Submission on the NSW Disability Inclusion Plan Consultation Paper

December 2020

> *"The continuing inequality we face will not be rectified by ramps, lifts and accessible communications, or by the outlawing of discriminatory behaviour, welcome as these may be. The wellspring of our oppression comprises deeply held social attitudes that reflect generations of prejudice, fear and discrimination towards disabled people in education, work and social life. The main reasons are negative attitudes and stereotypes, which are based on untrue ideas that have been around for thousands of years, and which are amazingly persistent."*
>
> Richard Rieser, disabled academic, advocate and educator

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Acknowledgement: Family Advocacy would like to acknowledge the traditional custodians of the lands on which this report has been written, reviewed and produced, whose cultures and customs have nurtured and continue to nurture this land since the Dreamtime. We pay our respects to their Elders past, present and future. This is, was and always will be Aboriginal land.

About Family Advocacy

Family Advocacy is a state and federally funded **disability advocacy organisation** that works across **New South Wales (NSW)**. It was founded by families 29 years ago **to advance and protect the rights and interests of people with developmental disability**[1] (hereinafter "disability") so that meaningful lives can be enjoyed by experiencing the same opportunities and living conditions as the majority of Australians.

This includes being included in things such as education, employment, and community and the right to live safely and with dignity, free from violence, abuse, neglect or exploitation. We recognise that the advocacy undertaken by a family can be one of the greatest safeguards and supportive influence of inclusion in their family member's lives.

Family Advocacy works across New South Wales (NSW) and supports families in their advocacy to represent people with disability from a wide range of socioeconomic backgrounds, First Nations people, and culturally and linguistically diverse people, from metropolitan, rural and remote areas. Some of the areas we provide advocacy support include education, employment, housing, guardianship and NDIS.

We provide support in the following ways:

- Statewide Advocacy advice and advocacy information to individuals;
- Advocacy development for family members of a person with disability - Advocacy is often undertaken by families and these efforts can be required over the lifetime of their family member; and
- Systemic Advocacy - informing government regarding legislation, policy, funding, monitoring, and practice in areas that impact on the needs and barriers of people with disability.

Our work includes specific funding and activities around the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (hereinafter, the Disability Royal Commission). As such, part of our policy and advocacy work involves being discerning and constantly questioning the quality and effectiveness of the disability sector including our work undertaken in it.

Resourcing Inclusive Communities, is an initiative of Family Advocacy and works across NSW. This capacity building initiative hold the philosophy that people with disability thrive in the heart of the community, sharing the same everyday experiences as their fellow Australians. We share our vision of social inclusion with the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD). Our capacity building work aims to build the knowledge, confidence that inspires action that leads to building and sustaining a good life for the person with disability in the heart of community.

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[1] Developmental disability is a disability that occurs in the developmental period of a person's life (in the period from conception to adulthood) and includes but is not limited to: autism, intellectual disability, cerebral palsy, spina bifida, and any combination of physical, intellectual or sensory disability.

One of the eight guiding principles of the CRPD outlines that all people with disability have the right to experience full and effective participation and inclusion in society. Resourcing Inclusive Communities works with many allies in the community to support this vision. We provide information through our online platforms, through events such as webinars, workshops and conferences, we design tailored training, mentoring and supports for external services, develop extensive resources and have a 1800 number that provides support across NSW. We support positive change through working closely with people with disability, their family members, service providers, mainstream services, businesses and the broader community.

Introduction

Family Advocacy welcomes the opportunity to provide a submission to the Department of Communities & Justice (DCJ) in response to the "NSW Disability Inclusion Plan Update Consultation Paper".

The *Disability Inclusion Act (NSW)* 2014 was an important document as it was the first time the NSW government enacted its Disability Inclusion Plan (DIP), as a mechanism to address systemic and attitudinal barriers which inhibit the capacity of people with disability to participate as equal citizens and community participants.

The DIP has been intended to be a key driver for inclusive policy and practice across all NSW government departments underpinned by the implementation of principles espoused in United Nations' *Convention on the Rights of Persons with Disabilities* (CRPD). As Australia has signed and ratified the CRPD, any strategy concerning people with disability must be based on its principles. Australia is a wealthy country with a high standard of living and consequently, should be held to the highest standards with regard to its CRPD obligations.

Putting the person with disability at the centre of the DIP is a critical component and thus, involvement in co-design and co-delivery are essential. Also, this must happen in partnership with representative organisations which are recognised under the CRPD in its implementation and monitoring.[2] This will also help to ensure that obligations under the DIP are reflected in other State government and State-Commonwealth Agreements to strengthen the visibility of a whole of government responsibility to people with disability.

We acknowledge the NSW Government's attempts in relation to the development and implementation of the DIP. However, the DIP has had serious implementation issues and extensive work still needs to be done to create the structural and cultural shifts and understanding required within and between governments at all levels, and society more broadly.

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[2] https://www.humanrights.unsw.edu.au/news/five-reasons-why-australia-should-adopt-statutory-national-bill-rights

Certainly, from the experiences we hear about, it appears to have had very little impact on the implementation of inclusive education, employment, health, independent housing options and community life. People with disability continue to be segregated in these areas of life which has an “othering” effect, living their lives parallel to the rest of society rather than being in and part of society. This perpetuates the attitudinal societal barriers that the CRPD is attempting to address.

For example, the segregation of students on the basis of their disability in NSW schools through the continued support of schools for specific purposes and/or support units in mainstream schools, is in contravention of General Comment No. 4, Article 24 of the CRPD (Right to an Inclusive Education) which clearly defines inclusion. This striking contradiction between the DIP, its implementation and the CRPD highlights the ‘inbuilt’ attitudinal barriers that exist within our government departments in NSW. It is largely the disability advocacy sectors stance that this form of segregation supports institutional thinking and practice that many have spent decades advocating to be removed.

To have a chance at being effective at implementing authentic inclusionary practices across education, employment, health and housing over the next five years, the reviewed DIP must expressly and coherently provide a roadmap, articulate key outcomes, and how they will be monitored, measured, reported and reviewed. Vital to the integrity of the DIP is a requirement that the DCJ expressly acknowledge that segregation is not consistent with the CRPD and is a violation of the fundamental rights of people with a disability. The DIP roadmap must be bold and make transformational changes to transition away from segregation.

Our responses follow the specific questions which are in the consultation paper and we have raised additional points in the “Additional Comments” section. Our recommendations are premised upon 29 years of experience working with families who have promoted and defended their family members’ interests and rights and particularly supported their family member to be authentically included. The areas of education and employment have always been issues of particular importance to Family Advocacy. In education, for example, we have worked with families and the NSW Department of Education and many other stakeholders with a view to enabling all students to be welcomed and educated in the regular class of their local neighbourhood school with the right supports. Again, in accordance with the principles and implementation practices that align with the CRPD.

Family Advocacy is a member of the Australian Coalition for Inclusive Education (ACIE). ACIE is a coalition of organisations that share a commitment to advancing Inclusive Education in Australia. For this reason, much of our discussion comes from this frame of reference. Any examples or comments shared by our family members have been purposefully deidentified.

Consultation Questions

1. A review was conducted by the Sax Institute in 2018 on behalf of the Minister for Disability Services who consulted people with disability and the sector on the NSW Disability Inclusion Plan. The review found that the original four key priority areas of the NSW Disability Inclusion Plan (NSW DIP) are still relevant. These are:

- ***developing positive community attitudes and behaviours***
- ***creating liveable communities***
- ***supporting access to meaningful employment***
- ***improving access to mainstream services through better systems and process***

Do you agree that the recommended four key priority areas will further drive change to achieve an inclusive society for all in NSW?

Family Advocacy strongly recommends that if the NSW Government is serious about applying the CRPD across NSW then its key priorities need to strengthen considerably. Inclusion and access have very different meanings and implementation considerations. Family Advocacy would suggest that the word “access” be replaced with “inclusion”. Further to this, as inclusive education is seen as one of the greatest enablers to live life long inclusion, we would strongly recommend that this needs to have its own key priority area.

Thus, we recommend the outcomes should be altered to read:

- Developing positive community attitudes and behaviours
- Creating liveable communities
- Supporting inclusion to meaningful employment
- Adopting an inclusive education system
- Improving inclusion to mainstream services

Our support of any key priority areas need to align with the CRPD specifically in relation to inclusive education, employment, and housing, as outlined below.

Inclusive Education

Whether the decision is made to maintain the current fourth outcome, “improving access to mainstream services through better systems and process’, or adopt our suggestion of a separate outcome “Adopting an inclusive education system”, the DCJ must acknowledge the current structure of the dual system of regular and special education offerings contravenes the CRPD, denying students with disability from accessing an inclusive education[3], and **create a roadmap for achieving inclusive education** in Australia. The DIP needs to develop an Action Plan for Inclusive Education that includes a legislative and policy framework that fully complies with Article 24 and CRPD General Comment 4.

The DIP has not achieved an inclusive education system across NSW. This is evidenced by our anecdotal evidence, our intelligence as a member of the Australian Coalition for Inclusive Education and several reports and inquiries at state and national levels. There is currently no actual plan for NSW Department of Education to implement Article 24 and CRPD General Comment 4, with the only approach being to name these key documents as “being considered”. Words to actions are completely removed from this implementation process.

Education issues have doubled over the last 5 years and constitute over half of our enquiries from parents. Based on what we hear, parents continue to struggle to have their children included on the same basis as their peers. All too often we hear about the barriers that prevent students with disability achieving equitable outcomes which include gatekeeping the enrolment, partial enrolments, low expectations, lack of inclusive curricula, lack of individual education plans, lack of ongoing reasonable adjustments which often lead to a rise in suspensions, lack of reasonable assessments, use of restrictive practices, and poor transitions. For case studies from parents, see **Appendix 1 - Case Studies from parents of students with disability** 1 - Gatekeeping, 2 – Partial enrolments, 3 - Low expectations 4 - Suspensions, and 5 – Restrictive Practices.

