

# Advocates Zoom In On... *Access to Education*

Monday 2 November  
12:30pm AEDT



Between 19 October and 7 December 2020, Disability Advocacy Network Australia ran the "Advocates Zoom In On..." series of weekly hour-long discussions via Zoom - creating an opportunity for interested advocates to take a closer look at and speak about a number of key topics emerging in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission or DRC) and its examination of abuse, violence, exploitation and neglect.

Participants were encouraged to share their insights, observations, stories and case studies, and the discussion questions each week included opportunities to share perspectives on what recommendations advocates would like to see being made by the DRC, in relation to the topic in focus.

Identifying details have been removed from the edited transcript below. Participants in each session are identified as advocates from their State and Territory, and are also numbered where multiple advocates from that jurisdiction took part. Participants were informed that sessions would be recorded to capture their insights and observations. Live captioning of this discussion was provided by [AI-Media](#). Care has been taken but errors may exist in the transcription.

DANA would like to acknowledge the Traditional Owners of the various lands around Australia from which advocates participated in these virtual meetings and pay our respects to Aboriginal and Torres Strait Islander Elders, past, present, and emerging.

DANA would also like to acknowledge the time and generosity of participating advocates from a diverse range of advocacy organisations around Australia, and the funding of the Australian Government Department of Social Services for DANA to provide DRC systemic advocacy support. Visit [www.dss.gov.au](http://www.dss.gov.au) for more information.

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## Transcript of Zoom discussion – 2 November 2020

### **How do people with a disability experience violence, abuse, neglect, and/or exploitation - in education settings?**

*[NSW Advocate 1]:*

In NSW, it is the same across all jurisdictions, and I will speak very broadly, but it is issues of gatekeeping, partial enrolments, micro exclusions, suspensions, exclusions from incursions<sup>1</sup> and excursions, and restrictive practices, broadly speaking. And I've got lots of examples, but I won't take up today with those examples.

*[SA Advocate 1]:*

I guess, from an advocacy perspective, we advocate for people with intellectual disability, and we commonly see students with disabilities being excluded from classrooms, being withdrawn from classrooms, being excluded. And I guess that we talk about access to education, schools talk about access to education, by having an accessible classroom - it's got a ramp. But they don't talk about accessible education in regards to a student with intellectual disability being able to access the curriculum in a way that makes sense to them.

*[National Advocate]:*

...I suppose, and I speak as a mother of a [young] daughter with disability who attends the local school and is in [primary school], and having a delightfully ordinary, straightforward schooling experience. So it is possible. She has both physical and intellectual disabilities. She is what the system would call a complex child. And having a delightfully straightforward experience, but she is in, I would say, the minority. As many people have told me in the past, she is only in [early primary school]. Just you wait!

So, the results of information out there at the moment, but the general feel is that students with a disability are not receiving the education that they are entitled to, that they need, that others are receiving, and that that comes with all the issues that [NSW Advocate 1] raised around gatekeeping, restrictive practices, and at worst, violence, abuse and neglect.

And that neglect, as you would have heard through some of the hearings already, there have been two hearings around education, largely focusing on interrogating what inclusive education means when it is fairly clear in the CPRD [United Nations Convention on the Rights of Person with Disabilities] what it is.

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<sup>1</sup> "Incursions" are educational programs that take place at the school site, often led by visiting experts. E.g. [Incursions and Excursions - Nature Play SA](#)

But you would have heard people talking about the impact of segregation, the impact of exclusion, even micro exclusions, on themselves and their family member.

[I am...] very happy that students and past students have been able to come to the DRC and provide evidence. Because it is really important to hear the impact and the outcomes direct from students with a disability themselves, whether they are still in the system or outside the system.

**What measures and mechanisms prevent violence, abuse, exploitation and neglect of students with a disability in education and learning environments? What role does or could inclusive education play in preventing violence, abuse, neglect and exploitation?**

*[National Advocate]:*

The two words I would talk about is culture and accountability. This is me as an armchair observer. So I don't feel... I think we have started to talk about those things in the context of the Disability Royal Commission, but I don't think, for example, the interim report goes into that space. So culture, meaning how do we ensure that communities... view students with a disability as equal students, compared to anybody else, and how to get past those discussions and get on with providing an education to students with a disability, an equitable education? And accountability.

I live in Queensland, so [in] Queensland as an example, I can find and read the report that talks about violence and abuse of Department of Education staff. I cannot find any statistics or publicly available information about what has been the experience of students, and students with a disability. And primarily that reporting is about workplace, health and safety issues, not actually wellbeing of students or wellbeing of teachers.

