learning from those schools where there have been great outcomes for Aboriginal students with disability is really critical.

The Hon. ANTHONY D'ADAM: You mentioned in your opening statement the issue around diagnoses. I want to pose to you that diagnosis is a gateway to rationing limited resources and that perhaps we need to look at an alternative to diagnosis. I know that the department in its submission talks about functional assessment rather than reliance on diagnosis. I wonder whether you might offer some comment on that.

DAMIAN GRIFFIS: Thank you for that comment. We would welcome that approach, absolutely. When I say "diagnosis" I really mean a functional assessment, actually, if I can put it that way. Diagnosis brings with it risks. The really important thing to understand from an Aboriginal perspective—and we would say we're thought leaders on inclusion in many ways—is that we don't frame disability in a label sense. We don't tend to take a medical approach to disability. It's more come as you are, which we think is positive, and as it should be, and very functional. We tend to talk about disability as, "Yeah, brother doesn't move too well. Uncle's a bit slower than everyone else here. Phillip there doesn't hear too well"—whatever it might be—and said in a way that's not negative. It's about how do we ensure that we all know what's needed for this young person to participate in community life.

I'll substitute the word, happily, "diagnosis" for "functional assessment", absolutely. That also means that you observe a young person in the school setting as well, which is a much more appropriate way of understanding a child's disability-related needs in an educational setting than some sort of assessment that doesn't necessarily require—or is done in a different context. We also don't have a comparable word for "disability" in traditional language. That's well established now. That's been well researched. That's actually a wonderful thing. That means we don't tend to label people. As you know, and as I think you might be suggesting through your question, disability is heavily label-laden. These days, what is it—ADHD, autism, acquired brain injury, intellectual disability, cerebral palsy, you name it. That is not the way we describe disability in our communities. It's more, "The young fellow can't move around too well." That is about the way a person moves functionally through their community.

We would say we've got a lot to offer the rest of the disability rights movement and often when we share that world view on disability, it's what everyone wants, ultimately. In relation to diagnosis, equally, though, on occasions families would benefit from understanding a disability better. It's not uncommon, and it's a natural reaction on the part of parents, too. They might have a child with severe cerebral palsy, for instance—and we've encountered these situations for many years—and the family would hope their young person would walk again, but that's not a reality and sometimes the reality of the diagnosis hasn't been properly explained to the family, either. They might get, say, a brochure, and that's not enough, either. There still needs to be a dimension that also relates to better understanding disability, if that makes sense.

The CHAIR: That's a fabulous answer.

The Hon. ANTHONY D'ADAM: Yes, it was. Excellent.

The CHAIR: It puts me in mind of my children interacting each other, and they do refer to each other as, "She doesn't like that sensory stuff", or, "She doesn't like bright lights", and they just work around each other and accommodate.

The Hon. SARAH MITCHELL: Thank you, Chair, and thank you, Mr Griffis, for appearing and for your comments in relation to culturally safe schools and that process. I'm interested also in the early childhood component and supports for First Nations people with disabilities and, again, having that culturally safe provision of early childhood and care. Are there any insights you could offer in terms of how that's working well, or potential improvements that we could make, even in those years before children start school?

DAMIAN GRIFFIS: Yes. Thanks for that question. A couple of observations I'd make there straight off is: We need our young people with disability to get fair and equitable access to the NDIS, particularly the early intervention aspects of the NDIS. As you would know well, early intervention is a very significant focus of the scheme and we're not seeing our young people get access to that in a fair and equitable way, and that includes in New South Wales. We need to see that change—there's no doubt about it—because, as you know, the earlier the support a young Aboriginal person with disability, or any young person with disability, can get, the different trajectory they're on.

Again, we would also recognise there are a number of schools across the State that are very engaged with the local Aboriginal community and very committed to that and getting great results. But we need that to become a uniform experience and I think that still remains the challenge. Also the other reality that young Aboriginal children with disability face across the State is we're kind of still in this—it's the term that's used a lot these days and there's perhaps not a better one yet, but hopefully there will be—the intersectional discrimination that

Aboriginal children with disability face. We often get parents saying things to us like, "Which box should I tick—the disability box, or the Aboriginal box?" Of course, the reality is here that people have both identities, of course, and identify with both communities equally. It's not uncommon for Aboriginal people with disability to very strongly identify with their disability as well as their cultural heritage. We've still got a challenge there in the education system, perhaps unintentionally or sort of preferring people to take on one identity, but we're talking about a dual identity as well. But fair access to the NDIS still remains a major barrier, particularly in regional and remote New South Wales where, as you may well know, it's not really working well, to be honest. It needs to do better. The role of the NDIS in providing early intervention support needs to improve to enable better access for all students with disability in education.

The Hon. SARAH MITCHELL: Following on from that, we heard some evidence yesterday and were talking about some of the challenges in terms of getting a diagnosis as well. As someone who lives in a regional community, I know often access to those sorts of health professionals can be really challenging and long waitlists. I'm sure that that is something that is also experienced by First Nations people as well and extra barriers to access health care, again, in a way that is culturally safe and appropriate. One of the other witnesses yesterday gave a recommendation that we could maybe consider looking at school counsellors to help to give a diagnosis of things like ADHD and autism, noting that they've got a psychology degree and that sort of specialist approach. Is that something that you think might be useful in terms of getting a diagnosis, getting the right supports in place, particularly for more remote and rural communities?

DAMIAN GRIFFIS: It sounds like a practical idea to me, if there perhaps wouldn't be a viable alternative anyway, I imagine, like you say. As you, again, would know, a lot of our families out in western New South Wales have to come down to Westmead, for example, for assessments and stuff.

The Hon. SARAH MITCHELL: Yes.

DAMIAN GRIFFIS: That's not only cost-prohibitive but—well, yes, it's cost-prohibitive and people don't do it as a result. I think that that would have merit. I think the thing that would be great for those psychologists is just a little bit more training around understanding the Aboriginal context and a little bit more around maybe being trauma-informed in the Aboriginal context, but I can't see why that couldn't work. I guess what we see our role at the First Peoples Disability Network is we can value-add. We give that little bit extra knowledge, but in my experience of engaging with teachers and schools around the State, they really want that. I think that's a role my organisation plays informally, but we'd love to see that become a more entrenched part of the learning environment, I guess, of teachers.

The Hon. NATASHA MACLAREN-JONES: Thank you very much. I want to ask about suspensions and things. Yesterday and again today, we've had evidence of finding in some cases young people are being suspended from classrooms as a behavioural management approach. I'm interested to find out from you: Have you had similar feedback from people that you've spoken to that you find this is occurring as well?

DAMIAN GRIFFIS: Definitely, and anecdotally we hear about it a lot. I think the observation we would make is, again, this is probably best supported by the resourcing issue. If we could potentially be in an environment where—and I realise this is a massive undertaking for the system and, given the current teacher shortage, this is an ambitious aim, but I think we have to get there, personally—we have a school learning support officer in every classroom, that would address that very, very significantly. The teachers we speak to, including colleagues, often talk about—and you would have heard these stories many times—the demands of trying to work in a classroom of 30 or more students when a couple of students may require particular supports. They're not able to give that in the way that they would like to, and then consequences happen. That's not a failing of the child, obviously; it's a failing of the lack of resources available in the classroom.

The CHAIR: One of the recommendations from the royal commission was to have First Nations expertise within inclusive education units. In terms of workforce, and making sure that we have enough First Nations people who have the appropriate training to then provide that service, how are we going and what do we need to do to make sure that we could implement that?

DAMIAN GRIFFIS: I absolutely agree with that recommendation, obviously. The challenge is there's a bit of an elephant-in-the-room issue here: We don't currently have that workforce. It would need significant investment to create it. We don't have a long corporate history of disability service provision in our communities. If we were talking Aboriginal health today, it is a different story—a dime a dozen. There are plenty of Aboriginal health workers, health professionals and academics. Our own Aboriginal academics are working in that space. But disability is a very different story. We talk about a three-pillars approach to, in a big-picture sense, address the unmet needs of our people with disability. One of them is giving voice to mob with disability, to speak for themselves. Number two is creating a First Nations workforce. Number three is an Aboriginal owned and operated disability service system.

Pillars two and three are absolutely starting from a baseline in many ways. Having said that, though, there have been attempts over the years through partnerships, say, with national disability services where they created scholarships for Aboriginal people to move into the disability sector. We need to revisit those things. Having said that, though, there are some really interesting initiatives at a Commonwealth level of the integrated care model, which I think has some merit. I think it has absolute application in regional and remote New South Wales as well, in our communities, where you can have one or two people in community who work across different sectors—aged care, disability, health. That, to us, is quite a logical approach and one that is culturally appropriate as well, actually, in many ways. We think models like that are really worth exploring, and we would love to see the New South Wales Government trial versions of that. Western New South Wales would be a good example.

The CHAIR: What percentage of total teachers in New South Wales are First Nations? I am trying to get an idea of just how big this task is of creating the specialist.

DAMIAN GRIFFIS: I wouldn't know. I have to take that on notice. I don't know. I could certainly find out, but I don't know and I wouldn't want to hazard a guess, to be honest.

The CHAIR: That's okay. We can find that out. I was just curious.

The Hon. SARAH MITCHELL: I want to go back quickly to the issue around suspensions. Again, it's something that the Committee is looking at in terms of the over-representation that we see of both students with disability and Aboriginal students and, to use your terminology, that intersection, where there would be students who are in both categories who are finding themselves suspended on multiple occasions. It's a very broad question which probably doesn't have an easy answer but, from your perspective, what are some of the ways that we could put better supports in place in schools? You mentioned having a learning support officer in every classroom. To really try to break that cycle of that over-representation in those statistics for young people both with disability and who are Aboriginal students as well, do you have any insights into that space that would be useful for the Committee?

DAMIAN GRIFFIS: Outside of the SLSO access in every classroom, I think it's learning from those schools where things are going really well. It's those schools where Elders are very engaged and families are very engaged. That makes all the difference in an educational journey for an Aboriginal student and an Aboriginal student with disability as well. All the evidence shows that. I don't want to give the impression that good things aren't happening. There is no doubt that there are schools across the State that are getting fantastic outcomes for Aboriginal students with disability. That's often why—because the Aboriginal Elders and Aboriginal community feel part of the school environment. They're welcomed into it. They have a leadership role within that structure. More and more investment in that or just creating that environment makes the change, definitely.

The hard conversations can be had as well in that situation, where there might need to be some discussions with Elders that they're well informed about and can share some information that's perhaps not well known necessarily. There could be a whole lot of other knowledge that they bring that makes the change. There are plenty of schools that are doing that really well. The AECG is obviously a really important resource, and the skill and wisdom they bring into schools is vital. As we all know, disability is a deficit conversation all the time, whereas there are some positive things happening. I think learning from them and saying, "How we can replicate that somewhere else, with some local nuance?" would be the way I would go.

The Hon. SARAH MITCHELL: We heard earlier today from some witnesses who were speaking about how sometimes when a behaviour might manifest itself in the classroom, it's because there is something going on outside of school that is impacting that. One of the witnesses also spoke about how perhaps the student is actually experiencing frustration with the learning or the curriculum, but it's very easy to say that that's a response because of their disability and not unpacking what's going on in terms of that learning process. You're nodding, so I'm assuming you would agree that having that kind of deeper understanding of the student as an individual and that support from Elders and community—again, I know some schools do it, but I think that there's space to improve and see some better outcomes.

DAMIAN GRIFFIS: Absolutely—context. A young person may be coming from an environment that is not real flash at home and they may not get a lot of sleep at night or whatever it might be. These sorts of contexts inform everything. That trauma-informed response as well—I think where you see really good outcomes for Aboriginal students and Aboriginal students with disabilities is when Elders are able to share that knowledge and share that experience, and then you're on a different trajectory. It's like, "This system seems to understand and respect me on one level and we'll go on this journey together."

The CHAIR: Thinking about, as you say, for lack of a better word, that intersectionality between the discrimination faced as a First Nations person and the discrimination faced as a person with disability, in New South Wales we have an exemption from the Anti-Discrimination Act when it comes to kids with disability in schools. How does that play out when we're talking about, particularly, when a school says no to a child who is First Nations and has a disability? Are you finding extra levels of discrimination there?

DAMIAN GRIFFIS: Definitely, and it is very problematic when you're in regional and remote New South Wales, even in a practical sense if there are only one or two schools in your town, and they don't accommodate your child's disability. In other jurisdictions we're certainly aware of Aboriginal students with disability who don't go to school because there are simply not the resources available at the local school to accommodate their disability. That's not uncommon in regional and remote Australia. I don't know if that's happening in New South Wales. I would guess that it is. But I don't know that there has ever been detailed research into that. If you live in a community where there's a single school, and if that school is already under-resourced or doesn't have a way of accommodating your child with disability, the child doesn't go to school or may go to school for a very minimal amount of time. They may only be able to go for two or three hours a day. We've definitely seen situations like that out in western New South Wales over the years. The other thing that we find is the role of education—it's such an obvious thing to say—is so critical and so fundamental to the life trajectory of our young people with disability.

We've coined this phrase and it has come out in our research over many years, particularly by Dr Scott Avery, who is a Worimi man, who is probably the only Aboriginal man with disability who is an academic. We talked about this syndrome called "bad black kid syndrome", where you might have an Aboriginal child who may be frustrated in the classroom, may act out or, equally, may be very, very quiet and reserved and perhaps hardly even noticed. Then it turns out that that child may have a hearing impairment, vision impairment, perhaps their health-related issue—who knows. But the problem is that that they end up—the rest of the suspension trajectory, and we see this all too often, is then that young person is not at school. They might start hanging around the local shops. Coppers might say, "It's time to move on." They're on this trajectory—and quite a rapid one—into juvenile detention.

We can trace this quite clearly, this life trajectory—all of that, where the opportunity was missed to make a really positive change early on. The question about early intervention is so fundamental here. We see this life trajectory—and Dr Scott Avery has data on this. They can trace the poor experience at school, particularly from an early age—lack of support or lack of access to, say, the NDIS today would be the scenario—but then moving into juvenile detention, adult prison. That's quite—I shouldn't say easy, but it's not hard to plot that journey, and that's a common experience. We would sometimes reflect on, "Is that also a version of low expectations as well?" That's something we worry about as well sometimes, "Aboriginal kid mucking up. Do we really invest that much in that child?" You know what I mean? That is sometimes a question you're left with.

The CHAIR: I'm trying not to fish for something negative, but I would strongly suspect that this occurs. Do you have any examples of where a kid in New South Wales has been basically excluded from school or expelled or suspended or treated poorly in circumstances where it's clear that it's racism, but is then being claimed as, "No, no, it's because your child has a disability, and I'm allowed to discriminate under New South Wales legislation"? Have there been any cases of that?

DAMIAN GRIFFIS: Yes, there has been, even within amongst colleagues of my organisation. I would have to report that that has happened, yes. How many times it happens, I don't know. I don't know that it would be easy to prove that. It's not an easy thing to prove. But, yes, I have colleagues who have students—who are Aboriginal colleagues who have young people with disability, and they've had a very negative experience around their Aboriginality. Yes, they have.

The CHAIR: At the moment we're hearing a lot about youth crime and kids out of control et cetera—not my words. But we know that children with a disability are disproportionately represented in prisons and so are children with First Nations background. As you say, we know about that pathway. I guess it's a bit of a leading question. Coming in well after the event to deal with teenagers by just locking them up is probably not the long-term solution society is going for. What would you recommend that we do instead?

DAMIAN GRIFFIS: Again, the early intervention. Two things I'd recommend, Chair. One is fair and equitable access to the NDIS. That means we need to actually come up with a very clear strategy to enable that to happen. The pathways to access the NDIS or MOB with disability are still not great at all. There are Aboriginal people with disability and families getting benefit out of the NDIS—I don't deny that—but not in the numbers that they should be. Also, that's usually because there's a family member who knows how to get into the system, really. There needs to be greater investment in education disability advocate. That's the second recommendation I would make—so someone that can go along with the family on the journey.

We have received funds just in the last 12 months to employ an Aboriginal education disability advocate—that's a long title. It's fantastic that we have it, but we're overwhelmed already in the workload; it's only one person doing that across New South Wales. It's not sustainable but positive in the sense that the recognition of the role—

that's really great. They simply just go along with families to help them through a complex system. It's a complex system. It can be an intimidating one, of course, as well, school environments.

So, one is fair and equitable access to NDIS. Investment in education disability advocacy—there's a better way to describe it. That's really critical. That it's First Nations-identified is definitely really critical. But also go back to the training again as well. Again, colleagues and friends that are teachers often talk about how hard it is and how keen they are to support students with disability, but it's really hard to do without a dedicated support person in the classroom. I think those things are the recommendations we would be anxious to make. My organisation plays an informal role doing this sort of thing, but we'd love it to be formal where it becomes a dedicated area of focus for the education department.

The Hon. SARAH MITCHELL: That actually ties into what I was going to ask about. We've had other witnesses speak about the process for families and parents when maybe they're not getting the support that they want through the school or not getting the right adjustments—those who have dealt with discipline issues as well. Some witnesses have said having either independent advocates or an independent process within the department—because the way it's structured now is quite circular in that the complaint then often falls back to the local director or principal. Sometimes families feel it hard to maybe speak up because they're concerned about that process. You've kind of just answered it in what Abigail asked, but the idea of having some sort of independent process or a better pathway for those advocates who are supporting families, particularly those children with disability and Aboriginal children with disability specifically, would potentially improve that for families and for the students themselves. Do you have any other comment?