The success of inclusion is too often dependent on the skill and commitment of school leadership and personnel as there is a lack of systemic capacity to meet the educational and social needs of all students and this goes beyond a lack of funding. It is very frustrating to see that in our recent submission on the 2020 Review of the *Disability Standards for Education 2005*, we made very similar recommendations for improvement to our 2015 and 2010 submissions.

As founding members of the Australian Coalition of Inclusive Education (ACIE), we have heard similar stories from disability advocacy organisations across the country. The broad consensus is that the National Disability Strategy (NDS), from which the DIP stems, has failed to achieve any actual outcomes, or even made substantial progress for people with disabilities.[4] Disability based segregation in education in Australia and home-schooling have increased over the last decade.[5]

Segregation of students with disability has increased significantly over the past decade, with a shift towards students with disability attending special schools and away from attending mainstream schools. The number of students with disability attending a special school increased by 35% between 2003 and 2015. This increase is supported by a funding incentive, whereby a child with disability receives higher funding if they attend a

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[3] https://www.family-advocacy.com/assets/Uploads/FA-Submissions/35ab551ed0/Family-Advocacy-submission-inclusive-education.pdf and https://www.family-advocacy.com/assets/Uploads/FA-Submissions/0c68d7ce4f/Royal-Commission-Submission-No.2.pdf

[4] Family Advocacy’s enquiries relating to education have doubled over the last 5 years.

[5] Australian Institute of Health and Welfare, *People with disability in Australia*, Report, 3 September 2019. https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/education-and-skills

special school rather than a mainstream school.[6] The DIP needs to address the increasing rate of segregation of students with disability and redirect adequate resources to full inclusion into mainstream schools.

At a national level, several reports and inquiries have looked at the impact of the National Disability Strategy, and show there is much room for improvement in the implementation of inclusive education.[7] For example, the Productivity Commission highlighted inadequate monitoring and accountability and laid out a proposed model to improve the effectiveness of the NDS.[8] We would assert the same applies when it comes to the DIP.

ACIE has already developed a 10-year plan, ***Driving change: A Roadmap for achieving inclusive education in Australia***[9]. The ACIE Roadmap is underpinned by six pillars that are drawn from the evidence base and embed the rights of students as outlined in the CRPD. The six pillars are: Ensure inclusive education, Increase educational outcomes, Stop gatekeeping and other discrimination, Eliminate restrictive practices, Prevent suspensions and expulsions, Phase out segregated education. **We strongly recommend the adoption of this Roadmap** to help realise equitable education outcomes for students with disability.

Employment

Similarly, under “supporting access to meaningful employment”, DCJ must acknowledge the current structure of the dual system of segregated employment for people with disability through Australian Disability Enterprises (ADE’s) where they do not have meaningful employment or appropriate wages (with less than 1% having opportunities to move into mainstream employment). This area must also include a roadmap to transition out of segregated employment models over the next 10 years. It is imperative that any outcomes being measured must distinguish between different types of employment, looking at the percentage of people in real employment versus ADE’s. NSW continues to run the significant risk of being left behind the shift in this regard in other jurisdictions and countries.

In terms of employment in the open market, we know Australia (and NSW) has a poor record. People with disability are nearly twice as likely to be unemployed than people without disability.[10] Compared to OECD countries, Australia has one of the lowest employment participation rates for people with disability at 53.4 per cent compared with 84.1 per cent for people without disability. Of 15-64 year-olds, 37.9 per cent have their main source of personal income from a government pension or allowance.[11] Complaints about discrimination

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[6] Students with disability at a mainstream school attract a students with disability loading of 186 per cent of the base per student amount; those at a special school attract a students with disability loading of 223 per cent. See: Senate Standing Committees on Education and Employment (15 January 2016) Chapter 5: How to better support students with disabilities in schools' in 'Access to real learning: the impact of policy, funding and culture on students with disability'.

[7] Community Affairs Reference Committee, Australian Senate, *Delivery of Outcomes under the National Disability Strategy 2010-2020 to Build Inclusive and Accessible Communities* (Report, 2019);
Laura Davy, Karen R. Fisher, Ayah Wehbe, Christiane Purcal, Sally Robinson, Rosemary Kayess and Danielle Santos, *Review of implementation of the National Disability Strategy 2010-2020: Final Report* (Social Policy Research Centre UNSW, Report August 2019) <https://www.dss.gov.au/review-of-implementation-of-the-national-disability- strategy-2010-2020>.

[8] Productivity Commission, *Review of the National Disability Agreement* (Study Report, 2019) <https://www.pc.gov.au/inquiries/completed/disability-agreement/report>.

[9] https://acie.org.au/2020/09/30/driving-change-a-roadmap-for-achieving-inclusive-education-in-australia/

[10] Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers, Australia: Summary of Findings,* 2018, Catalogue number 4430.0, 24 October 2019

[11] Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers, Australia: Summary of Findings,* 2018, Catalogue number 4430.0, 24 October 2019

in employment make up a significant proportion of all disability discrimination complaints made to Australian anti-discrimination agencies.[12]

The review of the National Employment Framework was narrowly reduced to only focus on the Disability Employment Services (DES) program and has failed to deliver the comprehensive reform required. *Disability Employment Services* (DES)[13] continue to deliver poor employment outcomes for people with disability.[14]

The current employment pathways for students with disability at school and transition beyond school do not align with the objectives of the CRPD. The current situation with work experience and other programs deemed to be helpful in transition are not always on offer for a lot of students with disability or the programs on offer are segregated and ineffectual. This is despite current policies that state otherwise. Students with disability, even when considered to be capable of work, are intentionally funnelled into Australian Disability Enterprises (ADEs) as part of a work experience placement. Our position is that there are clearly both moral and social impacts to this pathway for many people with disability and the status quo of this pathway needs to be challenged.

Some families report to us that their child has been requested to stay at home instead of participating in work placement like other students, with many families having to negotiate with the school around such arrangements.

> *There is generally a lack of supported and flexible work experience and this impacts their knowledge of career planning and employment prospects. For my son, I had to advocate rigorously to get the school to give permission for my child to have a flexible work experience as it was not practical for him to do it every day for 2 weeks. Instead, the school gave us permission to go once a week for 2 hours for a few months.*
>
> *As it was well thought through and the right supports were put in place; this has led to future employment for my son. He now runs his own business as a mail courier. At the same time, I received a letter from the NDIA assuming the only option for my son was for a Day program for work experience. If I did not have a clear vision for my son to have an inclusive life, and the support of Family Advocacy, his life would be on a very different path. I feel lucky to be educated and have English as my first language. What about those families that are not and do not know any better and do not have the support?*
>
> Carole

The above example illustrates one of our parent’s experience of advocating for a flexible arrangement for her son’s school work experience.

To counteract these issues and to attempt to be a part of the solution, Family Advocacy, through its initiative ‘Resourcing Inclusive Communities’, was recently successful in obtaining an Information Linkages and Capacity building (ILC) grant funded through the National Disability Insurance Scheme (NDIS) but now the DSS. This grant will go towards lifting expectations of families in relation to post school transitions whilst

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[12] Australian Human Rights Commission (2016) Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability, AHRC, Sydney.
[13] Australian Government, Disability Employment Services. Department of Social Services.
[14] Disabled People’s Organisations Australia (DPOA) Factsheet: Employment of Persons with Disability. DPOA, Sydney.

utilising normative school pathways to achieve real employment outcomes in the workforce.

Importantly, all students in all settings will be targeted in this project, as each young person has the ability to contribute to the NSW economy. We will also be working with families concerning the flexibility of arrangements, such as shorter work experience placement sessions over a longer term than the usual two-week time frame, that may be helpful for students with disability obtaining work experience. Importantly we will be lifting expectations of families, educators and businesses alike in relation the employment outcomes that people with disability obtain and the many innovative models of support to enable this to occur. This is a three year grant and the intention is to target many students, families, educators and businesses across NSW.

Delivering this grant will also equip Family Advocacy with more knowledge of the extent of the system barriers that are currently occurring within the NSW education system. **We strongly recommend that the DCJ assist by promoting this School to Work project and support the findings and recommendations upon completion**. For this reason, we would welcome the opportunity to be part of the development of the employment framework for NSW.

Success in employment for people with disability is usually driven via families with a determined vision of meaningful employment. For example, we have heard about families taking unique approaches to supporting their family member with disability, using innovative and contemporary models of employment, such as customised employment, and microenterprises that support this cohort. Customised Employment is a process that matches a person with disability to the needs of an employer, creating a match in a customised job. It is based on identifying the strengths of a person with a disability through a process called 'Discovery'.[15] This is discussed in more detail in Question 5(g).

A microenterprise is a very small business, owned and run by an individual. It's simple to start, and needs minimal capital. It can have a vital purpose in improving people's quality of life and sense of contribution to society. It can give a person a valued role in their local community providing a service or goods, and be based around the person's passions, interests and skills. It is highly individual – able to happen at whatever level best suits a person. Microenterprises create independence and empower people to make a contribution while using skills and talents.[16]

We also provide an example in the form of a film and recommend you watch *Josh's story*[17] (6 minutes) which illustrates that employment can be the norm following an inclusive education rather than a day program and/or sheltered workshop. Josh now runs his own mail delivery business and is a valued and respected member of his community.

On the basis of the above, the DIP must employ measures to ensure that people with disability can access

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[15] June Alexander, 'Customised Employment', Presentation, Let's Get to Work Virtual Conference 2020, July 2020.
[16] http://microboard.org.au/
[17] Family Advocacy, *Josh's Story,* YouTube, 24 November 2019. <https://www.youtube.com/watch?v=OTdRgyh1dV0>

employment services that meet their individualised needs, and which are focused on long-term outcomes.