So if there is no information out there publicly, then you have to question what is identified, collected, reported, measured in people's performance. [How are] teachers supported around identifying issues and reporting back? The two things for me are culture and accountability.

*[NSW Advocate 2]:*

I work for [NSW Advocacy Organisation] and we are one of the few individual advocacy agencies in NSW, NSW government funded. My experience is I have 4 children, three of which have gone through NSW education system, and three with significant disabilities.

I agree with [National Advocate], that there is culture and accountability. Certainly all the research has shown that principle is on-board with the adjustments, that it is much smoother. However, I think there is a real structural problem, which is not being addressed. And I think one of them is the way that the law is written. The law is written in a way that people are using it against people with a disability. For example, the use [of] the word 'reasonable'. I don't think they really know what reasonable means, in terms of legal

wording. And also 'the same as your peers.' That is very waffly for those people who are teachers or headmistresses, and they use that against them.

The other thing, I don't think there is real accountability of how many people have disabilities. What I mean by that is not just the disabilities that are funded by the education system, but the learning disabilities as well, which are just as significant in terms of getting people off welfare and into a job.

So I often find people with dyslexia, with significant learning issues that can't get through school because they don't have the right adjustment.

The third thing that I think is a real problem, in NSW, is NESA [NSW Education Standards Authority], who put together policies which are not law and schools follow them as if they were the Bible. I don't know if this happens in other states but it's a hindrance to getting equity of education in the classrooms, in the schools, because the schools are afraid of them.

I think there is a real structural issue involved in disability that is not being addressed and will not be addressed until these structural things change and the money is put into it. That's my opinion.

*[TAS Advocate 1]:*

I'm an advocate for [TAS Advocacy Organisation], following on from [National Advocate] and perhaps some concrete examples of what I think is one of the key factors in changing this, and that is to simply hear, accept, acknowledge and include the views of people with disability or those who are putting forward what are their needs.

I will give you two very specific examples. In Tasmania we have a piece of state legislation which allows for compulsory conferencing. It covers disability as one of the criteria [is] if a child is not attending school, for the Minister to fulfil their obligations in looking into why that might be the case.

However, to trigger that process requires the school to trigger it, there is no way for a family to trigger it. We tested that by causing the deputy secretary to do that and what was interesting was the outcome of the process, where you actually have a paid facilitator, that is about as level a playing field you as you can get. Even so, the parent in that case had five line items and in a two-hour meeting did not manage to get through all five. In fact, they agreed with something they didn't want, and in a debrief later they said they felt bullied into that and got an outcome they didn't want.

The second one, which has been in the media, is a family in Tasmania where a child has now been excluded from a Catholic education school because the parents did not agree with the learning plan and wouldn't sign off on it, to allow the school to do certain things.

I understand there that the Catholic education system has changed some of its enrolment criteria to give themselves power to use that in the future. Hence why I say allowing people to speak, be heard and be included in decisions is probably the first step.

*[NSW Advocate 1]:*

It seems pretty obvious but, what measures do we need to prevent violence, abuse, neglect and exploitation, we are advocating for inclusive education and it seems really obvious, but the fact that we have to say it out loud, by being included at school, it's almost like a multiplier of rights, in a way. But by having a proper education, obviously the research shows that you are more likely to be included in academia, socially and with curriculum. That leads to better outcomes in the longer term, more likely to finish secondary school, more likely to finish tertiary education and more likely to get employment and more likely to live independently.

These factors provide natural safeguards and protections because people are being seen in society, not being segregated and taken off to the corner room... You know what I'm saying. I guess it's the multiplier of rights that ultimately lead to the other rights we talk about (workplace, housing, being a citizen that can participate in the political sphere); it is the gateway to the ultimate natural safeguards for protections from abuse and neglect.

It leads to a stronger community, stronger health for everybody, because well-being is another byproduct of that when you feel like you belong. And if you can participate economically, that leads to a stronger economy as well. It has a lot going for it, we just have to make all those barriers come down, which is probably the next question, so I will shut up now.

*[SA Advocate 1]:*

Adding to what [TAS Advocate 1] said before, I'm not sure if it is changed here because we haven't had a lot of involvement with schools in recent times but in South Australia we have a One Plan thing and it's my understanding that parents cannot access that. It is an education department, schools online process, so where parents have asked for a copy of that plan, they haven't been given them and it's like 'can you print it out?' There seems to be some barrier to that, but it's unclear as to what the barrier is.