DAMIAN GRIFFIS: Yes, totally agree. As you would know, in regional and remote parts of the State, if there are only one or two schools, it's harder to speak up, if you know what I mean. I think that independent function of education disability advocacy is really critical. The investment has started. There has been some recognition there, but I think there needs to be more of it.

The CHAIR: That has been an incredibly useful session. Thank you for giving us the benefit of your expertise. To the extent there are supplementary questions, the Committee secretariat will be in touch, but otherwise that concludes this session.

(The witness withdrew.)

Ms ZOË ROBINSON, Advocate for Children and Young People, affirmed and examined

Ms SONJA VUJANIC, Person with lived experience, affirmed and examined

Ms ELLEN ARMFIELD, Person with lived experience, affirmed and examined

The CHAIR: I now welcome our next panel of witnesses. I invite each of you to make a short opening statement if you would like.

ZOË ROBINSON: I will start by acknowledging the traditional owners of the lands and pay my respect to Elders past, present and emerging, and also just to thank the Committee for the opportunity to bring young people. You hopefully won't be hearing too much from me today. The purpose of having young people either side of me is that they can share with you their own lived experience, so thank you for creating that facility. And also to my colleagues to the right, it's wonderful to have you here and to ensure that this is accessible for many people. I'll let Ellen start with her opening statement.

ELLEN ARMFIELD: I'd also like to acknowledge the Gadigal people of the Eora nation whose lands we're meeting on today. I pay my respects to Elders past, present and emerging, and I extend those respects to any Indigenous people in the room today. My name is Ellen. I'm 19 years old and I live on Sydney's northern beaches. I am here today representing ACYP as a member of the NSW Youth Advisory Council, and I'm also speaking on my own experience as a young person with a disability and as a carer for another young person with a disability.

When I was 17 I was diagnosed with autism spectrum disorder and while I have been autistic for my entire life, I only completed one year, my final year of school, with a diagnosis and received recognition and accommodations in my final year. However, I do know that I would have deeply benefited from further accommodations and understanding of my different needs if they had been available throughout school. I also want to acknowledge that my high school experience was quite jarred, and I did spend prolonged amounts of time away from school due to poor physical and mental health.

For the past year-and-a-half I have also been working as a carer to a 19-year-old girl living with Rett syndrome. She is in her first year out of school but spent most of her schooling at an SSP. I have been given permission from her family to also discuss her education experience. My client and her parents found that her schooling experience was a series of missed opportunities, as many teachers and the system as a whole had low expectations of her, that despite her eagerness and ability to learn, she was constantly aged down because she is non-verbal.

While my client and her parents recognise a couple of great teachers along the way, overall they felt as though her education was not valued and she as an individual and her disability were not understood. Her parents also found that the influx of students with extreme behavioural challenges reduced her safety and learning experiences and opportunity. Over the years she was at school, the school became fortified to manage a minority of students who posed serious risk to the majority of students. This was something beyond the control of the school and a reflection of the educational policy that negatively impacted her schooling experience in every way.

SONJA VUJANIC: Good afternoon, Chair and Committee members. Thank you for allowing me to speak here today. My name is Sonja Vujanic and I'm 20 years old. I'm a member of the NSW Youth Advisory Council and I have experience working with the New South Wales education system as a volunteer tutor for youth in care. I'm also a New South Wales programs officer for Teach Learn Grow, a not-for-profit organisation that sends university students to teach in underprivileged rural schools.

Growing up, I always knew that my brother was considered different. He is non-verbal and has the most severe level of autism. Because of this, he attended a special needs school. This was an extremely challenging experience. The school was not equipped to handle his behavioural issues. Often my parents were called to pick him up from school after only an hour of being there. Other times he was locked in a room by himself when experiencing a meltdown. A common method of dealing with him was suspensions from school. With every suspension letter he was handed, there was no real acknowledgment that this was a child with an intellectual disability. It was as if he had control over his anxiety attacks and chose to misbehave intentionally. It was as if children with severe disabilities were burdens for schools to deal with.

In these two- to three-week periods, the sense of routine that provided my brother with a sense of comfort and stability was completely overturned. Socialisation would stop and the school support network would disappear. We would ask ourselves, "Who do these suspensions really benefit?" It felt like a punishment, both for my disabled brother and for carers left feeling alone and unsupported. There needs to be an effort to get to know special needs children as people, to learn what provokes these anxiety attacks, how long they last, what the early red flags are and more. Additionally, measures like these leave severely disabled young people at an increased risk of abuse, alienation and neglect when they are kept away from school.

What is the purpose of our education system? It's to empower young people, nurture passions and help them find a sense of purpose. My brother may not be able to speak but he has always been a fantastic problem solver, a quick learner and loved hands-on activities. However, our education system could do more to embrace these talents. It didn't feel like there was an effort to develop his speech and writing to help him express himself and it was often left to separate specialists. Educational settings provided a one-size-fits-all approach to his schooling, which limited his potential to develop, learn and grow.

A tailored individual approach, early interventions for behavioural issues and personalised goals can make a significant difference, rather than treating special needs children in classes as a homogeneous group. All young people with disabilities are so unique and special in their own way and they all deserve to grow in an environment that provides them with love, with strength, with resilience and with care. It is our responsibility to ensure that we encourage their talents, embrace their individuality and always speak up for those who can't do it themselves.

The CHAIR: A question for you, Ellen. You said that you got a diagnosis in year 12 which then allowed you to have adjustments. What was the reason why you didn't get an earlier diagnosis and also what were the adjustments you then got?

ELLEN ARMFIELD: I think I have quite a similar story to a lot of autistic girls; we're often missed because we're quite good at masking. But I also have a unique experience as well. As I mentioned in my opening statement, I did struggle a lot with health complications and so there wasn't a lot of time to be spent looking into neurodiversity. It was coming to the end of those complications where we did have time to look into it and it got picked up on, and I'm very grateful for my diagnosis and I'm very proud to be autistic as well.

The CHAIR: Hear, hear!

ELLEN ARMFIELD: In year 12 that looked like teachers understanding, which was just helpful on its own to know that different things I said or different things I did had context around it. But then I also was permitted to wear things like earbuds in classrooms if it was overwhelming and then also special considerations at assessment times for quieter rooms and things like that.

The CHAIR: What did it mean for you individually in terms of your own understanding of yourself to get a diagnosis?

ELLEN ARMFIELD: So much. It changed a lot of things for me. In terms of understanding, it put into context so many things of my life that had always felt really bizarre to me. I often complained about the fact that I wasn't normal and I didn't understand why. There were so many different things that I struggled with that seemed so easy, that other people could very easily do and I took a really long time to wrap my head around things like change or sensory issues or different things like that. Understanding that it's not something wrong with me and there is actually a whole group of people who are very similar to me as well made the world of difference.

The Hon. SARAH MITCHELL: Thank you all for being here, particularly Ellen and Sonja, for sharing your personal—I know it's kind of a formal setting, so you're doing very well, and I promise we're just having a bit of a chat. Sonja, you talked about the experience of your brother. Thank you for sharing his story and being, I'm sure, such a strong supporter and advocate for him over many years. I thought it was really great when you talked about recognising students as individuals and having those learning plans and supports. From your family's experience, what would be maybe one or two things that come to mind that would have made the experience at school better for your brother? I know it's a big question, but is there anything that you think might have been a simple change or adjustment that would have made his schooling experience a little better than what it was?

SONJA VUJANIC: Yes. I'm not sure it's something that can very simply be done because I understand there's lots of resource constraints. But I think more one-on-one support would have helped because he's in a class with a lot of different students with a very diverse range of disabilities and, in his case, he can very easily be triggered by things. That can provoke certain meltdowns of his. So maybe having that one-on-one support and teaching styles tailored to him would really help.

The Hon. SARAH MITCHELL: You also mentioned, unfortunately, that he'd been suspended. I want to talk more broadly about the suspension—and I might ask you, Ms Robinson, to comment on that too—and that process for your brother, as much as you're comfortable sharing, or whoever would like to. I think you said that there wasn't really recognition of your brother's disability in terms of potentially the behaviour that led to the suspension. How was that handled and, again, could there have been better systems in place to support him?

SONJA VUJANIC: Usually when there were suspensions, it would be a few weeks. He would just stay at home and it would really disrupt the routines he was used to. The school did have good connections with different psychologists and specialists, but it would often be the same thing, just repeated. He would be at school. He might damage furniture. He might be really loud. Then he'd go home, they'd have a meeting with my parents and then after a few weeks the same thing would just repeat. That's what it was like.

The Hon. SARAH MITCHELL: Perhaps to you, Ms Robinson—and, again, we've talked about this already. We've had some witnesses this morning who gave evidence about particular concerns around the latest iteration of the suspension policy, looking at suspension as a behaviour management tool. We heard evidence this morning along the lines of that being concerning. Mr Griffiths, who we just had earlier, spoke particularly about Aboriginal students with disability and, again, that over-representation. In your expertise, and with the young people that you work with, what are some of the better policy settings or improvements that could be in place in terms of suspensions and how they're managed in schools?

ZOË ROBINSON: It would not be a surprise to this Committee that we've had various views on the behaviour policy. Obviously, our concerns are with the over-representation of children and young people with disability and Aboriginal and Torres Strait Islander communities. If we start from where our office starts, which is the Convention on the Rights of the Child, access to education is one of those rights. We have seen some incredible schools, including one that is not far from our office in Redfern that does an amazing job with young people who may be coming into school with undiagnosed disability. They have built a system around that. There are 24 students in that school and there are support workers that reflect what the students need. We heard that includes speech, health, support, psychology—all of that is in the school. So there are really great ways that this can be done.

I acknowledge what Sonja has said in terms of resources. Our hope is that if you build the system around what a young person needs, whatever that—the language that both of these young people have used to describe themselves and other young people is the kind of language that we should be using: the appreciation, the recognition. If we start with that—that access to education is a right—and then we provide you the things that you need to ensure that your experience at school is as full as it should be, I think that's really important. We do see that, obviously, there are tools that can be used to maintain classrooms and what perhaps classrooms are seeing as their needs, but our concern will always be the over-representation of children with disability in that suspension data that we see.

The CHAIR: Maybe I'm just being dumb but in what context does a suspension or an expulsion actually improve behaviour in the long term? Have you ever come across situations, whether it's a kid with a disability or without, where kids have said, "Yeah, I just really needed that expulsion and now I move forward." It sounds a bit facetious but in what circumstances should we be applying that policy?

ZOË ROBINSON: Noting that our work is obviously sitting with young people and hearing directly from them, I don't think I've ever sat with a young person, be it in out-of-home care, Youth Justice or in a school centre who says, "That was a great thing for me." Certainly in the work that we've seen, certainly in our Youth Justice space, they talk a lot about being suspended from school and how that makes them feel and how difficult it is then to go back into school. If you're not talking about the Youth Justice space, if you're talking about young people who have been excluded from the place where their friends are, that is incredibly difficult. I'm certain that there are scholars and researchers who've already done all of that work that says that suspensions don't necessarily see a shift in behaviour. I think it is about knowing the great things that schools can do to provide opportunity for children and young people to thrive and that they can get access to things that perhaps they wouldn't ordinarily get access to and seeing them be in hubs and places where young people and their families can come and get responses to things and learn and grow. I think it's really important. We need to make those gates open for everyone.

The CHAIR: If we move away from the idea of somehow expulsions and suspensions being a behaviour management tool and look at it as more of a resources issue, like the child is actually being excluded because of the onus on the teacher or the other kids or whatever it is, that they can't manage that behaviour, that then leads us towards looking at how we—sorry, I'm answering my own question.

ZOË ROBINSON: I can give you a really good example that actually highlights when it works very well. We do a lot of work, as people know, in the Northern Rivers and with young people in the pod villages. We have seen a number of young people in those pod villages who have been suspended. We have people on the ground who are working with those young people and those families and there is one particular—and I'll do my best not to identify the thing that I'm not meant to identify. When the school was working with our team, we started to see those young people come back to the table and be willing to have a conversation.

When the supports within that school had the opportunity to line up the things that they needed and we could bring a parent to the table and we were having a very good, positive, open conversation about what was needed—and also the reality, as an example, of returning to school for one hour a day and doing that in a separate classroom. I don't think, again, that feels like a great transition back to school—that you have to sit somewhere different. I think that there are really good examples of how, if you are giving the supports in those spaces and young people can feel—so those two young people have now said to the school, and to others, "We want to come back to school and we're excited about coming back to school."

We've talked about it a lot and in our submission we talk a bit about the village. It does look like a variety of things for a variety of people. As Sonja said in her opening, and Ellen, it's not one size fits all. But it can work really well when you're having those open conversations, when there are conversations about what good behaviour is and what not good behaviour is and what we need to see and an expectation from the student—noting that there is capacity around that and we need to be aware about how that message is delivered and who is delivering that message. There are really great outcomes that can happen when we're having a wonderful conversation about what a young person needs and also when they have the supports in the community to enable them to get to school, to enable them to do the things outside of school that they might need to do as well. We do see that when you're having those kinds of conversations, when we're providing support around a young person that they need, where a school is supported to ensure that they can deliver the things that a young person needs, there are great outcomes for everyone, I would suggest.

The Hon. NATASHA MACLAREN-JONES: Thank you very much, and also particularly to Sonja and Ellen, for coming today. I've got a couple of questions for all three. I might start with Ellen. When you were given your diagnosis, how engaged was the school in talking to you about that and about your individual learning experience at school? Were they accommodating to your needs or were you not part of that process?

ELLEN ARMFIELD: That's a really interesting question. Honestly, I don't think the school was super engaged in that conversation with me. That was more led by myself and my mum. I will also say that I have another unique situation in that my mum was a teacher at the school, so her colleagues were also my teachers, and that meant that we had more communication with my teachers. But I do think the school did just follow the standard protocol for when they have autistic kids and the standard adjustments that are made. There wasn't heaps of discussion of me individually and me personally.

The Hon. NATASHA MACLAREN-JONES: How important do you think it is to have the young person with the experience involved in those decisions and helping to talk about what changes need to be made?

ELLEN ARMFIELD: Super important, because every person with a disability is different and every autistic person is different—just like every person is different. No-one knows their own mind and their own needs better than themselves. Actually asking the young person about it is really important, and also to allow the young person to speak up for their own needs and advocate for themselves is also really important.

The Hon. NATASHA MACLAREN-JONES: Sonja, I'm interested to know, from your time at school, was any support given to you by your school knowing that you were also caring for your brother?

SONJA VUJANIC: There wasn't any support. I felt like those special schools—it was a whole different world to your regular schools. So I didn't feel like there was any support.

The Hon. NATASHA MACLAREN-JONES: Were you aware of any support at your school that young people going through what you were going through could reach out to, whether it was a counsellor or others in the school?

SONJA VUJANIC: Yes, we had school counsellors, although even in your regular schools school counsellors also have a lot of work to do and a lot to get through. I think I probably wouldn't have been a priority for them. That's how I felt, at least, because it seems like I have managed it well. So I think it's a resource issue.

The Hon. NATASHA MACLAREN-JONES: I have a couple of questions for Zoë. Looking at your submission, there are a couple of things that came through that I've got a bit of an interest in. One is around pathways to employment. What was some of the feedback from the young people that you spoke to about what was available to them and what, more importantly, needs to be done to support them more?

ZOË ROBINSON: There were certainly varying responses to that. I think we've heard today, in terms of that, if you have great support and people around you then things like job ready and skills—all of that becomes, perhaps, something that people are working with you around. We saw that there was an imbalance in that regard in terms of some people feeling like that wasn't something that people were going to have a conversation with them about—that it was going to be more focused on what you're doing at school and less about what happens beyond the school gates or when you're not in school anymore. They talked about, in other pieces of work and in this work as well, how they feel in terms of going into a workplace, it being accessible and it being somewhere where people might make adjustments in terms of what they might need—and that that is also, again, not an equal experience, across the children and young people that we spoke to, certainly.

The Hon. NATASHA MACLAREN-JONES: Either Ellen or Sonja may want to contribute to this; I'm aware that you may not want to. I wanted to talk about bullying because you did touch on that in the submission. A lot of work has been done over many years, and it's concerning to see that we're still not getting it right. What more needs to be done to support young people in schools and also to reduce and stop bullying occurring?

ZOË ROBINSON: I know that the recent data that we have shared with members of this Committee talks about that bullying continues to be an issue. As we all know, the environment has changed because it is not just about what happens in the schoolyard; there is online. Not wanting to speak for the young people either side of me, I think things like working around language. I know people spoke today about additional training, and the gentleman before us spoke about trauma informed and culturally appropriate—I think all of those things are incredibly important pieces that we need to invest in, not just in terms of this space in education but broadly in terms of how we talk about each other and how we interact with each other. When we're talking about bullying, there is the part about the actual action and what you need to do in a response to that. In some of the work we've seen and that we've done, there are things that people might respond to immediately—teachers or workers around young people—and there are things that people might not have the tools to respond to immediately. So what do we need to do in terms of the workforce if that is happening in front of you, and what you need to do to respond to that.

But I think we also need to think about the space in which young people are existing, which is different, and that is the online world. We've all seen what's happened in the last little while about working with online providers about what that needs to look like. That also comes with ensuring that children and young people have access to the support that they need, be it mental health and wellness, tools in terms of understanding—we're doing a piece of work right now with the education department about online habits and understanding what that looks like. So resilience and continuing to work with young people around it but also providing a safe space where they feel like they can come forward and talk about their experience, and then how we can provide tools around that to support them. I think, certainly from the work we've seen, it is an ever-ongoing issue. There is obviously work to do, not just about what children and young people need to learn in that space but everyone who is in a community, and talking about our language and how we engage with and how we interact with people.