Of particular significance, is the strong nexus between segregated education settings and poor employment outcomes. A 2018 comprehensive review of research by the European Agency for Special Needs and Inclusive Education, concluded that attending a special school setting is correlated with poor academic and vocational qualifications, employment in sheltered workshops, financial dependence, fewer opportunities to live independently, and poor social networks after graduation.[18] Therefore, our poor inclusive education record limits the possibilities for students with disability, threatens NSW's human capital development and undercuts their future economic development. If we are to achieve the aims of inclusion under the DIP, the NSW government must get serious about ensuring inclusive education becomes a reality in Australia.

Housing

One concern is that the issue of housing should be more prominent.

There is no national or NSW framework for the closure of residential institutions in Australia. More than 5.2% of people with disability live in cared accommodation such as group homes,[19] with a further 2.8% living in supported accommodation facilities.[20] This data is not disaggregated. People with disability in residential care die at least 25 years earlier than the general population.[21]

Access to appropriate, available, accessible and affordable housing remains a major issue for people with disability, becoming more evident with the roll out of the NDIS. There are more than 200,000 people on waiting lists for public and social housing across the country.[22]

One model that supports the objectives of the CRPD and the DIP is the Independent Living Options (ILO) model which is being offered under the NDIS, and we share an explanation from the NDIS website:

"Where we live, who we live with and the supports to live the life we want are very important to everyone.

Individual Living Options (ILO) are focused on working with the participant and their family to consider their needs and preferences, and design a flexible package of supports. Implementation often happens in stages and the package includes a primary support approach and supplementary supports. Once established the living arrangement is closely monitored and fine-tuned.

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[18] European Agency for Special Needs and Inclusive Education, *Evidence of the Link Between Inclusive Education and Social Inclusion: Literature Review,* 2018, p 14.

[19] Australian Institute of Health and Welfare 2017. Australia's welfare 2017. Australia's welfare series no. 13. AUS 214. Canberra: AIHW. See also: Australian Government, Australia's Combined Second and Third Periodic Report under the Convention on the Rights of Persons with Disabilities, 1 September 2018.

[20] ibid.

[21] NSW Ombudsman (2018) Report of Reviewable Deaths in: 2014 and 2015, 2016 and 2017, Deaths of people with disability in residential care. NSW Ombudsman, Sydney.

[22] **Australian Institute of Health and Welfare 2017. Australia's welfare 2017. Australia's welfare series no. 13. AUS 214. Canberra: AIHW.**

The following describe a variety of living arrangements under the ILO heading.

- *Co-Residency – support resides full time or part time in the participant's home*
- *Host Arrangements – participant resides full time in the home of a non related host who provides support*
- *Living Alone – support is provided in the home of the participant in a variety of ways*
- *Living Together – participant lives with other people of their choice and receives support*

Individual living options aims to be a viable alternative to a group home.

The NDIS encourage and support the introduction of ILO models in participant plans and is currently developing an ILO policy. Current ILO arrangements will be maintained in participant plans."

We recommend that the DIP develop a plan for the closure of NSW residential institutional environments, support the **development of genuine community based housing,** promote and support the development of more contemporary models of accommodation supports across NSW. Although the Quality and Safeguard Commission and the NDIS are major players in this space this does not remain a reason for NSW Government to not get involved and support options for people with disability; significantly increase the range, affordability and accessibility of public and social housing to ensure that people with disability can maximise their level of independence and freedom; and allow people with disability to control the resources they require to live with dignity in the community, ensuring that people with disability are able to choose where and with whom they live.

2. Do you think including guiding principles as action items under each key priority area would be beneficial?

Yes, discussed in detail in Question 1.

3. The Sax review identified a number of considerations for the next NSW DIP

The findings from the Sax review stated that the NSW DIP could do better in providing for the specific needs of the diversity groups with disability mentioned in the Disability Inclusion Act:

- Aboriginal and Torres Strait Islander
- people from culturally and linguistically diverse (CALD) communities
- children
- women
- LGBTQ

How do you believe these diversity groups could be better represented in the NSW DIP?

Family Advocacy suggests several ways these diversity groups could be better represented in the NSW DIP.

Acknowledge the value of Inclusive Education to better represent diversity groups

Richard Rieser, academic, advocate and educator (2006a), sees a key role for schools:

> **Prejudicial attitudes towards disabled people** and indeed **against all minority groups** are not inherited. They are learned through contact with prejudice and ignorance of others. Therefore, to challenge discrimination against disabled people, we must begin in schools.[23]

Schools are a microcosm of wider society. If NSW is to be the multicultural, inclusive society it aspires or even claims to be, then all citizens need to be treated as equal and be visible. Children with a disability need to be allowed the same opportunities and experiences as children of different genders, language, ethnicity, socioeconomic status. Schools need to reflect this diversity. We need to see equity in employment of people with disability in schools and universities and education administration/organisations.

If all children grow up together and see inclusion as the norm; they will carry that forward to broader society. We need to recognise the assets that children with disability bring to the classroom, the social cohesion and the empathy that inclusion creates for all in a classroom. In this way, by making inclusive education a priority for children with disability, all of these diversity groups will benefit over the long term.

Involve and engage people with lived experience of disability

There must be genuine and deep engagement and not tokenistic consultation with these diversity groups. In our experience, we often find that the term “consultation” is applied by government departments in a knee jerk way and we are concerned that simply listening to the people with lived experience of disability is a shallow way to engage them. We have certainly experienced the situation where an agenda is predetermined by a government department and then information/input is sought with very rushed timeframes/deadlines and that is as far as it goes. In accordance with the CRPD, we advocate for a deeper engagement process where people with disability have shared responsibility, are active partners in co-design, making decisions and shaping policy/systems. This also includes the review, monitoring and reporting processes.

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[23] Rieser, R. (2006a) Disability equality: confronting the oppression of the past in M Coles (Ed, 2nd edn) *Education, Equality and Human Rights. Issues of Gender, ‘Race’, Sexuality, Special Needs and Social Class*. Abingdon: Routledge, p139.

Data collection and reporting

There needs to be an evidence-based measurement framework to track these diversity groups and thus the success of the DIP.

Transparency and clear communication on the DIP’s progress generally to the public is needed, at least yearly combined with longitudinal progress reports, and tabled in Parliament. As an advocacy organisation, we are required to report yearly with stringent rules and requirements to justify our funding and effectiveness. It should be no different for a government department. It is imperative that all governments and local councils take on a transparent, collaborative approach to the continued development of the DIP and the DIAPs.

In NSW, there has historically been a poor collection of disaggregated data regarding people with disability across all settings. In education, there is little known in mainstream/support units/segregated settings about enrolment rejections, educational attainment/completion, tertiary study, suspension/expulsion rates, employment upon leaving, and the use of restrictive practices for students with disabilities. In employment, little is known about the efficacy of day programs and Australian Disability Enterprises. Certainly, this also applies to restrictive practices generally across all settings in each state/territory.

This needs to change and there is no excuse not to do so as the technology exists to support it. The purpose of this data will shine a light on differences both positive and negative to enable shared learnings of good practice as well. It will also inform where there may be ‘hot spots’ or whether certain schools, employment providers or regions need more attention, training and support, and also whether any systemic changes need to occur. For transparency, all of this data should be publicly available and easy to access. Hence, data collection should be a priority for the DIP generally and in particular for these diversity groups. Any data collected should be consistent across departments/ councils/ industries to enable comparison, which can be helpful in ensuring all jurisdictions are held accountable.

We note that a National Disability Data Set is in the process of being developed. Such a resource will without doubt have significant usefulness in terms of understanding the needs, service usage and service delivery for people with disability. It would make sense to consider the use this Data Set, once it is developed, as a guide and also for consistency between state and federal jurisdictions.

Another suggestion is to consider the NDIS reporting system, under s.174 of the *National Disability Insurance Scheme Act 2013* (Cth), which provides a good reporting framework template which we consider should be adopted in determining the success of the DIP. The NDIS reporting framework provides national, state and territory progress reports against key outcome areas as well as a breakdown of spending across each jurisdiction.

Additional aspects of the NDIS reporting scheme which would have benefit in the context of tracking the success of the DIP include:

- **Reporting on participant satisfaction** – a similar evaluation could be made in relation to the satisfaction of people with disability regarding progress across the DIP key outcome areas;
- **Assessment of participant outcomes** – this is vital to determine the actual effectiveness of strategies, and should therefore be part of the evaluation of any project/scheme under the DIP;
- **Longitudinal tracking** – the DIP is a 5 year scheme with broad application across the whole of society - it is important to track progress against the key outcomes over its life span to ensure that progress is being made across long term projects as well as tracking whether incremental progress is being met as part of these long term objectives;

4. There is a need to strengthen and improve reporting standards and processes for monitoring implementation of DIAPs.

Do you agree updating the Disability Inclusion Action Plan Guidelines and introducing a dashboard will provide a more consistent approach to reporting and will improve reporting across agencies and local councils?

Yes. See "Data collection and reporting" in Question 3.

5. The Sax review found that some disability action plans were under ambitious and sporadic with their level of engagement and that the progress and achievements should be communicated more widely and strategically to maintain momentum for action and to facilitate learning.

Developing positive community attitudes and behaviours

a) Do you believe community attitudes and behaviours have improved since the inception of the DIP?

No. See our discussion of the statistics showing increased segregation in education under the heading "Inclusive education" and poor employment record under "Employment" in Question 1.

b) Should we engage business and community leaders to speak up about inclusive attitudes and behaviours within the disability community?

Yes. Hence our inclusion of this quote on the front page of this submission.