*[QLD Advocate]:*

I'm from [QLD Advocacy Organisation]. My daughter is autistic she is currently in her prep year and we went through a nightmare experience last year in dealing with our local schools and trying to get her accepted into a local school.

We were put in such a position that the schools were so obviously ill-prepared, so obviously ill-equipped in terms of even knowledge about autism, for us to safely place our child in our local school.

We are in a position now where our child is now attending an autism school, with every view of integrating her into a mainstream school when we can find a school that is going to provide the environment my daughter deserves.

And an environment in which she can learn. I am interested in terms of the structural question, why do we think autism schools exist? Why do they exist? What need are they filling that local schools are not fulfilling, particularly in the autism space? I think if we can answer that question, we can understand what our local schools need to be doing in terms of adjusting so that those types of environments, those learning environments, can be accessed locally, instead of having to access a specialised school.

I'm just opening that up, I'd like to know what people think.

*[VIC Advocate]:*

Sorry to jump in, with structural issues and preventing violence, as [QLD Advocate] is saying, there is a pattern of children with autism, I've had quite a few clients not accessing education and the interface with the NDIS, they do that thing about bouncing back and saying that's the responsibility of the education department. These children are just at home and their parents are working, they've often got siblings caring for them.

I have one client whose sibling's girlfriend is looking after a [pre-teen] autistic boy who can't go to school. Another client whose child has not been cited by anyone for three months, because of the pandemic, and they think the father is using the kid as free labour on the dairy farm.

That idea of interface of education and NDIS, particularly in the autism space, and [QLD Advocate] properly knows what I'm saying, it needs improving, all round, for education access. But it links very much into the fact these children can become invisible and we all know what happens with these systems.

My [son in his 20s] is autistic and has also experienced a lot of exclusion from school, including me being told that they would report me to child protection if I didn't make him come to school when he was self-harming. They don't have a lot of information, and they want to exert their influence to make parents do what fits the school and what is easiest for the school. That attitude has to change.

*[National Advocate]:*

I believe that Australia is very far behind in terms of international standards. Most international research shows that integration is fundamentally key for equity, separate schools are not the way to go.

I don't think Australia's governments, state or federal, have decided to put the money into making the general education inclusive. And I think this is the problem we are experiencing. I think they underestimate the amount of disability support that is required, even just from a learning disability, right through to very severe autistic children.



I think that's the general problem, we are behind in terms of what should be and what is required. And I think part of that is a government, whatever government it is, not willing to put the money and resources into that facility.

I don't think it's the way to go. Internationally it doesn't seem to be the way to go. But they are still doing this. That's my take on it, [QLD Advocate].

*[QLD Advocate]:*

Just with the lived experience of having a child having to go to an autism school and experiencing all the other families, you become very close to them, they've been through similar experiences and that they have resorted to the autism school. What we see throughout the school year is an influx of children who get palmed off by their local state school halfway through the year because the school can't cope with the child.

You see this influx, and as a parent who is deeply hoping one day when you can access our local school, and all we see is this influx of children who have basically been shoved off, they've been told you need to go to this autism school and sort yourself out and then come back.

When you witness that as a parent, you are thinking, the system you are hoping to get into is deeply inadequate. You get, in the background, all these politically correct notions, and you want to do the right thing and include your child, but you are looking at it, looking at what's available and thinking - how can I? When you know the school is not up to it and the support is just not there. It's a terrible situation to be in.

I just feel like, we talk about inclusive education but it doesn't exist.

*[TAS Advocate 2]:*

I am with [TAS Advocacy Organisation] and I'd like to hop in on what [QLD Advocate] was saying because we are talking about something that is very complex here. Everyone knows there are so many historical factors going on across each state and what [QLD Advocate] described has been playing out here in Tasmania.

We have had excellent inclusive policy across our state school system since 2000. We've had a policy where the support schools had pretty much a date to be shut down within three years of that policy being put in place.

We had numbers of students then not going to support schools, obviously, because they were attending their mainstream school. But within five years, we had waiting lists back to support schools. Exactly as [QLD Advocate] described, and we had parents saying, "My children are not guinea pigs." That's a great policy and we really agree with inclusion, but we want to see some excellent inclusive practice on the ground.