The Hon. ANTHONY D'ADAM: Ellen, in your opening statement you mentioned that the experience of the person you are caring for had got to a point where you said they felt unsafe. I wonder whether you could perhaps elaborate on what was it about the school environment that made it unsafe?

ELLEN ARMFIELD: My client has Rett syndrome, and that means she can't use her hands and she's non-verbal. She doesn't have fine motor skills or lots of ways to physically defend herself. She was at an SSP, and it meant that there were a lot of different students there with lots of different abilities, some of which had behavioural issues. Her parents spoke to me about times that the school had to shut down because other students were having meltdowns or becoming violent, and that's quite scary for my client, who can't physically defend herself.

The Hon. ANTHONY D'ADAM: What was it that triggered getting the diagnosis? It was very late in your schooling. Perhaps in light of your experience, what do you think can be done to try and help the school system be able to identify kids who need to be referred for a diagnosis?

ELLEN ARMFIELD: I think what Zoë was saying about language is really important. The way that we talk about disability is often in a deficit framework, and I think it's really important that we talk about disability as a difference rather than something that is negative because that also means that parents are more open to their kids being diagnosed rather than thinking they've condemned their child if they're looking for a diagnosis. I think that's really important, and education and understanding. I'm particularly speaking about autism because that's particular to me. Understanding is definitely growing, but there still is need for more understanding of how it presents in girls and gender-diverse individuals because, even in the DSM-5, it is still based off a male phenotype. That education would definitely lead to more people realising and understanding their identities, and also the positive reframing of it: that it's a good thing and it's a better way to understand yourself. For me, I started seeing representation in the media of people who are similar to me and started asking questions about it. My psychologist raised it with me as well. I also found out later that it had previously been raised years before but, as I said before, because of my health it just wasn't a priority, so we didn't do anything about it.

The CHAIR: Just off the back of that, I think we've heard a lot in this inquiry about the impacts of the medical model of disability, of the idea of deficits—it's all very, very negative. You then put on top an education system that is excluding people with disability in the too-hard basket, being made to jump through hoops to get adjustments and being othered. Do you think, in your experience, that has created an environment where the bullying of people with disability is more likely? Is that something you have been aware of within the school system?

ELLEN ARMFIELD: I would preface this by saying I definitely wouldn't call myself a victim of bullying. I was quite lucky. I had a fairly good experience with that at school, and my school was quite a safe environment as well. But, absolutely, I think the way we talk about disability, just like the way we talk about anything, impacts the way society thinks about it. If we are constantly framing autism as a negative thing, even in the way that people—I see it in the schoolyard—call others autistic as an insult. That, in itself, is framing autism as something that is negative and as something that should be punished. Yes, I think the understanding of it definitely impacts it. And because, also, as you said, it is based off a deficit—it is like a list of all these things that are wrong with someone—it is very easy to then use those things as a source of something to be bullied about.

The CHAIR: As a final question—I know we are a bit over time—often we talk about this burden on kids with disability and their parents and carers to provide the adjustments in the environment that are going to make them thrive or help them to thrive, as opposed to the burden being on society and the system to be more inclusive and accessible from the beginning. Are there things that could have been done in your school that would have benefited everyone and wouldn't have been a big deal that would have helped you before you even knew that you were autistic?

ELLEN ARMFIELD: Maybe Zoë can say, and I don't know if this is for the whole education system, but I know that, at least for my schooling experience, we never had any disability education. There wasn't even a day incursion of learning about disabilities and this is what it looks like and this is how people present.

The Hon. ANTHONY D'ADAM: Was this a public school?

ELLEN ARMFIELD: No, I went to an independent school. I am not speaking on behalf of all of New South Wales schools. But I know that that would have been very beneficial. In the same way that you have sex education classes or training for if you have a lockdown, I feel like we could just have one day a year where we learn about different disabilities and how they present and what it looks like—and looking at it from a positive framework. Also, I think it would be really important to have people with lived experiences of disabilities there, rather than people reading from fancy textbooks because, as I said before, people with lived experiences know their brains and their abilities better than anyone else does.

The CHAIR: That is excellent.

ZOË ROBINSON: The disability report did say that children and young people who participated in that piece of work that we did—children and young people living with disability—it did talk about an increased awareness and training. I would say that was probably across all schools that they were asking for, because we certainly went to a variety of schools and places around that. But also, isn't it true with everything that the more that we are learning, the more that we are sitting with, the more that we are listening to, then we all grow and it is all better. I think we have had two really powerful young people who have shared their experiences today, but they are reflective of a community where there are a lot of young people who would like to be able to share their stories and have that experience. But I think the flipside is that by listening we can create the environments that see these young people, all young people, thrive in an education environment, and that it doesn't see that people have to be in a different classroom or a different space, or that it is reflective of what a young person needs to thrive in that environment.

The CHAIR: Just before we end, Sonja, you have not had as much time to speak.

The Hon. SARAH MITCHELL: This might be something that you can perhaps speak to, Sonja. One of the other things in your findings in the submission that you call out is access to extracurricular activities, and you talk about music, art, sport and community programs. Yesterday we had some evidence from the Muscular Dystrophy Association of New South Wales about school camps and some of the impediments for students with physical disabilities to attend or not attend and being isolated. From both Ellen and Sonja and your personal perspectives, for yourselves, for your client, and for your brother, are there examples where you have seen that exclusion in some of those activities which, really, every student should be able to participate in? And perhaps, Ms Robinson, from your perspective, are there ways that we could better be inclusive when it comes to those extracurricular activities that are actually really important parts of education as well? Any insights?

SONJA VUJANIC: I think for my brother, he went to a special needs school and all the activities they did were within that school. They never really went outside and did some kind of exploration. I think that also is not helpful in a post-school environment because he has graduated now and it is still that feeling of not being able to go by yourself out in the world, because you are always stuck in a room with people telling you exactly what to do.

The Hon. SARAH MITCHELL: So more external engagements and not everything just being within the school setting would have been a benefit?

SONJA VUJANIC: Yes.

The Hon. SARAH MITCHELL: Ellen?

ELLEN ARMFIELD: I know that the parents of my client shared an anecdote with me. At her school she was taken to a playground, and she can't walk without assistance, and basically she was just taken to the playground for an activity but she just then was watching people on the playground. It was in year 10 that this happened. I think there is a push for learning outside of the classroom, but it's not really, at least in my client's experience, being adapted for the specific needs. In terms of extracurricular activities, I think they are so important, especially for autistic young people, because autistic young people often have things called special interests or hyper-fixations and they can often be within that extracurricular realm. To be able to engage in those and to really thrive in those, for autistic people, is very important.

ZOË ROBINSON: Certainly one of the things that we've talked to people about is that there are great organisations who demonstrate this in terms of how they work with children and young people, and I am not here necessarily to promote other organisations, but you would know of organisations like What Ability who demonstrate that—"Let's work with the ability and let's see what is possible." That started from someone wanting to share their experience of enjoying a jetski, which seems like a place to start, but it was all about how do we design things. They run camps. If it is that there is a resourcing concern and issue, then what organisations are doing this really well in community already and how do we perhaps work with them to come into schools and assist? I think there are some really good examples. If you are sitting in an environment and seeing other people go out and do things and you are not a part of that, that is going to make you feel a certain way.

Certainly, working to making sure that—but also, children and young people, in so much of the work that we talk about, talk about life skills and learning in all of that space. That includes going out into your community and participating in community. Not in this work but in other work that I am doing, I spoke to an incredible young person who had cerebral palsy and all he wanted to do was fish. He showed me the fish that he had caught. I think sitting and understanding and working with those who care for these young people and understanding what is the ability and what are the things that are possible. Somebody else said it before today, "Let's work with what is possible. Let's not limit and let's not think in terms of a limitation space. Let's think of the possibility and work with young people around that."

The CHAIR: Thank you. That is a fantastic note to end on. Thank you so much for coming and giving us the benefit of your experience and expertise. It has been really valuable. To the extent that there are supplementary questions, the Committee secretariat will be in touch. That concludes this session. We will take a lunchbreak and be back at two o'clock.

(The witnesses withdrew.)

(Luncheon adjournment)

Mr PAUL MILLER, NSW Ombudsman, affirmed and examined

Ms JACQUELINE FREDMAN, Deputy Ombudsman (Complaints and Resolution), NSW Ombudsman, affirmed and examined

Ms CECILIA COX, Acting Director, Operations, NSW Ageing and Disability Commission, affirmed and examined

Ms PAMELA CUELHO, Manager, Official Community Visitor Scheme, NSW Ageing and Disability Commission, sworn and examined

The CHAIR: I now welcome our next panel of witnesses. Thank you very much for attending today. Do you have a short opening statement you would like to make?

PAUL MILLER: We do, thank you. I would like to begin by acknowledging the Gadigal people of the Eora nation on whose lands we are meeting today. I pay respects to their Elders past, present and emerging. The Ombudsman's central function of relevance to this Committee is handling complaints that allege maladministration by the Department of Education and public schools. We do not handle complaints about private schools. That said, complaints about private schools can be made to NESA, and complaints about NESA can be made to us, including how it handles complaints.

Maladministration is a broad concept that includes not just conduct that is unlawful but also conduct that is unreasonable or administratively wrong. Two particular areas of systemic concern that have been raised in this inquiry are, first, adjustments and supports provided to children with disability to enable them to participate and flourish in an inclusive education environment, and, second, behaviour management practices, including restraint, suspensions and expulsions. As other witnesses to this Committee have rightly observed, these two issues should not be considered in isolation from each other. The failure to recognise the need for or to provide reasonable adjustments and support may be the precursor to behavioural incidents that might then lead to behaviour management practices.

In relation to the provision of adjustments and support, my office can receive complaints from students and their parents or carers if there is a concern that a school or the department is acting unreasonably or in a manner inconsistent with its own policy in refusing or failing to provide necessary adjustments or support. There is overlap here between our jurisdiction to take complaints about that issue as a maladministration complaint and the jurisdiction of Anti-Discrimination NSW and potentially also the Australian Human Rights Commission as a discrimination complaint. Where we receive a complaint that appears to suggest discrimination on the grounds of disability, we will inform families of their avenues with Anti-Discrimination NSW in particular. Under the Ombudsman Act, one reason we might decide not to pursue a complaint is if there is an alternative and satisfactory avenue for redress. In discussion with the complainant, therefore, we will consider whether a complaint made to us, framed as an allegation of maladministration, might be more appropriately dealt with as a discrimination complaint to Anti-Discrimination NSW.

We are aware that the New South Wales anti-discrimination legislation is currently under review, and Anti-Discrimination NSW's submission to this Committee identifies some inadequacies of the New South Wales legislation. There is, for example, an absence in the New South Wales Act of a positive obligation on education authorities to provide reasonable adjustments. Certainly, we see value in the reform of the New South Wales legislation to address this and related issues.

Beyond individual complaint handling, in 2013 we conducted a systemic investigation into HSC disability provisions. That investigation arose because of the consistent and significant disparity between the number of students granted HSC disability provisions from private schools versus those in the public sector. Concerns were raised about perceived bias, and there were criticisms of the Board of Studies for administering a system which, to put it crudely, appeared to allow students from more affluent backgrounds to gain an unfair advantage. The upshot of our investigation was that the board did have a rigorous process for administering applications for disability provision and that it was not biased in the assessment of those applications from different schools or school sectors. However, the very rigour of the process itself meant that the process of applying is time-consuming and in some cases confusing. This, combined with the fact that some schools were better at identifying and supporting the needs of students with disability, was largely what appeared to be driving the sector disparity.

Since that report the issue has been the subject of further internal and external reviews, including the 2018 Firth review. We have been continuing to watch the annual reports on this issue and liaising with NESA about its implementation of those Firth recommendations in particular. Finally, in relation to the issue of supports and adjustments, I just note that the New South Wales Audit Office is currently undertaking a performance review assessing whether the Department of Education is effectively supporting students with disability in New South Wales public schools, and we will assist the Audit Office as required.

On the second broad systemic issue—that of suspensions and other behaviour management practices—the Ombudsman tabled a special report in 2017 for the purpose of supporting the earlier parliamentary committee inquiry that was then looking into similar issues to the one now being considered by this Committee. It is important to note that this report was written at the time when the NSW Ombudsman had responsibility for the employment-related, child protection Reportable Conduct Scheme, which has since moved to the Office of the Children's Guardian. Under that scheme, any allegation of abuse or neglect of a child, including in a school context, was required to be reported to the Ombudsman.

That scheme was expanded to include ill-treatment, and since 2020 the function now sits with the Office of the Children's Guardian. It was in the context of that function that the observations in our 2017 report about restraint and behaviour management practices largely arose. As we no longer have that reportable conduct function, our insight into this issue is now much more limited—limited to complaints we might receive about particular administrative decisions or events such as a parent or carer complaining about the process that led to their child being suspended.

Our focus in dealing with those complaints will be on the administrative reasonableness of the particular decision and the process of coming to that decision—in particular, whether that was done in compliance with the department's policy. We liaise frequently with the department to understand its policy and practices in this area and, in particular, to get updates on any proposed changes. We also continue to be particularly interested in the intersection of children and young people in out-of-home care and children who are subject to school suspension, noting the significant disproportion.

One thing we have been seeking for some time, including in our 2017 report, has been better public reporting by DCJ and the Department of Education on education outcomes for students in out-of-home care and suspension or expulsion data both for students with disability and students in out-of-home care. We understand that requests for this data have also been made from time to time in budget estimates hearings over recent years. The department informed us in 2021, when it launched a new student behaviour strategy, that it would consider data publication and analysis as part of its implementation of that strategy. We were told in 2023 that the student behaviour strategy was now under review and we understand that this review is ongoing. We are happy to provide any further information the Committee may require.

The CHAIR: Thank you. Please go ahead with an opening statement.

CECILIA COX: I'd like to acknowledge that we're meeting today on the land of the Gadigal people and pay my respects to the Elders of that nation and any First Nations people joining us today. Thank you for the opportunity to appear before the Committee and talk about our submission to the inquiry. The Ageing and Disability Commission was established in 2019, and we have a focus on upholding the rights of adults with disability and older people to live free from abuse, neglect and exploitation, and with the function of administering the Official Community Visitors scheme.

In relation to adults with disability and older people, we have a prevention and awareness-raising role. We respond to statutory reports about alleged abuse, neglect and exploitation of older people and adults with disability, with a particular focus on responding when no other safeguarding body or oversight body can respond. The Ageing and Disability Commission has a general oversight and coordination role in regard to the Official Community Visitors scheme. Official Community Visitors conduct visits to visitable services—which, of relevance to this Committee, includes residential out-of-home care—via an MOU with the Office of the Children's Guardian.

Our submission focused on two key aspects—ensuring the Committee is aware of the current experience of children and young people in out-of-home residential care in accessing education, including children with disability, and item (n) of the terms of reference, which relates to the Ageing and Disability Commission's remit. As noted in our submission, our information in relation to children and young people with disability is through our Official Community Visitors scheme function, which includes children in residential out-of-home care.

To be clear, that's children in out-of-home care who cannot be accommodated in, for various reasons, foster and kinship placements. As a cohort, these children and young people have complex needs and often a background of trauma and displacement. As noted in our submission, many of the children and young people in out-of-home care have disability. Their access to educational pathways is absolutely vital, and ensuring they experience the opportunity for growth, engagement and belonging that other children do through education is fundamental to upholding their rights. As noted in our submission, Official Community Visitors have identified that many children and young people in residential out-of-home care with disability do not have adequate or consistent access to these opportunities.

Regarding the Ageing and Disability Commission's remit, we're open to and supportive of our remit being extended to include children and young people with disability in some areas, including functions relating to inquiring into and reporting on systemic issues in relation to abuse, neglect and exploitation, or the protection and promotion of their rights. However, any consideration of the extension of our functions needs to take into account the pressures currently faced by the Ageing and Disability Commission in fulfilling our current remit in the context of strong and increasing demands and budgetary pressures.

We do not support the Ageing and Disability Commission's remit being extended to include the reporting of abuse, neglect and exploitation of children and young people. Children and young people with disability are children first. We believe that the existing child protection system and the employment-related child protection reporting system should serve all children, and the duplication of those systems is not supported by the commission.

The CHAIR: Can I just start with a couple of questions, and then I'll pass over to my colleagues. I'll start with the Ombudsman. We heard from people about the means by which they can make a complaint when they have an experience within the school—that they have to basically go to the principal, then to the Department of Education, and then they get to go to the Ombudsman. I understand that Victoria has an Independent Office for School Dispute Resolution, so an independent body. Would you recommend that sort of process for us here in New South Wales?

PAUL MILLER: The first point I should make is that there is no absolute bar on people complaining to the Ombudsman before they've gone through all of those steps. You can complain to the Ombudsman at any stage in the process and, depending on the circumstances, our advice back to the complainant may well be that if they haven't raised the issue through the department then they should do that first. But depending on the circumstances, that's not a legislative requirement.

In terms of the way that the education department itself handles complaints, and essentially the two-tier system that it has, we support a two-tier system. As far back as well before—but including—the 2017 report, we talked about the need for parents, carers and students to be able to have complaint avenues within the education authority itself, beyond the school itself. How that looks in terms of the department's unit is something that has been reviewed and changed over recent years. I don't know if you want to talk briefly about the parent and—

JACQUELINE FREDMAN: Yes, our liaison arrangements with the department for the past 18 months or so have been with what's called the Student and Parent Experience Directorate, which was separated from a different directorate that tended to deal with staff-based complaints. The former was disbanded or dissolved—I don't know what the technical term is for them—late last year or early this year, so it's now been consolidated into the Professional and Ethical Standards directorate. We've been liaising with them very regularly, much more frequently, to make sure that there are more free-flowing and streamlined arrangements between us and them. I'm confident that, going forward, those arrangements probably should work more smoothly.