> *"The continuing inequality we face will not be rectified by ramps, lifts and accessible communications, or by the outlawing of discriminatory behaviour, welcome as these may be. The wellspring of our oppression comprises deeply held social attitudes that reflect generations of prejudice, fear and discrimination towards disabled people in education, work and social life. The main reasons are negative attitudes and stereotypes, which are based on untrue ideas that have been around for thousands of years, and which are amazingly persistent."*
>
> Richard Rieser, disabled academic, advocate and educator

Community misunderstanding, stigma, prejudice and discrimination impact significantly on people with disabilities. We agree with the proposal to engage business and community leaders as it is vital that the new DIP has a stronger emphasis on improving community attitudes and behaviours but this should extend to those working within government. First and foremost, attitudes need to be addressed within each government department at the national/state/territory/council levels. We would assert that the NSW government need to “clean up its own backyard” if it is to engage with business and community on the topic. The NSW government needs to be a role model and lead the way for community. Having said this, some pockets of business and community may already be exercising good practices of inclusion and in this regard, we strongly encourage the NSW government to be prepared to learn from these good practices rather than reinventing the wheel.

We recommend a commitment be made at state and local levels for funding projects and initiatives focused on promoting inclusion and improved community attitudes towards disability, which also includes evaluation of good practices. Such an investment must be across the life of the DIP and needs to recognise this goal will require an ongoing and sustained effort.

Any attempt to address both government and community attitudes needs to intentionally address the inherent devaluation of this group and the unconscious bias that exists in both community members and our systems.

For an in-depth discussion on how to tackle the unconscious bias within community and improve community attitudes, please refer to Family Advocacy’s Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability Submission No.3 - Rights and Attitudes Paper.[24]

Culture change in education

Specifically, in relation to education, the DIP must find ways to foster an inclusive culture to improve its effectiveness by promoting the *Disability Education Standards 2005.* Many of the parents we hear from would say the current culture is one that does not welcome all learners and/or celebrate diversity. More can and should be done to increase awareness of making reasonable adjustments and inclusion among both teachers and parents of students with and without disability. It is only through the broader cultural understanding and acceptance of the value of diversity to the whole of society that the Strategy will be able to be implemented in the way it was intended.

From a broad system perspective, we recommend a schoolwide approach to social, emotional and wellbeing school policies are required to influence school culture and climate. Culture is shaped by the schools’ values and expectations whereas climate tends to be associated with teaching practices, attitudes to diversity and the relationships with stakeholders. Also, an Individual Education Plan for each student with disability will help direct this work across schools.

Family Advocacy has produced two videos about school inclusion and how reasonable adjustments were

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[24] https://www.family-advocacy.com/assets/Submissions/c3348b0105/DRC-submission-rights-attitudes-paper.pdf

made: *'Jacob's Story'*[25] (18 minutes) and *'Al's Story'*[26] (15 minutes), which illustrate inclusion in a public high school and give positive views from different members of the school community, peers, and the school Principal and teachers.

The common theme to a positive inclusive experience has been the **will** of the school to give it a go (mindset of a welcoming culture), see inclusion as a journey (a process not a target), upgrading the **skill** of the teacher and the willingness to **collaborate** with the family (positive partnerships). We recommend these videos be watched by the relevant staff from the DCJ working on the DIP and encourage the use of these videos more broadly to Department of Education staff, the Minister for Education and their staff.

Parents need to be handed information about the rights of a child with disability, the obligation of the school to provide a reasonable adjustment plus the student behaviour strategy in all enrolment kits, in our experience many parents are still not getting access to this information.

For the NSW government to be leading the way in inclusion in education in accordance with the CRPD, Family Advocacy recommends the following to enhance the educational opportunities of students with disabilities and the inclusive culture of schools:

- that the *Disability Standards for Education 2005* (the Disability Standards) be enhanced to create greater awareness and recognition of the rights of students by developing pamphlets and other communication strategies for families of students with and without disability explaining the *Disability Discrimination Act 1992*, the benefits of an inclusive education for an inclusive society
- that information about the Disability Standards be included in all enrolment kits across Australia, and on the enrolment pages of the Department of Education website
- that complaints mechanisms, including internal and external, be included in all enrolment kits across NSW
- that the Department of Education engage in a targeted advertising campaign to alert parents of children with disability to the fact that their child has a right to be included on the same basis as other children, including in the regular classroom
- that as well as mandatory training on the Disability Standards to school staff, this training should also be made available to other people that enter the lives of a child with disability such as the General Practitioners, Paediatricians, allied health professionals, obstetrician, early childhood professionals, tertiary leaders, NDIS participants, other parents, and the broader community. This is where the DIP can take a more proactive role
- training resources should be updated to show positive stories of substantive inclusion through reasonable adjustments in regular classroom settings so education leaders and teachers can see the positive impact of an inclusive education
- additional case studies should indicate good practice of curricular and social participation for students

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[25] Family Advocacy*: Inclusive High School Education - Jacob's Story* https://www.youtube.com/watch?v=YuLu8Dmv7OQ

[26] Family Advocacy: *Al's Story,* (Video, 23 October 2019), <https://www.youtube.com/watch?v=lkbsmv22wCg>

with intellectual and sensory needs in general education environments
- building more awareness of the rights and benefits of an inclusive society including an inclusive school community
- implementing strategies to build inclusive school communities.

The NSW Department of Education needs an Inclusive Education Implementation Team to ensure that accessible summaries of rights, obligations and complaints processes are provided to ***all*** prospective students as part of enrolment processes in every education setting; published on every education institution's website across the three sectors; and is prominently displayed in education facilities. Another suggestion is that the Disability Standards are emailed and/or sent in hard copy to all participants in the NDIS for school aged children.

We recommend that a commitment be made at state/ local levels of government towards funding projects and initiatives focused on promoting inclusion and improved community attitudes towards disability (including evaluation).

c) If opportunities were available for you to participate in forums or surveys on the NSW DIP would you be interested?

Yes. In line with our discussion in Question 3 under “Involve and engage people with disability”, we believe it is imperative that a steering committee of people with lived experience of disability and/or those supporting them be formed to be part of the co-design, decision making, implementation, monitoring, review and reporting stages.

Creating liveable communities

d) Universal design involves making built environments, facilities, information, policies, products, programs and services accessible for all people and abilities from the beginning. Doing as much as possible at the start lessens the need for expensive adaptations. Universal design helps everyone.

What do you think about including universal design as guiding approaches under Creating liveable communities in the new plan?

It is essential. Under Article 4 of the UNCRPD, the promotion and development of universal design principles is expected of Australia, as a signatory nation. Not only that, it is best practice, and a cost-effective way of managing the changing needs of all individuals over their lifetimes. This also makes much more sense than putting in specific adaptations and modifications of mainstream services/facilities which only serve to emphasise “otherness”. Universal design needs to become mainstream.

e) Do you agree we still need to increase the availability and accessibility of public and private transport for people with disability, especially for those living in regional and rural areas?

Yes.

f) Would increasing the availability, accessibility, relevance and distribution of information about mainstream services, public spaces, local events and activities, help you participate in the community more?

Yes.

Supporting access to meaningful employment

g) A NSW Premier's Priority is to increase the representation of people with disability in the public sector to 5.6% by 2025. Do you believe employment targets achieve meaningful and sustainable employment for people with disability?

Yes.

We would also suggest making targets to specifically allow for people with intellectual and developmental disability. Here, it is pertinent to acknowledge the "hierarchy of disability" which is a social construct that makes certain types of disabilities more acceptable than others[27]. Intellectual disability is at the bottom of the disability hierarchy. A great many types of people who have other types of disabilities actively try to distance themselves from people with intellectual disability.

Further to this the recent work that the Premier's Department has undertaken to achieve the increased employment of people with disability does not include more innovative models of support. Many of the structural changes they have made to recruitment and modifications at work only accommodate a certain subset of people with disability. If the Department is serious around this objective then they will need to take a deeper dive into these models. Again, our NSW governments need to lead by example for the business community in the employment of disability.

In this regard, we strongly encourage the DCJ to apply the strategy of customised employment in the public sector. We refer the DCJ to the website of Marc Gold & Associates – The People who try another way[28] in the U.S, who are disability professional specialising in the area of employment and community participation for persons with significant disabilities. Below is their explanation of customised employment from their website:

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[27] Mark Deal, 'Disabled People's Attitudes Toward Other Impairment Groups: A Hierarchy of Impairments' (2003) *Disability & Society*, 18:7, 897-910.

[28] http://www.marcgold.com/services

What is Customized Employment?

Customized Employment (CE) is a universal employment strategy that is especially useful for employment seekers with significant life complexities and barriers to employment, such as a severe disability. CE strategies result in competitive, integrated employment that is ***based on a determination of the strengths, needs, and interests of the employment seeker.*** *The specific abilities of the individual are matched to the business needs of an employer. CE is a* ***relationship*** *between an employer and an employee that is negotiated to meet the needs of both parties.*

CE is included as a strategy to support individuals with disabilities to obtain employment in the Workforce Opportunity and Innovation Act of 2014.

What Does the Process Look Like?

STEP 1

<u>Discovery:</u> Discovery is a form of qualitative research that seeks to understand who the employment seeker is in as many aspects of life as necessary to inform an effective Customized Plan for Employment (CPE); it is used as an alternative strategy to a comparative assessment or other comparative procedure.

STEP 2

<u>Profile:</u> The Profile is a comprehensive descriptive document that is developed to capture the information gathered during Discovery about the employment seeker. The Profile becomes the written document that informs the Customized Job Development process.

STEP 3

<u>Customized Plan for Employment (CPE):</u> The CPE is a blueprint for employment for the employment seeker. The CPE is developed during a Customized Employment Planning meeting, a meeting that takes place after Discovery is complete and adheres to the values associated with person-directed and person-centered services. The employment seeker along with family, friends, colleagues and agency representatives attend the meeting and the Profile documents are shared, to support the planning process. Interest areas, tasks, specific employers, locations and other considerations that will increase the likelihood of employment success, are included in the CPE.

STEP 4

<u>Visual Resume:</u> A Visual Resume is developed for each employment seeker during the Customized Employment process. The Visual Resume is used to present an employment seeker to a potential employer, in a manner that highlights the best of who they are: their relevant interests, education, employment and volunteer experience, potential contributions to the business, and a specific list of tasks the job seeker has to offer.