So we are seeing some really good practice, but we are also seeing... for children that have higher support needs and certain levels of complexity, we are not seeing education, really good education practice. And for those children, some of them are not attending school at

all in Tasmania. And we are spending a lot of time at what they call "the pointy end" in the individual advocacy space, really trying to support people with their basic human rights. Because children are not attending school because they have a disability, and they have levels of complexity, and the environments that are being provided and the education that is being offered, and the skills that the people have within the schools, are not sufficient to meet needs.

There is also attitudes. When we send children to school, and we just say, "Here is the inclusion policy, all children will go to school," it takes one teacher to think, "Well, I don't agree with that." They are the ones that faced the repercussions of that attitude every day, when the children go to school. This is what parents -- have been telling us for the last 20 years in the individual advocacy space, and/or that we see change, we are not seeing consistent change.

We are not seeing consistent progress, in that mainstream area, so that parents feel confident enough to send their children consistently, that have high support needs for different reasons, to those mainstream environments.

So we know, on the ground, there is so much work to do. And a lot of teachers know too. Teachers with great attitudes, they will talk about, "While [it is] not that we are not skilled enough, we don't have enough skilled human resources to be able to educate these children that are coming, that have higher needs."

Therefore, they are pulling together strategies on the ground that are Band-Aid-type strategies, or they are just ad hoc. We are not seeing education plans always being put together. Or, if they are put together, you're not seeing them being really good education plans. We are not seeing behaviour management strategies put in place, being implemented as they should be implemented.

There are so many facets to what we are talking about. It is such a huge thing. Going back to what measures and mechanisms to prevent these things from happening... I think, as [QLD Advocate] said, what parents are doing is, they are doing the prevention. So, in a lot of cases, if their child goes to a mainstream school, if they feel that their child is at risk, then they ask for their child not to be there, and for them to be able to go to another environment. Or the school says, "We don't think that we can actually do the right thing by this child," indirectly, and they say, "Perhaps you shouldn't be here."

We know that that is exclusion. And some parents will say, "Well, I would rather hear that, because it is a strong message from school to say they don't know what they are doing. They are not ready to do it."

So we are stuck in the space now, where there is still so much to be done. We have such a long distance to travel. But we need a strategy, a very clear strategy, and the steps process on a pathway going forward, across Australia. Because all the states have been doing this differently. That's my bit.



*[TAS Advocate 1]:*

[There] is also a great deal of difference between individual schools. Some schools are doing absolutely the wrong thing and using processes to exclude the child ... is some behaviours. Others are the last man standing, in that they have done miracles to maintain an enrolment, where it is the rest of the system that fails, and that's a bit I want to raise.

We have found ourselves in the circumstances in Tasmania where you might have a child who has \$1 million worth of NDA funding, and services cannot be put on the ground. So a family can get to the stage of being suicidal, and respite cannot be arranged. We have had to do it through family members.

What that results in is that for some schools that have maintained an enrolment, they are going through the start at an incredible rate, doing amazing things to get people on the ground. But they are working in a vacuum, where all the other mechanisms that should be in play, the psychs [psychologists], behaviour specialists, all those other areas, are just not happening.

So I know we are here to talk about schools, but in some ways we can't actually just talk about schools without talking about some of the other failures that leave them as the only people who may be engaging with a very challenging child.

*[National Advocate]:*

I want to acknowledge that both the Commonwealth and State and Territory governments are very good at keeping advocates like ourselves, organisations like ourselves, and families and carers very, very busy doing (for literally half the price) what is their role as the signatories to the CRPD and to those accountable to their own disability standards of education.

All governments are very good at keeping us busy writing submissions, asking for money for individual advocacy. So that the money that they spend in keeping us busy, and also propping up a dual education system... So, if you take Queensland, for example, 80% of students with disability supposedly attend their local school in some shape or form. There is a significant investment in the infrastructure that relates to segregated education, at the same time as next to no investment in individual advocacy. So there is a continuous... reliance on the resilience of students, parents and carers to advocate at an individual school, individual class, individual teacher level where you may have some change or impact for your child or a student you are advocating for, but it's not having a broader systemic change, and possibly, more than likely is not then having an impact if next year we get a different teacher, even still in the same school, [it] may not be having that impact.

So while the governments are signatories to things like the funding agreements, the NCCD, (the National Consistent Collection of Data), the CRPD Disability Standards for Education, National Disability Strategy, the NDIS bilateral agreements where they said that they would keep all the mainstream systems humming away, that *[TAS Advocate 1]* was talking about, that should also be supporting students with a disability. They are very busy keeping us distracted with writing submissions and advocating on behalf of individual students, and not

moving their own role forward in improving the education. I don't blame teachers' unions when they get frustrated that they are being asked to do more and more for no more money, and no more professional development.