The CHAIR: For the commission, we heard from a witness the other day about the idea of basically having something where—I guess I understand what you're saying about if we extended the remit of the commission to be systemic issues, but not necessarily issues that would normally fit within child protection, so exploitation or abuse in that more traditional way. But there are a lot of issues that, at the moment, wait to happen before they can go to the Ombudsman, but there's nobody coming in and trying to advocate or fix the situation for children with disability before the issues happen. That's a very long way to introduce my question, I'm sorry. Do you think that your role could be extended to include, for example, looking at particular schools that don't seem to be doing as well as others in relation to accommodating children and why that might be—that sort of proactive work, obviously with the right resources?

CECILIA COX: I think that in terms of looking at the performance of individual schools, there'd be other bodies that are better placed, with the expertise in regard to the educational standards that are expected and disability adjustments that students are entitled to, to ensure that that's implemented properly. We do have a role to raise systemic issues in regard to abuse, neglect and exploitation of adults with disability and can publicly report on those issues. I think that's where there might be an extension into—many of those issues would be impacting on children and young people with disabilities. For example, most of our reports of adults with disabilities are in relation to very young adults, so 18 to 25 is the most commonly reported age for adults with disability to be reported to the commission. It's entirely plausible that the abuse, neglect and exploitation that they're allegedly experiencing when they're reported to us at 18 years old is predating that. The systemic issues impacting them that we pull out through our report functions would be relevant for those young people.

The CHAIR: To explain it a bit better, I know, for example, that if you were to receive a cluster of reports of abuse at a particular aged-care home then you might take the initiative to work out what is going on at that home and see what changes could be put in place to prevent that happening. There will be some schools where there are particular problems—who knows why it is. We're looking for a body that might fulfil that role of proactively going in and trying to sort out where those patchy schools are.

CECILIA COX: I guess our functions primarily at the moment relate to people living in individual homes. We don't have a role in oversighting facilities or the functioning of how services are delivered to older people or adults with disability. The reports made to us generally relate to family members engaging in the allegedly abusive conduct. I hope I'm not misunderstanding you but in terms of children with disabilities, I imagine there are already agencies who—

The CHAIR: There are not. That's the whole point, I think.

CECILIA COX: I'm happy to respond further, but I guess a proactive approach is always a positive thing, in my opinion. The agencies who have the reactive response will be best placed to proactively identify how they can support schools to better deliver services, in my view.

The Hon. SARAH MITCHELL: I have a couple of questions for the Ombudsman. I wanted to ask two questions about data. The first is in relation to your submission, where you said that in the last two years there were, I think, 580 actionable complaints about the DOE. I'm curious—and you can take it on notice if you need to—about whether that kind of amount, or number, over that period of time is higher than usual or lower. Are there any trends in terms of that dataset and the number of complaints coming through your organisation?

PAUL MILLER: We might take it on notice. But to give a kind of intuitive response. I don't think it's radically out of kilter with historical numbers, at least in the sense that no-one has raised with me that the number of complaints about education are dramatically higher than in the last two years than they have been in the past or, contrariwise, that they're dramatically lower. I don't know if there's anything—

JACQUELINE FREDMAN: No, I don't have anything to add.

The Hon. SARAH MITCHELL: If you can provide a few more years of data for the Committee's interest, that would be fantastic. Also, Mr Miller, in your opening statement you spoke about the linkages between students who might be in out-of-home care and also suspension data.

PAUL MILLER: Yes.

The Hon. SARAH MITCHELL: We had conversations about that with an earlier witness today, but it was in the context of Aboriginal students with disability and links to suspension. He mentioned that often that will be a pathway into the criminal justice system as well. But in your expertise, do we need to have better datasets in terms of those linkages, not just for children with disability in out-of-home care but Aboriginal children with disability, the police and the justice side of things as well? Who would you suggest is best placed to collate and manage that data and make it transparent for the community?

PAUL MILLER: The answer to the question is yes. We've made recommendations over a number of years to that effect in different reports, including in relation to Aboriginal children in our 2019 report on OCHRE. We reiterated the recommendation around reporting on that. The last formal response we received from Education on that issue was in 2021. We continue to engage with DCJ, particularly on the reporting in respect of children in out-of-home care on their educational outcomes more broadly, including issues about, for example, whether they have an education plan, which they are required to if they're in residential care. We'll be reporting on that in the coming months. The quick answer to your question is yes, we believe that more data is required. I note that, as I said in my opening questions, this has been raised during budget estimates almost every year, I think. We haven't been provided with additional data on that beyond what has been provided to the budget estimates committees. But I would say in relation to, particularly, the intersection between out-of-home care and Education, and then the issue of the pathway from out-of-home care to Youth Justice or the pathway from suspension or disengagement from school to Youth Justice, that is a matter for the Department of Communities and Justice and, I think, the Department of Education together.

The Hon. SARAH MITCHELL: I think there's a lot of anecdotal evidence and a lot of people talk about it, but I was curious about the formalised sharing of data. I know that that's often challenging amongst departments and different agencies. I have one question, if I can, for the Ageing and Disability Commission. I was interested particularly in the part of your submission where you spoke about school refusal, effectively, or access to education, and some of the examples that you listed, particularly around people having social anxiety or complex health problems. Again, other witnesses have spoken about increases in terms of school refusal and not feeling that that's a safe place where the right adjustments are there. I wondered if there was any kind of further advice or information you could give us about how we could improve that process, particularly for those children who are in out-of-home care.

CECILIA COX: As that relates to the OCG function—

PAMELA CUELHO: We're doing a systemic issues project at the moment, and for this year access to education is one of the issues that we're focusing on. The visitors have been going out on all of their visits considering access to education with the young people. It's a bit early to get the data, but what they're looking at is what some of the barriers are to them attending school and how it's having an impact on the young people, and the data for that will be published in our annual report this year. It's a bit too early to tell what that is, but what we're definitely seeing is that all the people that are involved need to have some innovative strategies, because with young people not wanting to attend school—there are lots of organisations that have got some great alternative options that might be able to be considered, but all the people talking together to work out what might be the best pathway forward for the young people to attend school.

The Hon. SARAH MITCHELL: In terms of why that was one of your systemic issues projects, what was the catalyst? Had you had more feedback about that being a concern?

PAMELA CUELHO: Yes. Last year, in the 2022-23 financial year, we had a systemic issue on access to meaningful activities. As part of that, I think we might have put in our submission that there were a lot of issues just in general access to meaningful activities—that there were a lot of young people not attending school then. Because it seemed to be such a big issue and because it was a broader issue they were focusing on, this year they decided to have it a little bit more targeted to be able to identify specifically the barriers and the experience of young people, whether they're attending school or not. They're still out there seeing a lot of young people that are not attending school for a variety of reasons, but, unfortunately, we haven't actually done the analysis of the data that's coming through yet.

The Hon. NATASHA MACLAREN-JONES: Following on from the review, I note in your submission you said—I think it was the beginning of this year—that there are 408 residential out-of-home care services that you could visit.

PAMELA CUELHO: Yes.

The Hon. NATASHA MACLAREN-JONES: I am interested to know: In a 12-month period, how many do you get a chance to visit?

PAMELA CUELHO: At the moment the allocation rate for out-of-home care services is sitting around 65 per cent. So 65 per cent of visitable services that we know about get a visit from a visitor, and out-of-home care places usually get four visits in a year. So two visits every six months. It's about that 65. We're trying to build it up to as close to 80 per cent as we can, but obviously there are still budgetary restraints.

The Hon. NATASHA MACLAREN-JONES: How do you decide which ones you will visit versus ones you don't?

PAMELA CUELHO: So that's always really challenging. At the moment we're trying to make some adjustments to our prioritisation and allocations policy. So if there's a new provider or a service has never been visited before, we make sure that those providers—any information that comes to us around particular risks or concerns that have been identified, they'll get prioritised higher. We have conversations with the Office of the Children's Guardian, who provide us with information, and they'll then identify some that they feel would be a good priority of a service for us to visit. So we take all of that into consideration, but we are also trying to strengthen that to make it more transparent as to how we identify the services that should be prioritised for visit, because we would like to get to all of them.

The Hon. NATASHA MACLAREN-JONES: Following on from some of the data and what you've got access to and what's being collected, do you have an idea of how many young people in the residential settings have a disability?

PAMELA CUELHO: I don't know exactly. I know that the last lot of data that I think that we had in here was saying that out of the—I'm just trying to see. In our submission I think we talked about—when they were talking then about the 128 children, 70 had a disability and 15 per cent had multiple disabilities. Even if they don't have some of the disabilities, a lot of them need extra support at school or they've got trauma backgrounds. There are lots of other considerations and additional support that those young people in out-of-home care need.

The Hon. NATASHA MACLAREN-JONES: Is that raw data given to you to say this is the number? No. But is it available if you needed to access it to, I suppose, be able to assess where you need to allocate your resources for visits?

PAMELA CUELHO: Yes. In our system online, we can identify the services which identify as having young people with significant disability. As we're doing our data for the systemic issues project, we'll probably be trying to look at some of those distinctions between the services that we visit for young people that do have disabilities or significant disabilities and others. But even the ones that are classified as just general intensive therapeutic care, there still are some people in those that have disabilities that the service may not be—so we may not have all of the information.

The Hon. NATASHA MACLAREN-JONES: Is that information available? Is it that the roadblock is that you can't get it from the department, or is it too difficult to get it from the provider?

PAMELA CUELHO: In the meeting that we had with DCJ, the Children's Guardian, and the Ombo, they were talking about just better data matching and sharing. I think at the moment we don't get a lot of the information from those sources, but I think there's work underway that other people might be able to speak to around how they collect that data.

The Hon. NATASHA MACLAREN-JONES: Okay. In your submission you also talk about the alternative education models that some of the residential homes are providing. Could you elaborate a little bit more on—

PAMELA CUELHO: On them?

The Hon. NATASHA MACLAREN-JONES: Yes, and how they manage and regulate it as well.

PAMELA CUELHO: I don't have a huge amount of extra information. I might be able to take some of it on notice to be able to provide some more information, but I know that there are some providers that have in-house education opportunities for young people.

The Hon. NATASHA MACLAREN-JONES: Is that classified under the homeschooling model?

PAMELA CUELHO: Some of it might be classified under homeschooling. I know that there are specific organisations that I think are regulated, but I'm not sure exactly what those regulation arrangements would be. But, as I said, we could have a look at some of the data and take it.

The Hon. NATASHA MACLAREN-JONES: Is that within your remit when you're doing visits to check on how that schooling is being provided to those young people, or to engage with those students in: Is it effective for them?

PAMELA CUELHO: What the OCVs would be doing is speaking to the young people to find out what their experience is with the education, and then asking questions of that provider around how they're trying to engage the young people in school. If they're finding that the answers that they are getting are not satisfactory, then they would look to escalate that with a relevant body. But, really, it's just trying to see what the experience is like for the child. They're not an auditor and they're not an investigator, so they're not digging into all of the detail about what they're providing in those school opportunities, but just trying to make sure that the kids are actually involved in some sort of education opportunity.

The Hon. ANTHONY D'ADAM: Can I just clarify: You don't have a specific remit for children. Is that right?

PAMELA CUELHO: What's that, sorry?

The Hon. ANTHONY D'ADAM: You don't have a specific remit for children.

CECILIA COX: The Ageing and Disability Commissioner Act and the legislation governing the Children's Guardian creates the Official Community Visitors scheme, so through an MOU we have taken the administration of that scheme. We have the visitable services through the OCVs. Other than that function, in our legislation we have a role to—I just want to make sure I get the wording right—monitor the implementation and report on the implementation of the Australian Disability Strategy, so in that regard we would have a role because that strategy is for all people with disability—children, young people and adults.

The Hon. ANTHONY D'ADAM: Effectively, you have an agency arrangement with the Office of the Children's Guardian, do you?

CECILIA COX: Yes.

The Hon. ANTHONY D'ADAM: Does that extend to inspections of SSPs? Who would have responsibility for the independent inspection of SSPs?

PAMELA CUELHO: Are they like the—

The Hon. ANTHONY D'ADAM: The Schools for Specific Purposes.

PAMELA CUELHO: It's potentially the Children's Guardian.

CECILIA COX: Or NESA or the Ombudsman, if they're a public school, could take the complaint.

PAUL MILLER: We could take a complaint. I'm not sure that there is an independent inspection body for those.

The Hon. ANTHONY D'ADAM: You see, there's no equivalent regime of the Official Visitors.

PAUL MILLER: Correct.

PAMELA CUELHO: A visitor scheme.

The Hon. ANTHONY D'ADAM: Effectively, that scheme is designed to avoid abuse.

PAMELA CUELHO: Yes.

The Hon. ANTHONY D'ADAM: That's a specific element of its mandate. There's no equivalent for looking at schooling, whether public provided or in the private sector.

PAMELA CUELHO: Not to my knowledge. To my knowledge, in New South Wales there's just the three schemes, which is our Official Community Visitors scheme, one for Mental Health and one for Corrective Services. I don't know of one for school systems.

The Hon. ANTHONY D'ADAM: Right. I see.

CECILIA COX: No. The remit of the Official Community Visitors is determined by the accommodation arrangement. When somebody is in the full-time care of, that's the NDIS providers who house and provide support to adults with disability and then the children and young people in residential out-of-home care.

The CHAIR: It was a very live debate at the time that the ADC bill was debated and when it was brought in as to whether or not it should include children to an extent. That's why I was asking about that as well. I understand what you're saying about it. It's not currently included, but if we are looking and saying that there's just not enough focus on kids with disability, it's conceivable that we could change the legislation to give that power, if it was resourced.

CECILIA COX: Yes. Apologies that I haven't come prepared to provide a response to that.

The CHAIR: That's okay.

CECILIA COX: But I'm happy to take it on notice.

The Hon. ANTHONY D'ADAM: That would be fine.

CECILIA COX: I feel like it's a very significant commitment to consider and it's a significant change.

The CHAIR: It's in our terms of reference, that's all.

CECILIA COX: Yes. Apologies.

The CHAIR: That's okay.

The Hon. ANTHONY D'ADAM: I want to ask Mr Miller to what extent his office has looked at the process of complaints management within the department and recommendations associated with that. There's a range of testimony that this inquiry's heard around frustrations with that internal complaints system. What kinds of improvements do you think need to be made within the department's complaint-handling system?

PAUL MILLER: Until recently, we could look at the handling of complaints in terms of a complaint itself. A complaint may be made to us about the way the department handled a complaint and that could be an avenue for us to look at their system for handling complaints. More recently, we've been conferred an express function now of reviewing complaint-handling systems of agencies. We're currently conducting a review of DCJ's complaint-handling system with respect to child protection and Aboriginal families. That function opens the door to us to do a systemic review of a particular agency's compliant-handling functions, including, potentially, education.

I should say that where we have looked at particular complaints about the handling of complaints, we may make comments, or suggestions, or recommendations for change. One of the challenges with us embarking on a review of, for example, education's complaint-handling system at the moment, is that it has been and is currently in a state of flux. As Jacqueline mentioned, even within education, the unit that is responsible for handling particular complaints, a new unit, was established. That new unit no longer exists. We don't know exactly what is going to replace it. It's very challenging, I suppose, for us to contemplate a review of a system that isn't quite settled, if I can put it that way.

The Hon. ANTHONY D'ADAM: Where does the directive power lie? Your agency doesn't have a directive power.

PAUL MILLER: No.

The Hon. ANTHONY D'ADAM: Where the department has clearly failed in responding to a particular complaint, there's some level of obstinacy there. Who has the power to make them do something they don't want to do?

PAUL MILLER: As an Ombudsman, we never have a determinative power. We only make recommendations. I would say that agencies where we do make formal recommendations, generally speaking, do accept and implement them. We do not seek determinative powers. We think it's inherent in the role of an ombudsman that we aren't in a sense part of the system, so we're not there to replace the department's powers to make decisions. Ultimately, the decision-making is within the department and, I suppose, ultimately that department's Minister.

The Hon. ANTHONY D'ADAM: It's a time-consuming process, isn't it, once it has reached your agency to have the complaint assessed and a recommendation made? I think we had some testimony earlier about how long it took to have accommodations made in relation to HSC preparations. How do we make that process more timely so that people aren't put through that kind of distress?

PAUL MILLER: It does come back to the question I was asked earlier about the internal—within the department—complaint-handling processes. The more effective and efficient they are, particularly in an education context where, when a complaint comes to us, it's usually framed in the context of a particular decision or a particular action or event, whereas when we're talking about students, whether they're students with disability or otherwise, and schools, what is really at issue is a relationship—a relationship that has existed for a period of time and a relationship that needs to continue to exist for a period of time. In those circumstances the better able the department is, in terms of its complaint-handling processes, at recognising the need to restore, if necessary, but also maintain and protect that relationship as the core of complaint handling, the better. Rather than, as you say, waiting for a process to end and it coming to an oversight body like ours where we're focused very much on whether the particular decision complied with the department's policy, or what have you.

JACQUELINE FREDMAN: I might add a couple of points, if I may. It's my experience that the department has been, in liaison meetings and the like, quite receptive of our feedback, observations and comments in relation to their internal complaint handling. We raised a couple of issues last year in relation to some inconsistencies that we were seeing. For example, when we get outcome letters as part of a complaint we've received, in some instances the outcome letter would refer to the ability to come to us and in other instances it wouldn't. This is obviously a cause of concern, so we drew that to the department's attention to make sure that that was consistent across the board and people were being properly advised about the ability to come to us. We also set up a direct referral arrangement with the department which hadn't existed before. Where, in our opinion, the department should be working to resolve a complaint, we will refer it to the appropriate part of the department to draw the complaint to their attention so that it's obvious that we've received the complaint and that we're looking at them to do something actively to resolve it.