STEP 5

<u>Customized Job Development (CJD):</u> The CPE becomes the basis for all CJD activities undertaken for the employment seeker. Job developers use the CPE "blueprint" to identify, engage, negotiate and customize a job, and any conditions for success needed by the employment seeker, with employers.

h) Do you agree including the following guiding principles under the meaningful employment focus area to be beneficial?

- ***Promoting a culture of inclusion within organisations and businesses, including highlighting NSW employers that demonstrate best practice employment practices***
- ***Promoting diversity and accessibility in vocational training***
- ***Improving transition supports for students with disability leaving school***

Yes.

We refer to our discussion of "Customised Employment" in Question 5(g) above.

<u>Improved access to mainstream services through better systems and processes</u>

i) Should all NSW government agencies and local councils commit to moving to procuring and developing any new systems and processes that have been tested and proven to being universally accessible, meeting the minimum worldwide access standards?

Yes.

Certainly, as an example of one setting in the case of the education sphere, the application of "Universal Design for Learning" has significance to ensure schools learn how to make reasonable adjustments in order that a student with disability can access the curriculum in the same classroom as their same aged peers, regardless of their academic level.

In a broader context, "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed. It is expected that the principles of accessible design will be applied as a general rule when developing policies or programs in alignment with the DIP. It is imperative that NSW government agencies and local councils learn about the UDL principles (in accordance with the definition in the UNCRPD) as they provide more accessible in every way.

j) How can NSW government agencies and local councils highlight, celebrate and encourage the adoption of leading best practices for accessible and inclusive service delivery across NSW?

- ***Their website***
- ***Social media***
- ***Newsletter***
- ***Local media releases***
- ***Council meetings***
- ***Email***
- ***Printed material***

All of the above. Obviously, all communications need to be in accessible formats - Easy Read, Auslan, captions, audio description, multiple languages.

6. The objective of the NSW DIP is to ensure full participation for people with disability in all facets of the NSW community.

a) Would celebrating and promoting examples of non-government agencies and businesses that have adopted their individual DIAP help to improve the access and inclusion of people with disability in NSW?

Yes.

Celebrating and promoting is a good start but it would be helpful if those positive exemplars within business were supported by the NSW government to run workshops to educate the government and non-government agencies. It would be good to set up a central body to be funded to take charge of educating the government and non-government agencies and the community at large. See 6 (b) below.

Further to this examples must be aligned with the principles and implementation practices of the CRPD.

b) How could community awareness of the NSW DIP and the DIAPs of NSW Government agencies and local councils be increased to encourage businesses and non-government organisations to implement a DIAP?

We recommend the NSW government create a new funding to set up a NSW Centre for Disability Inclusion to:

- Provide education and training to government, non-government and community
- Provide information and advice
- Monitor, assess, evaluate and report on targeted outcomes
- Promote the DIP and the DIAPs to all local councils, government and non-government agencies
- Receive individual and systemic feedback on the DIP and DIAPs
- Creating DIP and DIAP templates to assist in future development

- Celebrate and promote positive exemplars of DIP and the DIAPs formally (quarterly report, at local council meetings/AGMs, Awards day on International Day of Persons with Disability) and informally (social media, blogs, vlogs, facebook), that align with the CRPD
- Encourage government and local councils to regularly report on their DIP and DIAPs
- Facilitate to help collaborate within and between government and non-government to work together and learn from each other
- Co-ordinate existing organisations in government, non-government, community, disability organisations, advocacy organisations to promote the DIP and DIAPs.

7. How could we measure the success of the Disability Inclusion Plan?

We have previously discussed this in Question 1. Essentially, in government departments, a long term roadmap in the areas of education, employment and housing must be formulated. This should be co-designed, implemented and evaluated and reported by people with lived experience of disability or their family members. The roadmap would outline short, medium and long term goals. These goals ought to be consistent across all sectors so they are comparable. Data needs to be collated and reported on annually to the Minister for Families, Communities and Disability Services and tabled in Parliament. Additional funding must be provided to allow for data collection and reporting.

A similar approach could apply for the DIAPs. Key performance measures that improve outcomes for people with disability in the community needs to be established. A steering committee ought to be created consisting of a broad range of people with disability, including their families/carers to formulate what these quantitative and qualitative outcomes might be. There are key indicators used internationally in relation to inclusive education. Family Advocacy would be happy to provide you with these upon your request.

8. Additional Comments

Strengthen Accountability

To ensure the DIP is not simply an aspiration statement, more accountability is necessary, as well as a structure to monitor progress. One of the impediments to implementing a DIP is the challenge posed by the silos within the multiple tiers of government within this country. There is a need for clearly defined roles and responsibilities for each level of government and other key stakeholders in the DIP and the DIAPs to overcome the current confusion, and people falling through the cracks. Clarity is required in the DIP to set out key responsibilities, timeframes, targeted outcomes, key benchmarks and the role of key partners. As it stands, the DIP is not clear about strategic planning around inclusion nor to be able to measure its success or otherwise in addressing the four focus areas.

It may be worthwhile considering the structure that currently exists at the federal level, the National

Agreement on Closing the Gap (the NACG)[29] offers a good model in terms of how the DIP could potentially be structured. The NACG sets out specific goals, the key responsibilities of different parties across several priority reform areas, includes specified timeframes in some instances and prescribes points at which progress will be assessed as it relates to each priority reform area.

Another point to raise here is the danger that simply the completion of a project as a way of monitoring progress. The success needs to be outcomes based on the direct feedback from people with the lived experience of disability, their family representative or disability advocacy organisation.

Strengthen the protocols around collaboration

Collaboration requires a commitment and a planned approach by all parties working towards a common goal by sharing responsibility and expertise. For example, the successful inclusion of a student with disability, collaboration in schools takes many forms and involves multiple stakeholders working together to support the teacher such as the student, parent, teachers' aides and other professionals. For collaboration work to be effective, time and space need to be allocated for collaborators to develop a working relationship, establish roles, plan, implement, and reflect.

In this way, all levels of governments need to collaborate internally and externally with their own departments, with other departments and between state and federal governments as well as local councils. The DIP should ensure commitment from all sectors to **establishing cross-agency collaboration** as a key approach incorporated in the document.

Establish a steering committee for each of the outcome areas

As discussed throughout this submission, we reiterate section 10(2) of the Disability Inclusion Act which requires the consultation of persons with disability when planning the DIP. Currently, the detail as to what constitutes "consultation" is scant under this section. One could argue that a brief discussion with a small group of persons with disability would adequately fulfil this obligation. Indeed, this has been our recent experience. However, we consider it to be just as important that there is continued engagement for not just the co-design phase but also the implementation, monitoring, evaluation and reporting phases to develop a well-informed and effective DIP.

Family Advocacy would seek to be consulted at all critical points during the course of the DIP and would see it as great value to be a part of ongoing work involved in the implementation of the DIP. In this regard we put ourselves forward to be a part of any working group or reference group moving forward.

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[29] Council of Australian Governments, Partnership Agreement on Closing the Gap 2019-2029 – an agreement between the Coalition of Aboriginal and Torres Strait Islander Peak Organisations and the Council of Australian Governments, July 2020 < https://www.closingthegap.gov.au/sites/default/files/files/national-agreement-ctg.pdf> accessed 27 October 2020.

Ensure consistency with legislative and statutory instruments

No doubt you are aware, last year and this year, there have been many reviews of disability related statutory instruments and policies such as the National Disability Strategy, the National Disability Standards for Education 2005, NDIS Quality and Safeguards Commission, NSW Restrictive Practices, NSW Student Behaviour Strategy. Of course, it must also be mentioned the Disability Royal Commission on Violence, Abuse, Neglect and Exploitation of People with a Disability over the next 3 years.

Clearly, the National Disability Strategy will have a direct impact on the DIP and the DIAPs. We understand there is much under review and it is complex to navigate amongst the various levels of government but **we would strongly recommend that there be commonality/ synergy and consistency across these various intersecting instruments addressing disability inclusion**. Family Advocacy sees the opportunity for a unified national approach towards driving inclusion across Australia, particularly in education, employment and housing.

Articulate the role of the non-government sector and community

The DIP focuses on government exclusively but inclusion requires the involvement of the whole of society. Family Advocacy considers the DIP needs to articulate the role of industry and the partnership between government and industry, as well members of the community. It would be desirable if DIAPs were required across a broader section of society, particularly with businesses/institutions/industries over a certain size. The NSW government could find creative ways to weave this into their own policies such as mandating a DIAP be implemented or an employment target be set prior to engaging or doing business with an organisation/company.

The NDIS is just a funding scheme not the panacea to addressing inclusion

There is still substantial need for state-based mechanisms to embed inclusion across society. We are concerned by what we see as a growing expectation that the NDIS, as a federal structure, will drive improvement across the lives of people with disability. It is important to note that while the NDIS represents one of the most significant pieces of social reform of the past decade and has indeed gone some way towards breaking done barriers, only approximately 10% of people with disability in NSW are eligible for a NDIS plan.

This indicates that the NDIS is not a ‘be all and end all’ – and governments should not overemphasise the NDIS as a means of addressing inclusion and accessibility. A NSW Plan specifically embeds the principles of the CRPD within NSW infrastructure and is specifically directed at addressing inclusion within NSW mechanisms. It can be much more prescriptive than a National Plan.

The current requirements for the NSW Plan are still relevant, and valuable, however Family Advocacy stresses, that a state plan with no accountability as to targets and outcomes is of limited value. Without indicators for success, based on best outcomes for persons with disability, there is no way of knowing if what the Plan, or indeed the DIA itself, sets out to achieve is actually being achieved. We consider that a State based plan was, and continues to be, essential, but it must have a robust process by which outcomes and impact can be assessed.