Just to pick up on Mr Miller's point before about relationship, and the need to foster and, where necessary, perhaps repair or reset a relationship, we have—and we've actively advised the department on a number of occasions—a conciliation function that we're looking to expand. We have a number of experienced conciliators in our branch and we're looking to train another dozen or so before the end of the financial year. This is something we've been drawing to the department's attention. They have their own alternative dispute resolution mechanism, but they're certainly willing to work with us in appropriate matters to use our conciliation function. The next thing we'll be turning to doing is promoting that in a wider sense, beyond the department, to make sure that the parents and carers are aware that that option exists as well, because it is voluntary—both parties need to agree to participate.

The Hon. NATASHA MACLAREN-JONES: Going back to the commission and your submission, you said that there's a focus you want to do in relation to education and vocational training. That has come out of some of the work that you've done and concerns. Can you elaborate a little bit more on that as to the reasons why? Is that the focus on the young person or are you finding that that support is not being given to them?

PAMELA CUELHO: As I mentioned before, we had started doing it on access to vocation issues, and it was for both adults with disability living in supported accommodation as well as children and young people in out-of-home care. The reason to focus it on the education is that through that project, we found that there were a lot of instances where young people weren't accessing education. So we thought that to have a systemic issue on its own would be warranted, to try to find out what the experience of young people was in that area over a 12-month period.

The CHAIR: That brings us to time. Thank you so much for your participation in our hearing today. To the extent there are questions on notice or supplementary questions, the Committee secretariat will be in touch. That concludes our panel for now. We're going to take a quick break, and we will be back at 3.30 p.m.

(The witnesses withdrew.)

(Short adjournment)

Mr MARTIN GRAHAM, Deputy Secretary, Teaching, Learning and Student Wellbeing, NSW Department of Education, affirmed and examined

Ms DEBORAH SUMMERHAYES, Deputy Secretary, Public Schools, NSW Department of Education, affirmed and examined

Mr STEPHEN BRADY, Managing Director, TAFE NSW, sworn and examined

Mr MATTHEW BARDEN, Acting Executive Director, Homelessness, Disability and Seniors, Department of Communities and Justice, affirmed and examined

The CHAIR: Welcome back to our next panel of witnesses. Just to note for anybody who was looking at the published schedule, Mr Martin from the New South Wales Education Standards Authority is a late scratch because of illness, unfortunately. Would any of you like to commence with an opening statement? Mr Graham?

MARTIN GRAHAM: Thank you, Chair. I appreciate the opportunity to provide some opening remarks. Can I start by acknowledging we are on Gadigal land today, as well as the traditional custodians of that land. I would also like to acknowledge all the witnesses who have come before the Committee, both in terms of their contributions to this inquiry but also, more broadly, in respect of their compelling service and commitment in supporting—and their aspirations for—children and young people with disability, particularly in educational settings. As the Committee has identified, the disability royal commission has undertaken extensive work that reflects deeply on the issues and challenges that confront children and young people with disability and looks constructively to support improved outcomes. A key focus of this inquiry is to reflect on the findings of the commission and consider measures to implement their recommendations regarding inclusive education. Likewise, I can advise the Committee that this is currently priority work of the New South Wales Government.

I can inform the Committee that, since the release of the commission's report, New South Wales agencies have worked together in undertaking careful, comprehensive and integrated engagement with the commission's work in a way that seeks to honour the commission's breadth and depth of considerations. Led by our colleagues in the Department of Communities and Justice, a detailed, whole-of-government response is being prepared for the New South Wales Government. The Committee will be aware that the commission recommended all governments publish responses to recommendations by 31 March 2024. However, as indicated on 5 March 2024 in their joint statement, disability Ministers across Australia have advised that more time is required to respond, given the scale and complexity of the reform recommended and the importance of consulting widely and understanding implications, intended and unintended. The Commonwealth and seven jurisdictions, including New South Wales, have indicated their intention to respond to joint recommendations of the disability royal commission final report by mid-2024.

As the Committee is aware, the New South Wales Government's plan for New South Wales public education is focused on building a more inclusive public education system. At the heart of the plan is the concept of equity. For all learners at all stages of life, we are committed to driving equitable outcomes, opportunities and experiences through the provision of high-quality education. A truly equitable education system lifts everyone up. It empowers all students, including those with disability, to succeed. It creates stronger communities and promotes a more just and inclusive society.

To give some focus to the importance of this approach in the context of disability, it is vital to understand that in 2023 approximately 26 per cent of public school students, from kindergarten to year 12, were identified as living with a disability as defined by the Disability Discrimination Act. Inclusive education in New South Wales, in line with the department's Disability Strategy, is defined as:

> … all students, regardless of disability, ethnicity, socio-economic status, nationality, language, gender, sexual orientation or faith, can access and fully participate in learning, alongside their similar aged peers, supported by reasonable adjustments and teaching strategies tailored to meet their individual needs.
>
> Inclusion is embedded in all aspects of school life, and is supported by culture, policies and everyday practices.

The department's Disability Strategy has led to the development of the *Inclusive Education Statement for students with disability*, which further defines what inclusive education means for school communities. This includes education environments that adapt design and physical structures, teaching methods and curriculum, as well as the culture, policy and practice of education environments so they are accessible to all students without discrimination.

Seeking to leverage the department's Disability Strategy and our inclusive education statement, the plan for New South Wales public education advances equitable outcomes, opportunities and experiences by reducing gaps in student outcomes due to structural inequalities. This includes students with disability, Aboriginal students,

students experiencing socio-economic disadvantage, students in rural, regional and remote New South Wales, and students from culturally and linguistically diverse backgrounds and communities.

In conclusion, I refer the Committee to the department's submission, which seeks to provide a detailed outline of our focus on inclusive education, with particular emphasis on disability, across the three core educational settings: early childhood education and care; schools; and training and skills. Along with my colleagues from the department and TAFE, we would be pleased to assist the Committee with its queries as they relate to those settings. We also look forward to considering the Committee's recommendations in due course, with a view to driving improved outcomes for children and young people with disability, and in stewarding equitable and inclusive education in New South Wales.

The CHAIR: Thank you very much. Mr Brady or Mr Barden, did you have any opening statement you wanted to give?

STEPHEN BRADY: No, I'm happy to rely on Mr Graham. We have worked together in the preparation of our submission.

MATTHEW BARDEN: Nothing from me.

The Hon. SARAH MITCHELL: Thank you all for being here. Nice to see you all again. I've got a few things that I want to cover, but I might just do a couple and then hand over to my colleagues so that I don't hog all the time. Firstly, Mr Graham, in your opening remarks, you spoke about the new plan for public education, and you called out rural and remote. Obviously, there is a separate rural and remote education strategy and a unit within the department for that implementation. The submission talks about making sure that any of the programs rolled out across the department are fit for purpose in rural, regional and remote areas. Are there any insights or new initiatives or policies—particularly for children with disability in rural, regional and remote areas—that the department is implementing at the moment?

MARTIN GRAHAM: I think the programs that we are implementing are also implemented in rural and regional areas. I think some of the things, like the 28 Team Around a School teams that we have in New South Wales—one of the real challenges for us is making sure that the same service is provided to schools in rural and remote areas. When schools are in need, we have the same supports that might be provided in the city. Obviously that presents some challenges of distance and so on in the country, but we provide the same kind of team that they would have. In early childhood as well, you would be aware there are a number of programs that take place to overcome the challenges of distance.

The Hon. SARAH MITCHELL: Yes. I think it was yesterday that we had witnesses from the ICPA, but we also had different advocacy groups. Part of the challenge was particularly around getting a diagnosis for things like ADHD and autism, especially, and long waiting lists. One of the issues raised was access, and the more remote you go, the more challenging it can sometimes be to access those health specialists. One idea that was floated—and I would be interested in both your insights and Ms Summerhayes' insights—is whether we could provide opportunities for school counsellors to have the skill set or training to be able to make those diagnoses so that you could eliminate the need to have to go outside of the school. In theory, it sounds like it could be an idea worth exploring, but I wondered if you have any initial thoughts or considerations about an approach like that.

MARTIN GRAHAM: The school counselling service certainly do provide assessments. One of their roles is to provide functional assessments of what the students need at school. The other change we have is moving towards an NCCD approach, which means that we don't actually need a formal diagnosis before providing the student with the adjustments that they need in schooling. There is a crossover to out-of-school. One of the issues with our service making a formal diagnosis would be how that connects through to the health services. We provide education, and our supports are very much focused on what support is required to access education on the same basis as other students. That question about what the therapeutic supports might need to be is the basis of that diagnosis. For example, accessing NDIS services and so on, that moves off education and into that other space. We can certainly understand the logistical challenges over all areas, but whether the counselling service can expand to take on a medical as well as that educational purpose, I think, would be a challenge for us.

The Hon. SARAH MITCHELL: You don't have to, but, Ms Summerhayes, did you have any thoughts on that?

DEBORAH SUMMERHAYES: I think Mr Graham has actually covered it, Ms Mitchell.

The Hon. SARAH MITCHELL: Sure. That's fine.

The Hon. ANTHONY D'ADAM: Can I just pick up on that? If there is a capacity issue with counsellors, is there any other mechanism that can be explored in relation to functional assessment?

MARTIN GRAHAM: Certainly. Functional assessment is what they do, and it's what we are moving to. I think, particularly as the education system, we still have some services which rely on a medical diagnosis, but a lot of the services have moved to that functional assessment, "What can the kid in front of me do?"

The Hon. ANTHONY D'ADAM: Can you elaborate which ones are which?

MARTIN GRAHAM: At the moment, for example, access to the integration funding scheme requires diagnosis of a disability and that it's at a level that's serious enough to require that intervention. We are looking at a criterion at the moment, making some changes which I know other services are doing, such as not having to go back and get continuous diagnoses—if there's a diagnosis that's not going to change over time, not going back and requiring people to get that updated every year; making it more consistent with other services so you don't have to do this for Health and do that for Education. We are certainly looking at ways of making it more straightforward. If we did move our entire funding system to a functional assessment rather than this halfway diagnosis/halfway functional, that would obviously make a big difference as well. I know that that has got a lot of work out in the royal commission.

The Hon. ANTHONY D'ADAM: Is it correct that you just said IFS is the only one that's diagnosis basis?

MARTIN GRAHAM: That's right. The low-level adjustment for disability is based on NCCD and on another index, but that doesn't require diagnosis. That's the main source of funding.

The Hon. SARAH MITCHELL: I have a few questions about the early childhood space. I suspect you probably don't have access to this data, but one issue that was raised—I think it was from one of the autism support groups—was around the lack of outside-school-hours care services for children with autism and that they're not really accessing them in the same way. I know that the submission has data of the number of children who attend those services from June last year. But do we get from the Commonwealth, through that CCS data, any breakdown of the percentages of those children who have disability? I can't remember, and I don't know.

MARTIN GRAHAM: I don't believe we do, but the Commonwealth does provide funding for children with a disability in before and after school care. But I don't have the numbers on that.

The Hon. SARAH MITCHELL: No, that's okay. I suspected that. I know how fun it is to get data from the Commonwealth at the best of times, so I thought that would be the case. On the issue of inclusive education scholarships, both for early childhood educators and for teachers, again, I know that the submission talks about the masters of special ed for specialising in early childhood and that there was a scholarship program in the 2022-23 financial year. Are there any current early childhood scholarships that focus on inclusive education?

MARTIN GRAHAM: Yes, there are and I have some details of them here. There are scholarships that are provided through—I might also mention, just to clarify something from the previous question, that support classes also require diagnosis. Sorry, I kind of failed to mention that particular part. Let me pull up the appropriate notes.

The Hon. SARAH MITCHELL: And if you have them for just special education scholarships more broadly. We had special educators in this morning.

MARTIN GRAHAM: Yes, we do provide scholarships for existing teachers to go into special education courses and there is a similar program that runs for early childhood, and I can get the data on that.

The Hon. SARAH MITCHELL: I'm happy for you to take it on notice, but even the numbers, say, for this current financial year, if possible, how many have been allocated and the supports—just a bit of a run down of the details of what's there.

MARTIN GRAHAM: Yes, we can take that on notice.

The Hon. SARAH MITCHELL: That would be great.

The Hon. NATASHA MACLAREN-JONES: Over yesterday and today we heard some evidence from people with lived experience and also organisations representing them about some great schools where they will work with the individual or with families to access therapists and then other cases where we heard this morning that therapists haven't been allowed to visit the school, or when they have, they've been given five, 10 minutes in a corridor. I want to understand better how those decisions are made at a local level and how it can be better coordinated to ensure that these young people are getting access to the therapists that they need and as part of their, particularly, NDIS plans and things.

MARTIN GRAHAM: I might let Ms Summerhayes provide some examples, but one of the overarching tensions is that we provide education and that many schools do go out of the way to make it simple for families by having therapists access the children at school. But there is always that tension between the time being taken out for therapy is time that is not being provided for education, and then there are also logistics with schools but I will let Ms Summerhayes talk to that.

DEBORAH SUMMERHAYES: It looks very different in different contexts across the State, as you would appreciate. In our communities where children find it really hard to access therapy outside of school, schools often will accommodate perhaps more, so that children can get access. In communities where we know that children are fortunate enough to have access outside of school, conversations would be had about that balance between the educational provision and the appropriate time for therapy. In all of these cases, it's student by student, school by school, context by context, family by family, because that is the most appropriate response.

The Hon. NATASHA MACLAREN-JONES: I suppose the question then comes to how the school manages it where that therapist is actually needed to help facilitate their learning.

DEBORAH SUMMERHAYES: I'll give you some examples. At Kurrambee special school they accommodate therapists in the school and are able to accommodate with space for that therapist to work with a young person to improve their learning outcomes at school, and that would be replicated across the State in a number of our settings. As I said to you, it really depends on the needs of the child. If it's related to learning, then of course that's taken into account. I have the privilege of visiting lots and lots of schools across the State that have students both in specialised settings and in classes in mainstream, and in mainstream, and it looks very different depending on the needs of the child and the family and carer.

The Hon. NATASHA MACLAREN-JONES: In a situation where you said that the priority would be not to have the therapist there because in the view of the school it was interfering with the classes, how does that fit in with the Government's plans of having an inclusive education environment if we have situations where young people who need access to their therapist can't get access to them?

DEBORAH SUMMERHAYES: In my experience, if we have a child who can't get access to a therapist and it can only happen in school time, schools work very hard to accommodate that.

The Hon. NATASHA MACLAREN-JONES: What happens when a school can't accommodate? How do we ensure that that young person is being supported?

DEBORAH SUMMERHAYES: In my experience, if a school is unable to accommodate a request around therapy, then often there will be a reach out to the system and our teams will work with the school and the family to find the appropriate support for that child, whether it be in community or at school. But in the situations that I'm familiar with across the State, it's a conversation and work that's done between family, carer, school and an outside agency as required.

The Hon. NATASHA MACLAREN-JONES: Do you do a bit of an assessment looking at all the schools or areas where there is a higher level of complaints or a higher number of limited access to therapists versus ones where they seem to be quite more inclusive? We've had some evidence from some places saying there are some amazing mainstream schools and others that we have heard have not been as supportive, and some cases where parents have said their child is constantly being suspended or they have been encouraged to actually say, "Your child needs to leave this school."

DEBORAH SUMMERHAYES: I might get Mr Martin to talk about consistency of practice, and then I'm really happy to speak to you about examples of what that can look like.

MARTIN GRAHAM: It is local, the provision. The other thing to remember is that we try and accommodate therapies through outside education where we can, but there is also workload issue on that. So every time a new person comes in, they have to meet all our insurance requirements, they have go through the induction and they have to do all those kinds of things. For two different schools, if one has not many people coming in and one has a lot, it can be a different kind of thing, and some schools are better set up for it.

The Hon. SARAH MITCHELL: When you say "many people", as in students with disability coming in?

MARTIN GRAHAM: If there are lots of providers.

The Hon. SARAH MITCHELL: You're talking about providers.

MARTIN GRAHAM: Yes, providers. With NDIS, everyone has a different plan—and we have to go through the insurances and that every time they come in. Some schools manage it—"Thursday morning is when we do it." But there is a range of issues. But your question was, do we monitor what is happening across the system? We certainly do, so we'd be aware if there were a number of complaints about a particular school. That's monitored at the local level, and then if the complaints are escalated that also comes to us. In terms of suspension, we now have a much better system for not just that being local but that data coming to the centre and us actually being able to respond more quickly when we see an increase in suspension at the school or a particular issue that is taking place. We can respond at the individual student level and at the school level as well.

The Hon. NATASHA MACLAREN-JONES: You mentioned suspension. The data that you have, the number of young people being suspended from each school—is that broken down by how many are identified as having a disability?

MARTIN GRAHAM: Yes, it is.

The Hon. NATASHA MACLAREN-JONES: And do you have that also by young people in out-of-home care?

MARTIN GRAHAM: We don't have it for out-of-home care, but that's maintained by DCJ.

The Hon. NATASHA MACLAREN-JONES: But you share that data now.

MARTIN GRAHAM: Yes.

The Hon. NATASHA MACLAREN-JONES: When it comes to DCJ and that data, is that then broken down to identify those young people who are in out-of-home care?

MATTHEW BARDEN: I would have to take that on notice, I'm sorry. I'm not really across the detail of the child protection part of the system, but I'm happy to get an answer for you.

The Hon. NATASHA MACLAREN-JONES: What data is provided to DCJ around suspensions for young people with disabilities?

MATTHEW BARDEN: I would have to take that on notice.

The CHAIR: We heard from Deaf Connect and Deaf Australia yesterday that deaf teachers are not allowed to register to work in New South Wales schools but that Victoria, Northern Territory and a bunch of other places do allow it. Can you clarify what that's about?

MARTIN GRAHAM: We did look into that. That statement is incorrect. Teachers seeking approval to teach may declare they're hard of hearing or deaf, and in those cases the department's teacher approvals team seek information from that teacher to support their application ahead of getting their approval to teach. We have many who hold approval to teach who are hard of hearing or deaf, and the department supports them, including in the interview and being able to provide interpreters for the interview as well. We did note that and we have looked into it and it is not correct.

The CHAIR: The other thing that was mentioned is the concept of bilingual schools. I understand that they have one, at least in Victoria and in Queensland, but we don't have any in New South Wales. Is that something that the department has looked into previously? Are there any plans to have bilingual schools?

MARTIN GRAHAM: For Auslan in particular?

The CHAIR: Yes.

DEBORAH SUMMERHAYES: I don't like to speak on behalf of Mr Martin in his absence, but there is now an Auslan unit that students can learn at school and we do have some schools across the State that are trialling that as a subject choice for young people. In a number of schools across our State, teachers have been using Auslan in all sorts of forms, I suppose, informally at this point, so we see lots of examples. I'm sure, Ms Boyd, you've seen our wonderful signing choir at many events across the State. We're very excited by the fact that Auslan is now a subject of choice, and lots of young people are really interested in studying that in their school.

The CHAIR: Yes, great. Has there been anything put in place to incentivise the number of people who are learning Auslan, particularly at a TAFE level or at that sort of level to then go on to teach Auslan?

STEPHEN BRADY: We have Auslan available as a course for people to enrol in. In terms of incentivisation, that might be a question for the department. We'll take the enrolments and support people through their learning, and we promote the course quite heavily. But as to the reasons why someone would enrol, we wouldn't be aware of that.

The Hon. ANTHONY D'ADAM: How many SSPs do we have that cater for deaf children?

DEBORAH SUMMERHAYES: We have specific hearing classes, we have children in mainstream who get hearing support and we would have some students in SSPs that may have hearing as part of their diagnosis, so I couldn't give you specific numbers—I'm sorry, Mr D'Adam—around that.

The Hon. ANTHONY D'ADAM: There's no specific school that's—

MARTIN GRAHAM: We don't have a specific SSP for children with hearing loss, but we have specialist units in some schools.

DEBORAH SUMMERHAYES: We do.

MARTIN GRAHAM: That's where the provision tends to be.

The CHAIR: The question that Mr D'Adam asked in the last panel, in relation to whether anyone is inspecting SSPs or going out and actively checking on SSPs—is that something you know, Mr Barden? Or is that an education—

DEBORAH SUMMERHAYES: Checking in terms of what, Ms Boyd?

The Hon. ANTHONY D'ADAM: So—

The CHAIR: Mr D'Adam?

The Hon. ANTHONY D'ADAM: The Ageing and Disability Commission have a particular mandate that's directed to minimising institutional abuse, but they don't appear to have oversight that relates to SSPs. Both publicly provided and in the private sector as well, we wanted to know where that oversight is, whether there's an inspection regime operating, either through the department or NESA. What is the oversight regime?

MARTIN GRAHAM: They have the same oversight arrangements that any other school has. They have all the oversight from all the child protection angles. They have oversight from the local director. We are registered as a system by NESA, so we have to assure NESA that we've actually undertaken all the assurances that any school would have to undertake in the same way that the Catholic system is registered as a system. We have the Ombudsman. We have HREOC. We have other oversight that takes place in our schools.

The CHAIR: We also heard earlier that there is not necessarily a need for a particular qualification to teach as a special education teacher. Could you clarify that for us? In particular, we did get tabled—which, I'm sorry, I don't know if you have. There was a bunch of advertisements for roles in different schools that were talking about selection criteria for having "approval to teach special education" and no-one knowing what that meant. Are you able to clarify that?

MARTIN GRAHAM: I'll give that one a go and Ms Summerhayes can correct me and come in with the detail. You do need approval to teach for special education, and so you'll see that in the job advertisements. There are two ways to get approval to teach. The first is a qualification in accordance with our guidelines, so you'll have to have a special education qualification and we would then give you approval to teach in that way. You can also get it through what's called recognised and verified experience. That would be successfully teaching for a minimum of two years full-time within the last five years and you would have to have a school principal to sign off to say that you had undertaken teaching experience that would give you those kinds of qualifications and skills. They're the codes that are on our advertisements, and to be able to meet that code you have to have ticked one of those two boxes.

The CHAIR: One of the issues that was raised with the previous panel is that, if you have not had that specialist training and you are then put in that position of being someone who is basically performing that role, you're then getting experience but you might be—what was the expression? Learning through error? I can't remember what the expression was. But, basically, particularly if you've then got a principal who also doesn't have that special training to know whether or not you're effective as a special ed teacher, is there a problem then with that being a type of approval?

MARTIN GRAHAM: I think a part of it would come down to the amount of professional learning we also provide. I think, particularly post our disability strategy, we now provide a lot more professional learning and we provide support through the inclusive education hub, so you're not left out by yourself to make mistakes. You are actually supported not just within your school but within the system as well. Ms Summerhayes has some more detail.

DEBORAH SUMMERHAYES: I would just add, which may help, Ms Boyd—mindful that in special education settings we are also relying on curriculum expertise. For example, in a high school setting, you may be a TAS teacher—a woodwork teacher or a metal teacher—that has traditionally worked with the students in the special education unit as part of their learning. Over many years of working with those young people in that special education setting, but as a curriculum expert, you've determined that this is work that you are good at, that you enjoy and you are successful with. There are ways that you can actually apply to get some accreditation around that.

The CHAIR: Is there, though, a third party that's sort of assessing what you're doing or is it more of a self-assessment process?

DEBORAH SUMMERHAYES: It's a good question. There's a self-assessment to feel that "I'm doing well in that area", as an example, but then you need to be able to—

MARTIN GRAHAM: It's why we have the central approval to teach process: so people can't just come in and say, "I am a maths teacher." They have to go through the centralised approvals to teach process, and that's why we've developed that. We don't do an examination, but we do actually have a level of rigour around it.

The CHAIR: But in terms of the special ed teachers, they can say that they've got experience teaching children with disability.

MARTIN GRAHAM: It also has to be signed off by someone else and it has to be a minimum of two years within the last five years, so there are some boundaries around it.

The CHAIR: But the person signing it off doesn't necessarily have the expertise?

MARTIN GRAHAM: It would have to be the school principal of a school which has kids with a disability in it.

The CHAIR: Yes, but—

DEBORAH SUMMERHAYES: No, I understand what you mean, but if I can just extend on the TAS example. As the TAS teacher, I would be observed by other people in the unit. I would have to provide my scope and sequence, my registration around the work that I'm doing, so it's not just me going, "I'm good at doing this." There's actually a lot of mechanisms within a school for any teacher to be proving that they are doing—

The CHAIR: Presumably, there's test results at the end of that, whereas—how do you assess whether you are actually providing the best sort of support and care in an educational setting for someone with disability who is part of a larger cohort?

DEBORAH SUMMERHAYES: Because the individual need of that child is part of the assessment regime. I'm just using that one subject as an example. In a high school, that student would have more than that teacher—as an example—so that TAS teacher is not responsible for every part of the instruction for that young person in a high school setting. They're responsible for working with special education in the area of expertise and have learnt skills while doing that that may lead them to do more work in the special education setting. So mindful that, in a high school, I would not be responsible, as the TAS teacher, for all of the instruction and support for that student.

The CHAIR: Yes, but then that person can become an approved special ed teacher? Is that what you're saying?

DEBORAH SUMMERHAYES: No, that's not what I'm saying. Sorry, I'm not being clear.

The CHAIR: Sorry, I'm very confused. I understand that there are specialisations. If you were a TAS teacher, for instance, you would get a specialisation in that. What I'm saying is that's more easily assessable because if your entire class is failing at the basic curriculum for that year then they're probably going to look and say, "Maybe you're not teaching that well." But if you are a special education teacher who is providing support to a person or group of people with disability within a larger cohort, there's nothing tangible that we can say, "Clearly, look at that: They've all excelled or they haven't excelled" because, by its nature, people with disability are all very different. So who is there to ensure that that person is actually very good at doing that, as opposed to just somebody who has done that?

MARTIN GRAHAM: That's the certification by the principal and they know whether they're succeeding or not. There is a range of measures that schools use for students with disability.

DEBORAH SUMMERHAYES: That TAS teacher would have a head teacher of support faculty that would be monitoring that work and looking at the child's progress.

The CHAIR: Yes, but again—I will give an example—a really good way to stop the principal from noticing children with disability in your class might be just to exclude them from your class and have them sitting in the corner playing with an iPad. That's not very good teaching for that child but, from a principal's perspective, how would they know that that was—

MARTIN GRAHAM: I'd be very surprised if such a teacher would apply for authority to teach—

DEBORAH SUMMERHAYES: Absolutely.

MARTIN GRAHAM:—and I'd be very surprised if a principal would sign them off on that.

The CHAIR: That was an extreme example, but my point is that—

MARTIN GRAHAM: No, it's a good question but I think it's—

The CHAIR:—the principal is also not an expert.

MARTIN GRAHAM: Partly the experience code is brought in there because you may have a case of someone who's—perhaps they've come from another place where they've done a special education qualification in addition to education and it wasn't recognised by us, but they've spent 20 years working successfully in a school with disability. You kind of have to be able to not just have a really blanket rule about "you've got to have this qual", and try and provide that space. Particularly because there are—I've kind of summarised it—a range of codes, not just qualified, authority to teach. It's "Actually, I teach kids with autism" or "I do intellectual disability or emotional disturbance"—that kind of stuff.

The CHAIR: One last question on this, and it's a question I asked the special ed panel. To the extent that you then have people who have got that experience and they've been approved—what is best practice based on evidence and research is changing yearly—is there any requirement for those teachers to remain updated or continue to do further education in order to keep that approval? Or is it that you get approved once and then for the next 20 to 30 years you keep practising?

MARTIN GRAHAM: You keep practising, but you actually have to meet your registration requirements with NESA, and so you actually have to continually update your practice in the same way that any teacher has to update their practice in every subject.

The CHAIR: Yes, but does it have to be specialist?

MARTIN GRAHAM: We don't require maths teachers to retrain on maths. But if the evidence, for example, about particular teaching practices were to change, then certainly as a department, in our responsibility for giving our profession the best evidence-based practices, we would be providing them with that kind of professional learning as well.

The CHAIR: I'll give you an example—someone who is saying, "I'm really great at teaching kids with autism. I'm a special ed teacher. I've been approved as that in the past and I've now been teaching these kids for 20 or 30 years." I understand that there are continuous education requirements on teachers but, given how much has happened in the field of autism research in the last 20 to 30 years, is there any requirement on that teacher to have updated themselves in that particular specialisation in order to keep being a special ed teacher for people with autism?

MARTIN GRAHAM: There is no specific requirement, in the same way that there is no specific requirement for other kinds of teachers.

The CHAIR: Should there be?

MARTIN GRAHAM: It's a hypothetical question, but the same question could be posed for any kind of teacher and where would you—how many teachers would you knock out of the profession by a kind of cycle? Someone would have to decide which critical point—and there are times when we say, "Okay, this is a really critical point." For example, the DDA legislation. We decided that every single leader in our system had to undertake training on that, so 46,000 people have undertaken that training. If there was such a significant change that it would be compulsory, there are mechanisms for doing that.

The CHAIR: But, again, there are examples where people who have these other specialisations—in maths or science or whatever it is—are going to be measured, whether we agree with it or not, on the success of their class, or at least over time. So if there is a problem with that teacher, you're going to know about it. How would you know if somebody was applying outdated behavioural techniques with people with autism?

MARTIN GRAHAM: I understand the Committee has identified this lack of measurement as a real issue: How can we tell that the outcomes of our adjustments are effective? One of the really important things that's just happened is the inclusive assessment program. The department's been working for quite some time on assessment for children who are not currently covered by a range of NAPLAN and so on. There's two elements to this, and this will be a real game changer, we think, for schools. First of all is literary and numeracy precursors. If a child is not able to demonstrate the minimum levels of NAPLAN, what are the precursors that you would demonstrate on the way to those literacy and numeracy skills?

We've actually developed an assessment. We've trialled it with schools, and it was developed with the expertise from within SSPs and other people in New South Wales. We're looking to roll it out to all schools now, on a voluntary basis, so teachers will actually have some assessment tools to be able to tell the kinds of the things you're wondering about, like how do we prove this practice is effective, because we actually have an assessment for it. That's just literacy and numeracy, but in terms of broader skills we're looking also at a passport, which is also being rolled out at the same time, which enables staff and teachers to understand: Are their social skills getting better? Is what I'm doing effective? We're hopeful that that will fill in a real gap.

The Hon. NATASHA MACLAREN-JONES: Did you just say it would be rolled out and the uptake would be voluntary?

MARTIN GRAHAM: Yes, that's right.

The Hon. NATASHA MACLAREN-JONES: So how do you measure something if not everyone has to participate?

MARTIN GRAHAM: The most important thing is for the school and the teachers to measure how effective their practice is. In terms of NAPLAN, that's done every second year; it's not something that will enable you to know whether something is effective in that more immediate period. The first missing gap is for the actual teachers in the schools. We think that's far more important than for me to have some big collection of data. It's really important for the teachers in the schools to know, and for the parents to know, how their children are doing.

The CHAIR: If we're not proactively training up people into being the best they can possibly be in terms of teachers of kids with disability, are we at least reactively looking? For example, if there's a spike in numbers of kids being excluded from class, whether it's restrictive practices or suspensions or expulsions, are we then looking and saying, "When was the last time this person had their understanding of these disabilities updated?"

MARTIN GRAHAM: Having just told you the data is not for us, one of the really important things with our new policy is that we get live data from schools around things such as suspension, at really key intervention points. For example, it's an unfortunate fact that kids get suspended in kindergarten. So now, instead of just observing that six months later, whenever a child is suspended for the first time in kindergarten we get notification. We send it to the local area director and we immediately reach out to the school to say to the principal, "Can we come into the classroom and actually observe what's happening?", so we can make that early intervention. Often, particularly in kindergarten, it will be something that's been undiagnosed. We're really trying to change our whole model so that we're much more proactive like that.

The CHAIR: So that's when the training comes in.

MARTIN GRAHAM: That's right, and that's that team around the school. We've got behaviour advisers, we've got early intervention advisers—that kind of thing. It's not perfect. I'm not going to say it's perfect, but we're really trying to get that model in place.

DEBORAH SUMMERHAYES: Can I jump in again—

The Hon. ANTHONY D'ADAM: Sorry, I wanted to ask about Schools for Specific Purposes. Your submission says there's 117 SSPs and you talk about the various categories. On page 21 you say, "medium-to-high support needs, behaviour disorder, emotional disturbance, hospital school" et cetera. I'm wondering if, on notice, you could provide how many, in each of the categories, and how many places there are for each category. I want to ask about the process of how a child gets referred to an SSP. Could you perhaps elaborate on the process?

MARTIN GRAHAM: Yes, we can take that other question on notice and we can provide you with the number of enrolments.

The Hon. ANTHONY D'ADAM: Not the number of enrolments—the number of places.

MARTIN GRAHAM: Sometimes it gets tricky because there's a partial—we've got places like Bridge Road, where you're actually enrolled in your home school and you can also be enrolled there. We'll give you the data we have but, as I said, it's a little bit—

The Hon. ANTHONY D'ADAM: But you wouldn't count that as two enrolments. There'd be a place at Bridge Road.

MARTIN GRAHAM: No, that's right. You might see enrolments are higher than the number of places, but we'll provide you with that data. No problem doing that. And the second question was about—

The Hon. ANTHONY D'ADAM: About the process of referral. How does a child get referred?

MARTIN GRAHAM: You go to your local school and you do what's called an access request. That's where the school and the department will help parents. If they want to access a specialist setting, they help them provide the evidence and so on that's required for that. We then go through an access request process where we have a panel of experts and school principals who actually prioritise—and it's quite complicated because it's not just "This child needs this service." There's things like how far is the service. We provide assisted student transport, so we have to look at—it's not fair on the child for them to be 90 minutes travelling to and from school. And then, based on availability, places are allocated. Ms Summerhayes, is there anything you want to say about the—

The Hon. ANTHONY D'ADAM: Perhaps if, on notice, you could provide details for the last two years of how many access requests have been made. If there's no immediate place available, what happens then?

MARTIN GRAHAM: The other part of this is that just because someone is eligible or suitable—and this same process is for a support class in a mainstream school or for an SSP—doesn't mean that they couldn't also be educated in a mainstream setting with appropriate funding, such as through integration funding support. So, they'll be supported in a mainstream school if there's no place available in the support class, and we'll bring in a range of supports to help that happen.

The Hon. ANTHONY D'ADAM: If there has been an access request, it has been approved by the panel and there's not a place, I'd like to get some data about how many people are in that deferred category, I think it is. Is that correct?

MARTIN GRAHAM: Yes, we can provide some data on that.

The Hon. ANTHONY D'ADAM: How many are deferred; how many are declined. We received some evidence that suggested that part of the consideration for access requests was that if the child had been suspended, presumably with SSPs for behaviour disorders, then that pushed them up in terms of the priority for gaining access to an SSP. Is that correct?

MARTIN GRAHAM: No. I can understand that it's one of those apocryphal things that you hear. No part of the criteria is about needing to be suspended to move up the priority list.