COVID-19 considerations

The COVID-19 pandemic has made very clear the lack of priority provided to people with disability, which was highlighted by other sectors being provided with resources and information before those with disability.[30]

Whilst each person with disability had their own individual experience, and some benefited from remote learning but the effect of COVID-19 appeared to widen the gaps that already existed for people with disability.[31] We heard many stories from children with disabilities being left behind. See **Appendix 2** – **COVID-19 school case studies from parents of children with disabilities**, which includes 10 short case studies to illustrate this.

We recommend the DIP place an onus on the NSW government departments and local councils to ensure people with disability are included and receive targeted support in COVID-19 recovery measures.

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[30] Dickinson H, Yates S. *More than isolated: The experience of children and young people with disability and their families during the COVID-19 pandemic.* Melbourne: Report prepared for Children and Young People with DIsability Australia 2020.

[31] Dickinson H, Yates S, Smith C, Bertuol M. *Not even remotely fair: Experiences of students with disability during COVID-19*. Report prepared for Children and Young People with Disability (June 2020)

Appendix 1 – Case studies from parents of students with disability

1. Gatekeeping

At a 2016 Family Advocacy event, we asked parents to list the explanations they had been given by Principals and other school staff as to why their child could not access the regular class or did not belong at the school. Set out below are the answers we received:

But this is what we have always done

Teachers aren't therapists

Special schools are best practice and this is reality

We do reverse integration

You have your head in the clouds

You do realise your child has a disability

Our school is heavily unionised

When they grow out of disability they can come

You haven't accepted your child's disability

We already have a child with disability

We have done all we can for your child

We only take children with high functioning disability

You don't always get what you want in life

Your child is not disabled enough for individual funding

There is such a big academic gap so it won't work

They are not a good fit

This will be too exhausting

We don't have enough resources

We don't know how to teach children in mainstream

Our teachers aren't babysitters

Our teachers aren't nurses

We have no specific disability knowledge

Your child is a risk to others

In high school the gap gets wider

Your child excludes himself/herself

Not in our area

We are already dipping into the general budget

Kids are cruel so they are better off somewhere else

Their self-esteem will be affected

We have no resources

We don't have the skills

We can't afford the modifications

Your child won't get funding

Our school is heritage listed so it's not a good idea

When she is toilet trained

My teachers don't have to teach your child

You got lucky in primary school

The gap gets wider so why put them through it?

They will take teacher's attention away from the students
Will you be paying for this?

You don't realise how tired this will make the teachers

We are not experts

They won't identify with their peers

You will get backlash from other parents

We don't teach them

He doesn't meet school requirements

She can't come here because we can't lift her

We can't solve all the world's problems

Your child is not a good fit

There are special places for your child

You are ruining your child's future

You are not doing the best for your child Your child doesn't belong with adolescents

We will get a teacher's assistant to teach them

There is best practise and there is reality

It will be an unjustifiable hardship

In Term 1 of 2020, Family Advocacy asked on our Facebook page if families could share their gatekeeping experiences and the reasons given by the principal/school staff. The post reached an audience of 1,763 and we received the following comments. We suspect we would have received more responses but it was also at the same time the Covid-19 pandemic was heating up and we believe that many families were more focused on keeping their families safe. Regardless, it is our view that the comments received (as set out below) reveal gatekeeping is continuing for parents:

'Your son doesn't have the skills and behaviours required for Kindy'

'Your son will only get an hour a week support'

'After meeting your son, unfortunately we don't have any spots available'

'Your son is not achieving the goal of improving social skills in mainstream, so he should go to a support unit'

Melinda

We have experienced gatekeeping with both our children. Our son has a diagnosis of Sensory Processing Disorder and our daughter is dyslexic. We tried to enrol our son in a Catholic primary school. Our son has a diagnosis of Sensory Processing Disorder and we advised the school. When they met with us they told us that they would only accept our application if we agreed to enrol in their program for Autistic students (he is not Autistic and had been assessed by a Clinical psychologist). They suggested that we would need to seek a second diagnosis or not be accepted at all.

We were looking for a high school for our daughter with an assessment of dyslexia. We were told by one of our chosen high schools that "it isn't really the place for children with dyslexia as we can't offer any support or remediation".

Vicky

I have a 5yo son with ASD. He is a gifted child and during the meeting and cognitive assessment stage of enrolment for kindergarten last year, he scored higher than any student they had ever seen. He was polite and happy meeting everyone. I took this as a good sign. Two weeks later I was asked to come to see the principal where I was told that because of his diagnosis the school did not have the capacity to meet his needs, and they feel he wouldn't learn well so they "regretfully" cannot accept his enrolment. I was very nicely asked to look at finding a special needs or autism school for him instead. I did put him in an aspect school where he is doing amazingly, but the fact they ignored his amazing mind and wonderful personality because of his diagnosis clearly shows they were discriminating against him.

Kathleen

'What makes you think your daughter is suitable to come here? You know she would only get about two days' worth of support across the week.'

'There is an autistic boy here in kindergarten and his parents pay for his support so you could do that but he will probably go to a special school at the end of this year.'

'We would have to make a lot of changes. We can help you fill out the forms for schools with the expertise and she can get the support she needs there.'

'I would encourage you to think about a multi cat classroom because then you have the best of both worlds.'

Ashlee

In our experience working with families, significant compromises to their vision of inclusion occur as they start their educational journey. In an attempt to counteract this, Family Advocacy has been running, for many years, state-wide advocacy information sessions and workshops for families specific to the rights, standards and policy consideration in relations to supporting their child to have an inclusive education. Many families are startled by the information they receive as it is often contrary as to what they have been informed by the school. It is essential at these events that families are upskilled in how to advocate effectively at the school level as unfortunately, this is seen as a necessity in interacting with schools.

The following stories, written by some of our families, show the importance of having a strong vision in order to survive the education system:

My child was rejected by 13 schools on the Central Coast. Due to no public schools accepting my child, I had to send him along to a special school 50 minutes' drive away, so four trips a day with his younger sibling. Not only was this travel wearing us down, this became a problem when his younger sibling had to start Kindergarten at our local school with the same start/finish times.

Aside from the fact that I was refused transport by the NSW government, I really wanted both my children to go to the same school together as I had learned that all the statistics show inclusive education is beneficial for kids with disability, and in fact, all students. I also wanted my children to be educated in the same school and with neighbourhood friends.

I found a school where the principal was prepared to enrol my child in the support unit with the idea to transition him to mainstream. I was contacted by a person from the Department of Education who told me the decision is not up to the principal and that we needed to undergo further IQ assessments, which we did and the results stating my child's disability was moderate/mild. The lady from the Department of Education met my son for a few minutes in the waiting room before the IQ test, called me later stating he was severe, needed a lot of support and is best suited to an IO (moderate intellectual disability) class or she can force a particular special school setting, which I won't name, to take him. I have since heard from schools "off the record" saying the suggested school has a reputation for moving kids with disability away from other schools all the time. She advised me that all places in mainstream classes were full and told me she had 30 years of experience with kids with a disability and he needed to be with his own kind.

After a lot of stress, advocacy and persistence, we finally have found a school that would accept both my kids and I have one drop off and pick up time. The school has been welcoming, accepting, made adjustments to the curriculum, included my child so he feels like one of the kids and is in the regular class and not a support unit. There is no change to my funding situation, just the attitude from the principal and teachers, whom I am so grateful for.

Gillian

My five-year-old was rejected by 12 schools, 7 [non-government] and 5 Public Schools. We applied north, south, east and west of where we lived. Eventually, we found a school willing to give our son a "fair go" but it meant we had to move away from our family base and our chosen parish. At the time of this search for a school that accepted my child he wasn't even in kindergarten. This was a rude awakening to our family that our much loved son would be rejected in this way.

The schools kept wanting to get him IQ tested. But we disagree with this completely because our son is a human being, he is not someone you apply a number to and stick him in a box, because you can't summarise a person based on a particular number. No number can measure that he is so caring, loves to learn, adores play, is a beautiful brother to his siblings. These tests medicalise people but he needs to be educated with his peers within his local school, where his siblings attend. In this way, it's the safest place for him. What he learns socially is just as important as academics.

James

For simplicity let's call him Bill, aged 10. Bill's other Grandmother has recently died and his Mother is sad. Bill is concerned about his mother so is not sleeping well. In class, he should be doing a spelling test assessment however he can't focus so the special needs assistant says, "Come on Bill, you can do better." Bill crumples up the paper and storms out of the classroom. No one checks on Bill. So Bill leaves the school and walks 1.6 km home. A policeman sees him and returns him to the school. The school now somewhat on the back foot and retaliatory, sees Bill as a flight risk and he is now sent to a disciplinary unit in a neighbouring suburb for two weeks.

The class teacher delayed putting in the behavioural form and the term of exclusion went over two weeks by one day. Bill attended the unit for what he thought was 2 weeks with a particular end date but it ended up being a day longer due to the teacher's delay. He became very angry and distressed. He felt he had completed his punishment. The staff member at the unit who had been threatened by Bill but not harmed said to me, "This is the second time he has got angry with me if he does it again we will have to take further action." I never found out what the further action was. Are we going to throw him in gaol for running home to his Mum? I just wanted to wrap my arms around him and take this poor boy home.

In total he lost three weeks of schooling because the school refused to shut the gates during school hours (we got them closed after a letter to the local MP).

Bill is now 12 and going to High School for the first time. The Primary School psychologist deemed Bill to be a difficult child (which he is) and he should be in the Autism class in High School. The Psychologist did not like Bill nor does she like many of those she should be nurturing as she doesn't realise visitors to the school can hear her staffroom chatter, "That child will never be any good". So despite the ASPECT (Autism Spectrum Australia - an autism-specific service provider) report indicating that Bill was high functioning and quite intelligent she recommended him for a life skill Autism class.