The Hon. ANTHONY D'ADAM: What constitutes urgent criteria?

MARTIN GRAHAM: The issue is that often obviously these are students who might be suspended because of suspensions based on a risk assessment. It wouldn't be surprising if the children who are most prioritised also happen to have a higher level of suspension, if that makes sense. It's not like there is not a relationship, but you don't get five suspensions and therefore you have access to SSP. That's not how it works.

The Hon. ANTHONY D'ADAM: Can I ask about the recommendations from the disability royal commission. What work is being done within the department to implement those recommendations?

MARTIN GRAHAM: The department has been involved in a whole-of-government process led by DCJ. We have contributed to a whole-of-government response, which will go through Government, be approved by Cabinet and will be a response of Government. Then we'll be implementing whichever recommendations the Government has said that we should.

The Hon. ANTHONY D'ADAM: Are there particular workforce implications that are being considered?

MARTIN GRAHAM: Certainly, the recommendations would have workforce implications, but I think in general the main workforce implication for us is the growth in disability and the need for—with one in four children having a disability—every teacher to have the tools in their armoury around disability, and just the growth in general and the well-known workforce challenges of having sufficient teachers in front of classes.

The Hon. NATASHA MACLAREN-JONES: I think you were talking about suspensions and being able to use that data in real time, particularly for—you used the example of kindergarten and being able to go in with early intervention initiatives. I am mindful that the primary responsibility for the Department of Education is to provide education. I'm interested to know the steps—or do you then engage with the Department of Communities and Justice, or Health?—to then look at what other wraparound supports can be provided for a young person that may not be directly related to their education.

MARTIN GRAHAM: A lot of it would be a referral to Health or perhaps another local service. That's why a lot of this is localised. Our people who work between schools know the local terrain. They understand what services you can refer to. We are mindful that we don't provide the health services. Often it might be a behaviour or it might be a whole school—"Look, we've got the positive behaviour for learning materials. Maybe it's a good time for the school to reset if it's at that level."

The Hon. NATASHA MACLAREN-JONES: In relation to enrolments, do you keep the data on the number of young people that need to be enrolled each year?

MARTIN GRAHAM: In terms of the population?

The Hon. NATASHA MACLAREN-JONES: Yes, in New South Wales. Or is that held—

MARTIN GRAHAM: Certainly. We work with the department of planning and use their population projections for how many—we don't know every individual child. We don't have a unique identifier.

The Hon. NATASHA MACLAREN-JONES: Which department would have responsibility for knowing whether or not every young person is enrolled?

MARTIN GRAHAM: We have responsibility. If there's a child who is not in a non-government school and is not enrolled and is of compulsory school age, that is our responsibility. That is largely done through the Home School Liaison Program. But we don't have a unique identifier for every child from birth.

The Hon. SARAH MITCHELL: If only.

MARTIN GRAHAM: Often it would have to be identified to us by someone else—for example, from DCJ—or if there's a notification made that says, "We know that this child is not in school," that then comes on our books and that can be followed up.

The Hon. NATASHA MACLAREN-JONES: Would you then be able to identify from that how many young people that are enrolled would have a disability?

MARTIN GRAHAM: That's right.

The Hon. NATASHA MACLAREN-JONES: Do you keep the data on how many of those would be homeschooled or is that managed by NESA?

MARTIN GRAHAM: Home schooling would be NESA, but say if someone moved from a public school to homeschooling, we absolutely keep them in our sight until the moment they are registered for homeschooling. It's a bit of process once you're going through that application. One of the things we're very keen to make sure is that there's no gap between when you've left us. No, you're with us until the moment you're actually registered and someone else has visibility and enrolment.

The Hon. NATASHA MACLAREN-JONES: Around young carers and students who are caring for siblings—it came up this morning with Siblings Australia—what support and programs are available within the schools to support that young person who may be also acting as carer for their sibling, whether that sibling is in the school or elsewhere?

MARTIN GRAHAM: I think it is one of those issues that would come under the general care that schools have—an understanding of their students. Ms Summerhayes might have many examples of how that practically works in school.

DEBORAH SUMMERHAYES: Yes. Depending on the school that you attend, we don't have a systems approach to that piece, Ms Maclaren-Jones, but what we do have is individual schools that will respond to particular family needs or particular student needs when identified. As you would be aware, we also have children that care for adults with disability at home when they go home or in the morning. Schools are very conscientious about understanding the needs of their students in that space, and support both with school and out-of-school programs in different areas across New South Wales.

The Hon. NATASHA MACLAREN-JONES: This is a question for DCJ: What role does DCJ have to ensure that those young people are being supported if they're caring for someone with a disability?

MATTHEW BARDEN: That is a good question. Sorry, I'm not across the carers responsibilities in DCJ either.

The Hon. SARAH MITCHELL: I can't resist—the unique student identifier that you mentioned before, Mr Graham, which is the reason I raised it. There have been many, many years at a national level of conversations to try to progress that, and it's been slow for a range of reasons. Has there been an update or progress on that and, in particular, in terms of keeping eyes on students who might have disability who are moving between systems?

MARTIN GRAHAM: No update on that, but I would say that it wouldn't resolve the problem of how many people are in the population before coming into a service. I don't think it would resolve it. But the other thing with data improvements is we can now link a whole lot of datasets. At the other end of schooling, the pathways data about what path you take through school and then how much your future income is—we've been able to do that without using a unique identifier.

The Hon. SARAH MITCHELL: We've certainly had witnesses today speak about school refusal, and I think it was the Ageing and Disability Commissioner doing a special—that was more to do with children in out-of-home care. It's something obviously that I know all agencies are grappling with. I just was curious about that. Just going to a few other issues now. Would you be able to provide—I think we asked earlier when we had representatives from the First Nations community—the statistics on how many department staff are currently employed who have identified as having a disability and also how many teaching staff we currently have in public schools? Do you have any data on that with you or that you could take on notice?

MARTIN GRAHAM: I don't. I could take that on notice. I don't have that with me. But we certainly do have staff with disability. We'd like to have more staff with disability. We have a strategy around improving that as well.

The Hon. SARAH MITCHELL: And for TAFE as well?

STEPHEN BRADY: We can provide that as well.

The CHAIR: And also for people with First Nations backgrounds and people who have both. That would be very useful.

MARTIN GRAHAM: Yes, I'll see what we have got on that.

The Hon. SARAH MITCHELL: I would like to ask about the complaints mechanism process. Again, we've had some of the advocacy bodies particularly and we've had some young people with lived experience of disability talking about the way that, in many respects, it's almost as if it's quite circular within the department when complaints will often be escalated but then come back through the school. There have been recommendations from other witnesses about having a bit more independence in terms of that process, particularly if a family maybe doesn't want to go through the local principal or would like that autonomy. I know that that was some work that was happening by the Student and Parent Experience Directorate, but that's now back with PES, I believe. Do you have any clarity on where that's up to in terms of having a better mechanism or a better process for parents and families?

MARTIN GRAHAM: It's a difficult balance, because we acknowledge that people feel those frustrations. But then there's the reality that most of the solutions for the problem are at the local level. If you remove it too far from that, that independent decision-maker doesn't even know "Actually, I could change that class with her." We acknowledge that that's a tension, but we do believe that the majority of complaints are best managed at that local level. Where that's not possible, we'd certainly have an escalation pathway. Separately, complaints and feedback is within PES, and they've recently been beefed up to be able to provide better guidance as well, an alternate mechanism—for example, being able to do mediation. We've never really offered that before.

The Hon. SARAH MITCHELL: To be clear, that is for students and parents as well—

MARTIN GRAHAM: Students and parents, yes.

The Hon. SARAH MITCHELL: —because a lot of the historical chat around PES has been for staff.

MARTIN GRAHAM: No, PES is for staff, but the complaints and feedback unit is located within PES now.

The Hon. SARAH MITCHELL: That is instead of the student and parent.

MARTIN GRAHAM: That's right.

The Hon. SARAH MITCHELL: It is all coming under that. I am just trying to understand where everyone is sitting.

MARTIN GRAHAM: Yes, because student and parents—they were really trying to deal with the most complex matters. We have other mechanisms now for managing those complex matters. Mediation could be a really important step to give that independence but still actually enable someone to solve the problem for the people. You spoke to the Ombudsman. We have HREOC and NSWO, so we do have escalation pathways if people believe the department have not really met their obligations.

The Hon. SARAH MITCHELL: I am interested to know more about the mediation opportunities. What would be the trigger or the threshold for a parent or a student to say, "We need more help here", and to have that mediation as a process?

MARTIN GRAHAM: I think, particularly if a school has been working with a parent, it's just not clicking and they've got a complaint, it would be entirely voluntary for the parents. If they wanted to go through a formal complaints pathway, they are absolutely entitled to do that. Perhaps it could be the local director who says, "This one's been going around a lot. Why don't we try mediation?" The department has a panel of providers. We pre-assess them all. They're all registered mediators and they would be able to come in. Mediation is typically a one-off session. You let people ventilate. Let people say, "This is what I'm concerned about." "Well, this is what I can offer you." And a lot of the time you may even be able to get a partial agreement that enables you to get through the immediate crisis and develop a better relationship into it. We haven't done a lot of it.

The Hon. SARAH MITCHELL: How long have you had the panel of the pre-approved mediators?

MARTIN GRAHAM: That's been for about 12 months.

The Hon. SARAH MITCHELL: I appreciate it is in its early stages, but is there any data—obviously de-identified in the appropriate way—particularly around if it has been families or students with disability that have accessed that mediation service?

MARTIN GRAHAM: We'll have a look to see. We've also been working with DCJ on advocacy bodies so that the parents can actually go to the advocacy body before coming to the department. Schools have actually reported a positive experience of that as well because it's helped them to have an independent person to work with them as they go through a process.

The Hon. SARAH MITCHELL: We have heard that too—having someone who can help them navigate the system a bit too. When we had Family Advocacy here yesterday, they talked about being involved in a pilot—I think it came out of the Disability Strategy, from memory. It was about providing more information to schools about how to better engage with young people with disability, and I think it was being piloted in 20 schools. They said they had not really had updates on that. Do you have any information about that?

MARTIN GRAHAM: I can follow that up.

The Hon. SARAH MITCHELL: If we could get anything back on notice, that would be great. I have a couple of questions that—even though they are for NESA, and they are not here—I wouldn't mind putting to you, and Mr Martin and others can respond. I am keen to know whether there are any teachers who have a HALT accreditation that have an expertise in special education? I do not know if there are, but if there is any data on that—

DEBORAH SUMMERHAYES: Anecdotally, there are some that I know, Ms Mitchell, but we would need to get the data for you.

The Hon. SARAH MITCHELL: Yes. I am very happy for that on notice. The other one on notice, again, through NESA is this: We had representatives from home educators yesterday who were talking about access to mental health and psychology supports for students who are homeschooled. They were keen to explore whether that is a provision that could come through NESA in the same way that students in a traditional school setting have access to that. I would be keen to hear from NESA whether that would be an impediment to that or if that is a provision that they think they could potentially investigate. I had not heard it raised before, but it did not seem like a bad idea to me. I would be keen on NESA's thoughts and insights into that, on notice.

MARTIN GRAHAM: Yes.

The Hon. SARAH MITCHELL: Fantastic. Mr Brady, I have a couple of TAFE questions now, if that is okay. Another area that had been raised, particularly from the young people that have appeared before us as lived experience with disability—a lot of them have spoken about those education pathways from school into further education and training, so it probably crosses both Education and TAFE. I note in the submission that you talk about the Educational Pathways Program, which I know has been very successful and recently expanded, but are there any specifically for students with disability, in terms of school-based pathways into TAFE and further training? I know that they are captured in a lot of the existing programs as a cohort, but are there any training pathways specifically for those students with disability?

STEPHEN BRADY: Not specifically. We tend to work on an individualised basis, so we've got disability teacher consultants who tend to work with individual students about what their support needs are and then would work with the teachers to help them work out what sort of adjustments might be required, whether there are note-takers or whatever other supports might be required for that student—not at a formalised level for a whole of disability young person pathway.

The Hon. SARAH MITCHELL: Is there any data? Again, I note in some of the examples that you have given about different scholarships and things that there are particular numbers of those with disability who have been awarded them. With the Educational Pathways Program—again, happy for this to be on notice—is there any data in terms of the number of students with disability who have been engaged in that program?

STEPHEN BRADY: I'll come back to you on notice.

The Hon. SARAH MITCHELL: That would be great, thank you.

The CHAIR: It was reported—I think, yesterday or the day before—that the paper selective school test is going to be done away with and everyone is moving to electronic.

MARTIN GRAHAM: That's right.

The CHAIR: From a lot of what we've heard, particularly about the process to get reasonable adjustments and the extra layers of organisations involved in testing, has consideration been given by the department on what the additional complexities are for outsourced testing?

MARTIN GRAHAM: That's been an important part of the transition, and we can certainly provide you some more information on that. But it absolutely has been considered in the transition to online testing in the same way it was with NAPLAN—very similar. We have that lived experience of going through that process to be able to provide adjustments.

The CHAIR: Very good. This issue about needing more SLSOs and occupational therapists to go through TAFE and to basically undertake relevant cert III and IV—has there been any thought given to how we might incentivise the uptake of those courses? Are there any current plans?

STEPHEN BRADY: The courses are available. In terms of encouraging, one of the biggest challenges is getting some of the workplace placements. We are seeing strong demand coming through for a lot of the allied health courses. Some of those courses have been supported through Smart and Skilled at a subsidised level. We can come back to you on notice with a breakdown of what that is. It is an area where we've got a challenge and where there's high demand. It can be difficult to get the job placements and, also, in some of the job settings, the wages really are not very high, so you have this situation where actually sourcing sufficient students can be challenging and actually finding the placements for them to help them complete their courses.

The CHAIR: Is there availability of the relevant courses? I think it's school-based education support, isn't it—cert III and IV? Is that available broadly across the State? How many of our TAFE centres have those courses available?

STEPHEN BRADY: I'll have to come back to you with the detail. It has been one of our high-demand courses in recent times. I think, under fee-free, it's actually been very high demand. It's been one of the top half-a-dozen courses.

The Hon. ANTHONY D'ADAM: I have a few questions. I want to come back to this question around diagnosis. I think, from your previous evidence, Mr Graham, the IFS is the primary—

MARTIN GRAHAM: And support classes—sorry, I should've added that.

The Hon. ANTHONY D'ADAM: —support in school that requires a diagnosis. You say in the submission that the department is moving towards a functional assessment approach, but how does that actually manifest?

If IFS is the primary mechanism for delivering supports, and it's still reliant on a diagnosis, where is the change?

MARTIN GRAHAM: We've made a significant shift. The low-level adjustment for disability is the funding that every school gets—acknowledgment that there are one in four children with disability, and so that's about $350 million a year. That loading is now using the NCCD data and another index, rather than using diagnosis. The core support that schools get for all children is now based on the NCCD, but the integration funding, we still need a diagnosis.

The Hon. ANTHONY D'ADAM: So there is no suggestion that the IFS would move to a functional assessment model?

MARTIN GRAHAM: The royal commission and a lot of work that's happened nationally—the end state is often described as when we can actually use that NCCD for all distribution of funds. But that's why we spend a lot of time on the quality of that data: because it has a significant impact on funding. That's why I say we're kind of in a halfway state: because we're using this mixed mode of methods. I wouldn't be saying the current state we're in is one that you would absolutely want to have forever.

The Hon. ANTHONY D'ADAM: Your submission also talks about an improved methodology in terms of calculating the LLAD. What was involved in that?

MARTIN GRAHAM: Principally, that's the movement to include NCCD data in that. We actually are using that data now to distribute that funding. Previously, it was all on this student learning index, which was originally the number of children not achieving the minimum NAPLAN standards, as a kind of de facto measure of disability. We're moving to a much more kind of teacher's understanding of the cohort, and that's the data we're using.

The Hon. ANTHONY D'ADAM: What's the mechanism for assessing the efficacy of how the LLAD is used in schools?

MARTIN GRAHAM: In terms of the outcomes of the schools?

The Hon. ANTHONY D'ADAM: Yes, I mean, principals get to determine the allocation of those funds. That's correct, isn't it?

MARTIN GRAHAM: Some of it is allocated as flexible funding, but there are about 2,000 teachers that are allocated using that funding. We actually allocate teaching staff directly and not just choose your own adventure. It does become part of the school's allocation, and they normally use that as part of their—Ms Summerhayes might be able to talk about how you would manage a budget at the school level. But there are the various loadings, and this is a very core one that they put into their timetables and into how they structure their staffing.

DEBORAH SUMMERHAYES: Schools will have learning support teams with specialist teachers that work across school, from stages through to faculties in high schools. They're supporting the work of students and teachers in their programming and planning to meet the needs of students who require adjustment in the school that may not be sitting in a specific support class or in an SSP.

The Hon. ANTHONY D'ADAM: Are they above centrally approved establishment?

DEBORAH SUMMERHAYES: Yes, they're part of the establishment.

The Hon. ANTHONY D'ADAM: They're part of the establishment, or they're—

MARTIN GRAHAM: Yes, these are given by us to them; they're not ACIP.

DEBORAH SUMMERHAYES: Yes, sorry.

MARTIN GRAHAM: They're part of the establishment, not above.

The Hon. ANTHONY D'ADAM: So they're part of the establishment, but they're accounted for under LLAD.

MARTIN GRAHAM: Yes, they're distributed in that way, yes.

The Hon. ANTHONY D'ADAM: In terms of the loading that's discretionary, how do you determine what proportion of LLAD is able to be used at the discretion of the principal versus the central decisions to allocate staffing?

MARTIN GRAHAM: Some of it comes from a historical basis—our previous methods of funding. Previously there were a lot of parts of what were, even then, teachers' aides who were with individual students. One of the reasons we put this loading in place was as a recognition that every school is always going to have kids with a disability, so what's our base-level provision? Some of that was about what staffing was previously allocated to keep a staffing component, and then some was added on top as flexible.

The Hon. ANTHONY D'ADAM: So this is SLSOs, is it?

MARTIN GRAHAM: Yes, that was the original, and teachers as well. It's partly a kind of historic basis, but also a judgement about how much staffing versus flexible.

The Hon. ANTHONY D'ADAM: Can I ask about the funding that's referred to in the submission? It's a bit contradictory and I just wanted some clarification. So $348 million under LLAD for 1,970 learning and support teachers?

MARTIN GRAHAM: Yes.

The Hon. ANTHONY D'ADAM: And then you talk about $357 million for 1,975 LASTs. Are they the same thing, or is that two—

MARTIN GRAHAM: I think they might be different periods; I can clarify that for you.

The Hon. ANTHONY D'ADAM: Okay, so in 2023, 1,970; in 2024, 1,975.

MARTIN GRAHAM: Yes, it sounds like different time periods to me.

The Hon. ANTHONY D'ADAM: A five-LAST increase. Is that what it—

MARTIN GRAHAM: At the moment, but we haven't got to the end of the year's allocation.

The Hon. ANTHONY D'ADAM: Right, but the net increase is just five teachers. Is that right?

MARTIN GRAHAM: That's right, but that's an increase in teachers for disability when we have a decrease in enrolments overall, so it's actually kind of proportionally a bigger increase.

The Hon. ANTHONY D'ADAM: How many LASTs are there in the system?

MARTIN GRAHAM: I don't know that I have—we'd have figures on what's centrally allocated. Learning and support teachers—often a school might make a decision to allocate someone.

The Hon. ANTHONY D'ADAM: So you don't have any central data about whether someone is classified as a LAST or not?

MARTIN GRAHAM: These are not all learning and support teachers. These might be used to fund some learning and support teachers, but it's not something that we provide every learning and support teacher across the system.

The Hon. NATASHA MACLAREN-JONES: I am interested to know about how the department manages situations where there's an allegation, whether it's bullying or an actual assault, between young people with disability and a young person without a disability, or vice versa. How is that actually managed, not so much from the complaints process end but at a local level?

MARTIN GRAHAM: Bullying would be managed like any bullying complaint in a school, but obviously with a sensitivity to the particular nature of the student. If there was a child with a disability, the school would have particular sensitivity to that. It's a real school-by-school circumstance.

DEBORAH SUMMERHAYES: Yes, I think your question really is, is it taken into account, the particular presentation of a young person, or their particular ability or not in regard to how they might conduct themselves in a certain circumstance? It is absolutely based on a particular presentation of a particular child. For example, as a principal—and what I certainly see across the State—if there's a fight and two children hit each other, it's never as clear-cut as that both of these children will get a similar consequence or both of these children need to be treated exactly the same, because that is not what we would do in a school context. Is that what you're asking?

MARTIN GRAHAM: And the vulnerability.

The Hon. NATASHA MACLAREN-JONES: Yes, and then how it is managed to make that decision that that one will be suspended.

DEBORAH SUMMERHAYES: It's managed on what's happened, who's been involved, how it started, what was seen and what wasn't. There's so much to obviously explain this appropriately but, to speak generally, it's that idea about the true nature of equity. It's not everyone getting the same; it's everyone getting what they need to resolve a situation or to best support a person. That also applies in these sorts of situations.

The Hon. NATASHA MACLAREN-JONES: If that decision by the principal needed to be reviewed, how is that done? Does an external person come in?

DEBORAH SUMMERHAYES: Yes, the process is, if your child is suspended and you don't agree with that, you can make an appeal to the principal. If the principal stands by that decision, you can then make an appeal to the director, educational leadership, who will then make a decision based on all of the information before them. If you're still unhappy with that decision you can ask for a review. If you're unhappy with the review outcome from the department, you can go to the Ombudsman.

The Hon. NATASHA MACLAREN-JONES: Does it matter, the severity of the complaint made, or are all complaints treated the same way?

DEBORAH SUMMERHAYES: In terms of the process that I just described, any complaint can go through that hierarchy to come to resolution, but obviously how you deal with a complaint is specific to what the complaint is about.

The Hon. SARAH MITCHELL: We've had some evidence from witnesses over the last two days about the participation of students with disability in what were termed extracurricular activities—school camps, sports, excursions et cetera. There was one example given yesterday of a student who went on the school excursion to Luna Park, but their wheelchair was used to hang the other students' bags off—a terrible example that was obviously quite concerning and confronting. What support or advice is given to principals or schools if there are children coming for the first time with a certain disability that needs adjustments for those extracurricular activities? How are those students supported at that local school level?

MARTIN GRAHAM: I might listen to Ms Summerhayes. People sometimes complain about the excursion planning thing, because it can be seen as workload. But that's really important.

The Hon. SARAH MITCHELL: Yes, they're the examples.

DEBORAH SUMMERHAYES: Yes. Ms Mitchell, there's actually a risk assessment for any excursion, and part of the risk assessment is to look at the learning and wellbeing needs of the students who are attending. For your example—and I'm really sorry to hear that, because that's—

The Hon. SARAH MITCHELL: We were all quite horrified by that.

DEBORAH SUMMERHAYES: Yes, it's a terrible circumstance and it's awful to hear that. But what I see constantly across the State is a risk assessment is put in place for any excursion to make sure that it is safe for any child attending, whether they are a child with a disability or not. We need to make sure about accessibility. Many of our children need to travel with medication and appropriate spaces to be toileted and given medication et cetera, and all of that forms part of the risk assessment and is part of what is followed when colleagues go on that excursion. If a child is requiring particular and special support, it's very common that extra adults will go. So you might have extra student learning support officers and sometimes extra teachers will attend to ensure that the risk assessment can be carried out so that all children are safe and able to engage equally in the excursion or experience.

The Hon. SARAH MITCHELL: I think it was Muscular Dystrophy yesterday made the point that there might not be a lot of experience in certain schools necessarily with students who have certain disabilities, so sometimes it's an education for everybody in terms of what's the best approach.

DEBORAH SUMMERHAYES: Often when we do risk assessments, we certainly include carers and parents. We often sometimes include advocates, if that's appropriate. We also include colleagues from our support staff within the system to support schools, depending on the nature of what's being asked or learning about a new disability that may be coming to the school that the school has not dealt with before.

The Hon. SARAH MITCHELL: The issue in terms of reasonable adjustments more broadly—and, again, multiple witnesses have spoken about this from personal experience but also as advocates—shows a lack of consistency in terms of what constitutes a reasonable adjustment. We had a number of witnesses say that the provision of an SLSO in the classroom—I think some families have felt like that has been seen as enough, even though potentially for their children they did need further supports. Is there any kind of way to better improve that consistency of reasonable adjustments across schools but also within differing times in a child's education? So what you do in a schools-based assessment versus what you have to do with NESA for the HSC versus what might happen when you go to TAFE or further training? How can that be better streamlined or a better experience for those young people?

MARTIN GRAHAM: It can be complicated. There are 206,000 students with a disability, and one of the issues about reasonable adjustments—

The Hon. SARAH MITCHELL: That's in public schools?

MARTIN GRAHAM: That's in public schools. You've just pointed out that there needs to be change over time based on their curriculum and development but also changes based on something as simple as the class or the teacher. People might think one adjustment is a good idea, but then the class setting might be different. It might have different students. It might be a bigger class or it might be a smaller class. One of the issues might be that the adjustment is the teacher needs PL about this thing, but if they've had a previous experience of a student, they might not need PL. So we acknowledge that it's quite complex. It's not just the child; it's the whole setting.

One of the things is really that as a big system we've got inclusive education hub and trying to increase the amount of PL and to drive the consistency that way. People can see online that this is a set of adjustments that have been recommended for this kind of setting. It won't always be exactly the same in every setting. I might let Ms Summerhayes talk to that, but certainly that's one way we can improve consistency. The training around the NCCD is quite new, so understanding what the adjustment is and how to work with parents around it is also part of that consistency.

DEBORAH SUMMERHAYES: The other element of reasonable adjustment, Ms Mitchell, is that schools also have legislative requirements around WHS. It's important to keep a safe environment for everyone in the school. Sometimes when we're looking at adjustments, it's not just for the child in question but it's also the impact on other children or other people who work in the school.

The Hon. SARAH MITCHELL: And staff and teachers as well?

DEBORAH SUMMERHAYES: Staff—everybody, yes. It's a lot more nuanced and layered than just—the primacy, of course, is for the young people and their family, but there are a whole lot of other considerations when we talk about reasonable adjustment.

The Hon. SARAH MITCHELL: Again, this is kind of a NESA question, but we had evidence from one of the Cerebral Palsy Alliance advocates today, and she spoke about her experience with the HSC in getting those additional supports. Particularly for her, it's a lifelong disability, so she just said—and I don't want to paraphrase—a tell-us-once approach for somebody like her whose disability is not changing and, if anything, it might become more challenging, so do you think there are ways that we could improve that system for particular cohorts of young people with disability?

MARTIN GRAHAM: Certainly for the department we can. We are certainly looking at that. I'm sure that Mr Martin—

The Hon. SARAH MITCHELL: He's not here, but we will say it in his absence.

MARTIN GRAHAM: I'm confident that he'll be looking at that, but we will definitely.

The Hon. SARAH MITCHELL: How does that feed into TAFE? How do you share or it's just a whole new system and you've got to start again if you take a TAFE course?

STEPHEN BRADY: It really depends on if we're teaching VET subjects to students at school, in which case the student takes the leadership. But where they're coming to us post-school, then it starts again. As I said earlier, we engage a disability teacher consultant and really design around the needs of that student, whatever the subject might be. Obviously it's very different if you're doing something that's theoretical versus something very, very hands-on. So it really has to be designed around that teacher and the particular environment. Our campuses are all very different as well, so it is quite individualised.

The Hon. SARAH MITCHELL: If there was a more consistent approach to reasonable adjustments for those with lifelong disability, there's no kind of impediment to maybe sharing that across between NESA, the department and TAFE potentially in the future if that was a better system that was put in place?

STEPHEN BRADY: I would agree, yes.

The Hon. NATASHA MACLAREN-JONES: I've just got one quick one in relation to whether or not there is a disability education strategy. I notice from the plan that's come out—I think it was released late last year—it doesn't actually refer to disability, so whether or not there actually is a—

The Hon. SARAH MITCHELL: There used to be a strategy.

MARTIN GRAHAM: The department's disability strategy was published in 2020, and we're well into rolling that out.

The Hon. SARAH MITCHELL: But it's still in place? It still exists?

MARTIN GRAHAM: Yes, it's still in place, absolutely.

The Hon. NATASHA MACLAREN-JONES: When is that up for review?

MARTIN GRAHAM: I think it's ongoing, but we review our practices.

The Hon. NATASHA MACLAREN-JONES: Is it open-ended, like 2020 to 2030?

MARTIN GRAHAM: I think it's open-ended. I'll be corrected but, yes, it's open-ended.

The Hon. SARAH MITCHELL: I think you might be right.

The CHAIR: We've been through this, but the idea that we had a schools plan that had no specific reference to people with disability was a major oversight. Is there going to be an updated version of the disability strategy for schools?

MARTIN GRAHAM: We're sorry that people view that as an oversight. It certainly absolutely was not an intention. We would consider it much more an intention. It would be so ingrained into equity and what we're doing that it would be considered as part of every part of it. Certainly we didn't deliberately ignore it and say, "We're not going to do that." We're much more feeling that every single dot point in that plan would include all equity groups and all students with a disability, and they'd be considered in every part of it.

DEBORAH SUMMERHAYES: It's interesting, Ms Boyd, that some of our stakeholders especially requested that we not call it out specifically.

The CHAIR: Really?

DEBORAH SUMMERHAYES: Yes, I'm being really honest with you.

The CHAIR: Which stakeholders were they?

DEBORAH SUMMERHAYES: When we went out with the plan—as you would be aware, because I think we've spoken about it in budget estimates—we had feedback from parents, from students, from teachers and from leaders. I couldn't tell you exactly which were the parent ones, the student ones, the teacher ones and the leader ones because it came from all different areas, as well as PPA, SPC and our SSP colleagues. We had a number of people call out that they thought it was more inclusive not to be calling out Aboriginal children, children with disability and children who speak English as a second language. I'm just letting you know about that.

The CHAIR: Twenty-six per cent of kids have a disability in our schools—

DEBORAH SUMMERHAYES: I'm not arguing with you, but I'm just letting you know.

The CHAIR: —and all of the disability advocates and the royal commission witnesses were saying that we need to have a special focus on kids with disability in schools, and that's why we're failing. I would love to think that we had got to that point. Maybe in 50 years we will get to the point where we don't need to provide special focus for kids with disability, but that's what this inquiry is about.

The Hon. NATASHA MACLAREN-JONES: Was the Department of Communities and Justice or the Minister for Disability Inclusion given a draft copy of this to comment on it?

The CHAIR: Because she said she wasn't consulted at all.

DEBORAH SUMMERHAYES: I don't know, I'm sorry.

The CHAIR: I would rather that there was an acknowledgement that that was an oversight rather than a doubling down on it, but that's just my opinion.

DEBORAH SUMMERHAYES: No, I'm not doubling down on it. I was just sharing information with you. I didn't actually agree with that feedback personally, but I'm just letting you know that was part of the process.

MARTIN GRAHAM: Certainly we acknowledge that it should be a focus. We absolutely agree on the aim, which is that we should absolutely be doing more about it. We've had a big catch-up, I think, since 2020, but we still have a way to go.

The CHAIR: Just a very quick last one from me. We heard that within the Professional and Ethical Standards unit there was some question around the culture. I know the Deputy Premier came out and said there was going to be an external review into PES. Is that something that we will see publicly the results of? How's that going? Are you able to give us any extra information on that?

MARTIN GRAHAM: We can look into that to see what the outcome of that is.

The CHAIR: Thank you. Are there any final questions?

The Hon. ANTHONY D'ADAM: In your submission, you talk about specialist allied health and behaviour support. This is engaging private providers. Is that right?

MARTIN GRAHAM: Yes.

The Hon. ANTHONY D'ADAM: Can you tell us how many behaviour support providers are engaged by the scheme?

MARTIN GRAHAM: I can give you that on notice, but one of the main issues was schools were looking for that support. They were buying it here, there and everywhere. What we've done is try to pre-assess them all, give you a list of people and price, so the schools don't have to do any of that. They were already doing it, but we were trying to help them out with a pre-approved list.

The Hon. ANTHONY D'ADAM: There are behavioural specialists within the department.

MARTIN GRAHAM: That's right.

The Hon. ANTHONY D'ADAM: Are they doing the same work?

MARTIN GRAHAM: A lot of it is more in the occupational therapy space, so a bit more in that context—speech therapy, occupational therapy and so on.

The Hon. ANTHONY D'ADAM: So the scheme providers are more in the occupational therapy side?

MARTIN GRAHAM: Yes. It's not a complete overlap with what we do, but we are trying to make it easier for schools that weren't getting those services.

The Hon. SARAH MITCHELL: Some schools use their flexible funding to put on speechies and OTs.

MARTIN GRAHAM: That's right. Of course they're very difficult to find. If you couldn't find but you had a need, rather than having to scratch through the private market yourself, we've done this work so you can go to our list with assurance it's been given all the ticks.

The Hon. ANTHONY D'ADAM: Do you have data about where these are being engaged through the scheme?

MARTIN GRAHAM: I'm not sure. I'll have to get back to you with that because the main thing is being able to give the schools the kind of pre-approved list. They don't come through us with all the funding and so on. We help them out with that.

The Hon. ANTHONY D'ADAM: In terms of the central oversight, you're not able to see which schools are engaging.

MARTIN GRAHAM: It's a pre-approved list, Mr D'Adam.

The Hon. ANTHONY D'ADAM: The contract is just all bunched together, the allied health and the behavioural specialists.

MARTIN GRAHAM: There's both. We can give you a list of who's on that pre-approved list.

The Hon. ANTHONY D'ADAM: And where it's been used?

MARTIN GRAHAM: Well, I can see what we've got.

The Hon. ANTHONY D'ADAM: What the usage is is what we're—

MARTIN GRAHAM: I can see what we've got for the usage.

The Hon. ANTHONY D'ADAM: Thank you.

The CHAIR: Any final questions?

The Hon. SARAH MITCHELL: Careers NSW, the data in here was saying about 2 per cent of service users have disclosed they have a disability. I understand that some people might choose not to disclose when they access that service, but are there any kind of plans in place to improve the number of people with disability who are accessing Careers NSW?

MARTIN GRAHAM: I'm not familiar with the future plans there. I can get back to you with that.

The Hon. SARAH MITCHELL: Okay. Thank you, Chair.

The CHAIR: Thank you so much for your submission and for coming along and giving us the benefit of your expertise. To the extent there are questions on notice or supplementary questions, which I believe there will be, the secretariat will be in touch. I give a special shout-out to our Auslan interpreters, who have been doing an incredible job for us. Again, I am incredibly pleased that we've been able to put together three whole days of Auslan interpretation for these hearings. On that note, I would like to thank the secretariat as well for all of the good work they've done in organising and making sure that the broadcasts and the interpretation have gone smoothly. I would encourage other Committees to also adopt Auslan interpretation for their hearings. That concludes today's proceedings.

(The witnesses withdrew.)

The Committee adjourned at 17:00.