Bill had several orientation days at the High School. He was happy to go with his Year 6 class and refused to attend any that introduced him to the Autism class. He wanted to be in the mainstream and was looking forward to it. Unfortunately, he was placed in the Autism class. He was and still is miserable, depressed and a flight risk. Instead of being able to behave and communicate his ability to be in the mainstream his anger consumes him and he runs away. When his father brought him back to the school the Head of the Special Needs said to a sobbing child, "Stop being a sook." She has surmised him to be a discipline problem and he needs, "To be brought into line."

Bring Your Own Device iPads that are a school requirement are denied to the Autism class because they, "like them too much." Which may be the case however if the mainstream are allowed these as an educational tool then we are denying them equality of access to technology and information.

Grandmother of Bill

2. Partial enrolment

Many families whose children with disability are partially enrolled in school have informed us that their child was experiencing full attendance at a preschool or previous school settings and is quite able to manage a full day without incident.

When my son moved from a special school to a mainstream school, he was put on a trial from 9am-3pm without a teacher's aide and all went well. Despite this, the school said he needed to be on a partial enrolment from 9-12.30pm for five weeks. We wanted to question the purpose of partial enrolment and why five weeks? There was no reason for this. But there is such a power imbalance between us as parents of a child with disability and the principal, we dared not ask. We were so happy our son was being given a chance.

In this time, our son absolutely loved being in a mainstream school in a regular class. His horizons expanded enormously. He quickly identified and wanted to participate in the debate team, a talent show, computers and netball. He was given a Teacher's Aide for 1 hour per day for Maths support as his avoidant behaviour can be disruptive. There were no incidents over the five weeks. We expected full time attendance would follow. On the last day of the partial attendance plan, the school told us it would rezone the plan for another five weeks from 9am-2pm. They simply said we would like him for full attendance next year but we will see how we go. This cut off the last session of the day, which was netball or computers, the subjects he was really interested in. So it didn't make sense to us when the school told us the reason for not giving him the full time enrolment was because our son had told them he was not sure he wanted to be there the whole day. Again, as parents we do not feel we have the power to argue with the principal and have to accept what we are given. It was *clear our son is happy to go to school, he has a sense of belonging. He specifically asked for the teacher aide to be out of the way in maths and he should sit with the boys. He has his eyes on the future, can't wait for school camp and has set a goal to be the school library prefect. We can see how now he feels like a citizen, like he belongs, he is recognised. This did not happen when he was at the special school.*

Meg

After 6 half hour trial sessions at a school we were told: "Your son is too high needs for our school (local primary school closest to my home), he needs a specialist school and 2:1".

Country area. No specialist school. My son has been in partial enrolment at the school he attends for two years now.

Ellen

We had a terrible experience with our son when we approached our local school.

We met with the school Counsellor and a learning support coordinator. I thought I was just meeting the latter, but the School Counsellor was there and drove the meeting. The first thing she did was ask for any reports. I provided a Disability Specialist Unit report stating Global Development Delay. She asked me about ten times if I was sure mainstream was the best option. I kept saying yes, we were. I asked how we could support his transition to school. She thought he would be better placed in a support unit. I said no. She said she could take me on a tour of one, so I could see how it would benefit my boy. I said no, we want him at our local school. Then she was telling me how there is a big school population and Jimmy would struggle. He would get knocked over. 'The walkway is like grand central station.' There were stairs. He would be pushed down and hurt. There were big distances between classrooms, and he would fall behind and fatigue. And academically he would fall behind, and lose his confidence, 'he would be a shell of the child he used to be' and by the time we realised he should be in a unit, it would be too late and there wouldn't be any places!!! She was horrific but we stood our ground.

We persevered. She hadn't met my son. I thought once she met him and saw him doing well in a mainstream preschool that she would back down. I thought she would realise my son was more than the DSU report! We arranged a time for the two to come to the preschool and watch Jimmy. They talked to the staff at the preschool. Staff later asked me if he would be better placed in a support unit. I was furious that the Counsellor had influenced his preschool teachers to do her bidding. Later she conceded that Jimmy could attend the school if we really wanted him to, but that he would need to start on a few hours a day, and that he would start a week or two later, after his class mates had settled in. It meant that he wouldn't be there for lunch or recess so he would miss opportunities to make friends. She couldn't tell me how long that would go on for...I argued that he had been doing full days at preschool and the reduced hours wouldn't be necessary. She wouldn't back down. It was partial enrolment or nothing. I know we could have sent him.

We knew they had to take him, even though they acted as if they needed to approve his attendance. But we weren't prepared to risk him attending somewhere that he was expected to fail, and that had such low expectations of him. We started at a different school but transferred to our local school in term 3 of kindergarten. It was a totally different experience as the gatekeeper had left, and the teacher we met with was very inclusive and supportive of our attendance. Jimmy is doing really well. I am angry that, because of the Counsellor, we didn't start at our local school to begin with. I can't believe the experience we had, to be honest. I understand the Counsellor was reprimanded for her actions. But I also know that she is at another school and my friend battled with her all of last year to keep her boy in mainstream and out of the support unit. People like this should be retired!

Jo

3. Low expectations

The following stories (written by families and provided to Family Advocacy) are just a few examples of what we consistently hear about low expectations of students with disabilities.

It became obvious my preschool child had a good day whilst he was in an inclusive learning space in a regular day-care (where he was treated like a child first before a label) but not in the Early Intervention Centre (EIC), which was therapy based. I wanted him to be in a regular class at his local school but was pressured by the school that he would be better off in the support unit.

In term 1 of Kindergarten in a support unit (SU), he received an award for being the most inclusive child in the school playground where all children, including from the mainstream, played together. In term 2, they decided to restrict all the SU kids to a sandpit with a locked pool fence euphemistically named "the sensory garden". This is a form of social and environmental restrictive practice. He could not read or write by the end of the year. He regressed socially and academically. He displayed similar behaviour to when he attended the EIC. His speech went backwards, he would only grunt like when he was 3 years old.

He refused to enter the classroom. He could not read or write.

During this period, I started to learn about my child's rights and the legal obligation of the school. I decided to move him to a regular class in a mainstream school. By the end of Year 2, he could read and write at peer level and when he is sick, his friends run up and tell him they missed him.

The difference? The attitude of the Principal and teacher treating him like one of the kids and providing support where needed. See him as a person first and label after that. Staff have a collaborative working relationship with me with the focus on what is best for the child.

Krystal

She can't start school, you need to go and write a letter to the education department". This was the [non-government] system, who also withdrew all hearing support teachers…. At the bottom of meeting agenda, alternative education options is always there. Definitely comments towards low expectations. 'You just need to get it into your head your child is going to struggle her whole schooling life'. That was from Itinerant AP hearing (Itinerant support teachers (hearing) are supposed to assist and support schools through the learning and support team). Well, statistically you know you can't ignore them. School kept insisting on IQ assessment for pure purpose to enrol elsewhere. After the test, they said "We were shocked her nonverbal IQ came back so high. She is intelligent.

Leilla

We were given no option but the support unit, and told he would have better support for his learning. Every day I picked him up he was sat in front of Wiggles videos.

Janice

I wanted mainstream but was forced into special school setting. How will his speech improve when he is in a class with children who don't speak?

Matilda

Originally, I selected a special school because I was told he would be given more attention and better learning (six children ratio to a teacher and a teacher's aide). At the end of the year, his books came home with pages of empty worksheets, Now he is in mainstream and having to play catch up but is making progress in literacy and numeracy.

Bronwyn

The way the NSW school curriculum is currently, means nothing to my daughter in Year 8, who has an intellectual disability. Sadly, too often she has very few goals expected for her at school other than for her to be compliant. This is problematic when I sense she is often inadequately supported or completely disengaged.

John

Regarding adjustments and supports - these are lacking at the best of times, so let alone now in the COVID-19 crisis. Some teachers are good but most have less capacity or regard for including my daughter. However, a positive thing that happened for us was a conversation with our school Deputy Principal when I was at my wits end about how to make the online work accessible and the pressure I was feeling with so much work that required better access. She told me that it was the teacher's responsibilities to make the adjustments. (I have always known this but it is not our lived reality). At least by her saying it I felt there was some validating leadership in the school who had the intention of supporting teachers and encouraging this expectation. Whether it will happen in a time where teachers are stretched to the limit and stressed by everything that is happening, is yet to be seen. After years of expecting and hoping for this, my daughter is in Year 10, I am losing hope.

Tina

4. Suspensions

The following are examples of what we hear from our people across NSW about suspension and exclusion of students with disability. The first two examples (Peter and John) have been written by Family Advocacy staff based on lengthy phone calls by those staff with parents. The third example is a written response shared by a parent with Family Advocacy (Leanne):

The school is framing my 6 year old child as violent! This is a problem. No child is born "violent" or wants to be in trouble. By using this phrase, there is a subtle criminalisation of a child's behaviour. His behaviour is partly due to his disability but really it is due to the system that does not support his disability. I am concerned if these suspensions continue, he will enter the school to prison pipeline. If the school keeps alienating him, he will end up in the justice system.

In an effort to get more funding, the school did a series of standardised tests on my child to get a diagnosis. The tests were done in an unwelcoming room with a stranger. After this, his behaviour was triggered and the school's response was heavy handed. He had 7 suspensions in 2 terms, ranging from 1 to 5 days. We were threatened with 20 day suspensions if we did not comply.

Peter

I was self-employed. I had to drop a project and clients and had to borrow money. It is impossible to work with all the school meetings and getting called in regularly to collect your child because there has been an incident. Before, my child was stigmatised as "trouble" and so there are no playdate invitations, so it's isolating and we didn't feel like we are part of the school community. Now, my child has positive days; he plays with other kids and we now interact with other families from the school. The attitude of the teacher had a huge impact on my child's behaviour.

I would question what the antecedent to the behaviour. Often, I would not be told the whole story. It would become clear that my child's needs were not being met, or it was from not understanding him as a person first, his developmental needs were not being recognised, and/or not enough care had been provided to him, being expected to do things he did not have the capacity to do. If the teacher had recognised my child's behaviour was his way of telling her something, a form of communication, there may have been a different end result. No kid wants to be in trouble.

We found a very insightful psychologist who taught the teacher that time out for my child is unhelpful, suspension will embed the behaviour, and the child needs support not punishment. Using words like violence is stressful and unhelpful. For a child with severe ADHD and Autism, if they are feeling elevated, it is important to have a safe space to go to such as the library and a safe person to talk to, to build a strong relationship with an adult at the school.

To the school's credit, they took the psychologist's advice and after a long process of teacher/parent collaboration, my child is happy and calm, attending full time hours, maturing as he feels he is in a secure environment that is supporting him. The teacher has a personal passion for different learning styles, made incredible accommodations for our child such as wobble chairs, or making the alphabet out of 3D foam so my child could learn in a tactile way. My child is thriving. Behavioural issues were a daily occurrence. Now they are just every now and again.

John

H is 9, in Year 2 and he has had success in school. Why? Because he had an experienced teacher, a "straight" class – a class of his peers, a support worker who understood his support needs. He finished the year well and was proud at the final assembly to receive his certificate with his class mates. The next year H was suspended twice in his last two terms and pushed to be "unable to succeed at school" (I felt). Why? He was put in a 3 - 4 composite class with many kids with issues and strong personalities with a teacher who was in their second year out of university, with a young inexperienced support worker. In year 4, on his first day, my worst nightmare had come true after I received a phone call from the school principal that H had an outburst in the classroom which scared his teacher and classmates and the police were called. They restrained him with handcuffs. My 9-year-old boy.

Leanne

5. Restrictive Practices

Below are some examples of restrictive practices that have been written by Family Advocacy staff based on phone calls with parents:

Physical

My son came home from school very distressed. Once I finally managed to calm him down he told me he had been pinned to the ground in a prone position by multiple staff members at school. I was not informed that a restrictive practice had taken place. He did not have a behaviour support plan in place at the school. This is not acceptable. He has been traumatised ever since.

My son came home upset after school one day and told me the learning support teacher dragged him by the leg whilst hiding under a table. The school did not report this incident to me. Apparently, he was wanted access to the computers and was not allowed to. Rather than give him some space and time to accept this, he was boxed into a corner by the teacher which felt threatening so he hid under a table. Again rather than keeping calm and giving space to allow for reasoning and self-regulation, the teacher chose an antagonising approach which only made things worse. My son was grabbed by the leg and dragged along the floor. My son is a teenager. He felt ashamed and still does when in this teacher's company.

Chemical

After an incident occurred where my son "lashed out", I was told my son could not come back to school unless he took medication to calm him down. What they failed to tell me, and I subsequently found out, was that he was surrounded by four boys and he was being bullied. If the school had addressed the bullying, the *behaviour would have stopped. Instead, my son was in fear of his life and he retaliated to protect himself. When I picked him up, he was laying on the floor in the foetal position, clearly distressed and traumatised.*

Mechanical Restraint

My son was not allowed to use his motorised wheelchair at recess in the name of "safety" and so the staff turned the power off to the chair and he was left without any way of moving.

Psycho-Social

In Kindergarten, he had the most amazing teacher that understood different learning styles, really got to know him and my son would run out of class with a smile on his face. The next term he got a new teacher who was the polar opposite, rule oriented without flexibility and with a punitive approach. One day, he would not come out of class and I found him under the table, screaming. The next morning he got himself ready early saying he wanted to go to the bin. Turns out, the teacher had chastised him for not sitting still for one hour, ripped his sticker book rewards chart and told him he would have no friends if he kept behaving that way. I say again, this is in Kindergarten.

Social

In Year 7, my son who is in a wheelchair was placed in the "out of bounds" area with two teacher's aids and no one else around. It was at the top of a hill. All the Year 7's played at the bottom of the hill. So isolating. This went on every recess and lunch for a whole term before I found out. There was no discussion or problem solving, nothing.

In Year 10, all the students were to attend a tax seminar but the room it was scheduled in was upstairs so he could not attend. This was his fourth year in the school and this basic consideration was overlooked.

Organisational

My child was specifically asked not to attend the swimming carnival, athletics carnival, excursions, incursions or school camp. No inclusion happening at all. I believe this was the school's way to get us to leave. Often, permission notes would 'accidentally' not come home.

Communication

My child was never given support by someone that can communicate Auslan sign language with her, the language she can understand and respond to. The teacher's aide knew key word signing she had learned at a special school, this is very different to Auslan and my child could not communicate in this language. It's like having a Spanish speaking teacher when you speak English. Also, my child had an FM system, which is a microphone that would need to be attached to the teacher's lapel and feed into her hearing aide. This was sometimes used and sometimes not. The teacher was supposed to take it off during classwork time when she was going around to individuals but it would often be left on. This was very distracting and meant my child found it hard to concentrate to do classwork.

Seclusion

Use of sole confinement and time out placing my son away from their peers and natural supports and safeguards.

My child was being placed in their wheelchair in the out of bounds area of the school clearly away from their friends. His friends told me this, the school did not even consider changing this, I think it suited them.

I dropped into school and saw my child facing a wall in a line with other students in wheelchairs. I decided right away that that was his last day in the school and we moved to the local regular class, much better.

Appendix 2 – COVID-19 school case studies from parents of children with disabilities

As you will see, there is a disconnect with what is being proposed by the Department and what is happening on the ground. Families are not feeling confident and are confused with the messaging as to whether or not it will be safe for their child, particularly if they are at high risk, to go back to school. It would be really helpful if the Minister could make an announcement directed at families of children with disability and Principals to provide clear guidance about safety, what measures are being put in place in relation to PPE for not just teachers, but teachers aids. Also, it will be important to come up with a strategy at a broader state and regional level of what to do with children who will remain at home and cannot come in to school. Families are asking “Can measures be put in place where online learning with support continues when school goes back face to face?”

Case study 1 – Lack of support

S currently has three kids - one in Year 6, one in Year 12 and M in Year 9. All are doing their school from home. M usually has SLSO support in the classroom.

"If NSW Ed is going to do a half-half job of closing schools then students who have significant support needs (e.g. full-time SLSO) should be allowed / encouraged to attend. Either that or their in-school funding should be used to pay support workers (or SLSO's) to come to their homes to continue their education."

Case study 2 – Poor communication

A student in Year 12 with Autism will not access the online learning or even register his attendance. He will not take any instructions from his mother. The school are threatening to mark him down as an unjustified absentee. His mother has received no support or contact from the school to solve this issue, despite numerous attempts to contact the school via phone and email. The student has a receptive language deficit and therefore, without an educator supporting him directly, mum will find it very hard to try and explain what processes he needs to follow in the work the school provides online. The subject of English is of great concern, as he failed to complete an assessment prior to the Easter break and an email was received from the head teacher of English stating that he will now receive a non attendance letter. Mum tried to both call and email the teacher for clarification and support, and received no answer.

Case study 3 – No reasonable adjustments

One parent reported that the Year 7 work is coming home or online without any adjustments. This parent is not working, comes from an English speaking background, is educated and tech savvy and knows how to make adjustments. She is having to make every adjustment and is feeling very stressed. She also has another child who is remote learning. We can only imagine the extra work and stress for parents who don't have these advantages, such as from CALD or lower socioeconomic backgrounds.

Case study 4 - Vital social connection not provided even though the capacity is there

One parent is very concerned. The last few weeks of Term 1, whilst remote schooling, there was no video contact with the teacher and the kids. L specifically requested if they could go on Google classroom to give her son some social connection plus learning. The school wrote an email saying the only connection they will have will be via email. L says this issue is due to the Principal's inflexibility.

She was initially sending A to school but no one was there except teachers. He was getting lonely plus he did not have his usual SLSO. All learning moved online with no supports whether at school or at home. The school suggested he take home work from the support unit. A refused.

At the moment, the entire onus is on the parents to teach him. They have made adjustments and connected the topic to practical things in the house, eg. recycling, they showed him the rainwater tanks, where the grey water goes. He was engaged in his learning but both parents work full time and this is not sustainable for a term. This should be the teachers' role.

Case study 5

Single mum of four children (some with Aboriginal backgrounds), all with additional needs at the same primary school. Lack of communication, coordination or direct support from the school. All children given different formats for learning, some video, some simply PDFs, which has made it extremely difficult for the mum. One morning a 50 page PDF was sent through to be worked on that morning for one child - in primary school. There was no time for the mum to read this so she could prepare and support her child whilst also supporting the other three children.

There needs to be better intelligence/information coming from the regional offices to have consistency. This mum should have been flagged as needing extra support. Even when things go back to normal, not all kids will be able to go back. This needs to be addressed.

Case study 6

“The number of Zoom meetings has been an issue for us too - really fatiguing and leading to extra homework. I've started giving feedback to ask which meetings are essential (still a work in progress).”

Case study 7

"There is a real ‘dancing’ going for parents with schools as they try to ask for extra accommodations yet keep positive relationship happening."

Parents should not be put into this position in the first place. The extra accommodations should have been thought through in advance or at least a conversation should have been instigated by the school not the onus being placed on the parent.

Case study 8

"What is a reasonable time expectation for a school to create a modified curriculum program for a child? My daughter has moved to a new mainstream school, (Year 2) and they have been great, have embraced my daughter and have supports in place, but no real clarity around expectations, or a directed and focused plan."

Clearly, a policy needs to be put in place to properly guide teachers on what to do in this situation.

Case study 9

A has language disorder and is currently not able to write. Teacher has requested he has to provide written work to indicate lesson outcomes. The teacher will not consider other ways to show learning outcomes. Mum has tried to talk with the teacher and she is very pleasant but will not make these adjustments. Teacher is new this year and does not seem to be getting any better guidance from the school leadership.

Case study 10 – Low expectations

One child in Year 6 was given the reading at Year 1 level which is well below his reading ability.