If I think about what was spent on the glossy brochures in Queensland around the inclusive education odyssey that was released in May 2018, that's probably more than has been spent on individual advocacy services that will be provided.

And the electoral system, having listened to some people talk over the last couple of months in Queensland, there was no focus on the quality of the education that was provided in Queensland, and definitely not to students with a disability.

If you go to your local member, and you're talking about your child with a disability, and wanting to access at equitable education for your child, often the second question will be, "Have you tried a special school?" And I'm sure that tallies with [QLD Advocate's] experience about not really having a choice between two equal education offerings for the child, and having to go with the safest option, which is not necessarily the best option.

All the evidence we have talked about over the last decades, says that students with a disability do better when they are included and supported appropriately in their local schools, with a local community, able to be supported across other issues and other services that are connected.

The other point that [TAS Advocate 1] touched on previously, the other thing that both Commonwealth and State and Territory Department of Education's failings too is paid co-design and consultation of adults with disability who have been through the education system and can talk about their own personal impact, if they choose to, but can certainly provide user advice.

And there are numerous advocates in Queensland, and I'm sure in other states, who have really valuable input. And if they are involved in committees, its token. It is not paid, and it is certainly not actioned. Based on what we have seen.

*[NSW Advocate 1]:*

I back your rant, I echo what [National Advocate] was saying, but the bigger picture is that there has been too much tinkering going on, [QLD Advocate], and not enough focus of transformation, and what does that take at a national level. We really need a national plan with a clear policy in place, which clearly defines in accordance with the UN CRPD - there is no doubt about the interpretation now we have General Comment 4 [from the United Nations Committee on the Rights of Persons with Disabilities on Article 24 of the CRPD].

But also, we need to look at our legislative framework and our policies. But also there is no, in terms of carrot versus stick, there is no independent complaints process in any of the jurisdictions. So each Education Department polices themselves. So if there is an issue, it doesn't go anywhere. It can easily be, perhaps, a fire can be put out in one spot, but it's not addressing things at a systemic level. That needs to be addressed.

As you were saying [TAS Advocate 2], it's really complicated, it is complex. We need to look at developing partnerships with parents, students and teachers, working at a school-wide level. Not just with the individual student. That is how we can change things for all children, so that they can enter a local school and things are changed, no matter what year they are in or what teacher they are with. You can have excellent inclusive experiences that we hear about, and then the very next year it is turned to poo again. Maybe the teacher is just not feeling confident, or competent, and that leads me to the next point. When -- we need to invest in equity. In New Brunswick [Canada], for example, when they decided to become inclusive education, they train their teachers every two weeks, constantly, for a decade. And it continues, on and on and on, so that it becomes washed through the entire workforce, and workforce stability as a whole has risen. -- Workforce capability. We always talk about culture, but that is a really important piece here. Which comes from whether it is lack of knowledge of the standards, or lack of an understanding how to apply what is a reasonable adjustment, somebody saying that is not clear. We just need a lot better communication about what is expected from the legislation that is already there. On the ground. Because there is a massive gap between what is written in the legislation and policy that is there, and what is actually happening on the ground. It is just not transferring. The resources are there but we have to reallocate [them]. A lot of it is to do with, not funding, but how we structure the big picture and then put the funding where it will actually be effective. End of rant.

*[NSW Advocate 2]:*

(Sorry, my battery fell out, forgive me if someone has already said this.) I'd like to build on what [National Advocate] and [NSW Advocate 1] were saying - the fact that when you have a problem and you need to escalate it, there is no independence. But there is no independence in the law, you as a parent have to fight the school to go to the legal system.

Whereas often the school wants to fight with you. I think there should be some ability within the law to put together, I suppose, if you like, court cases of 5-9 people across the board to get legal changes involved [...] Class action [...] I think the problem with the legal system and how it is set up, which [National Advocate] indicated was done quite deliberately, is that you are left by yourself.

I honestly believe that with all of us here now, we probably have similar cases that have similar needs and if we all grouped together to go to the law courts, that would be quite a powerful thing. That is often where big educational systems or corporations have to change what they do. I feel very frustrated that I'm getting things done for individuals but I am sure there are 3000 people out there who need the same thing done. I think that is a systemic, structural thing that needs to change.

*[QLD Advocate]:*

Speaking as a lawyer, I agree with you 100%. And I feel that in Queensland in particular, what needs to happen, a class-action lawsuit against the Queensland Education department. I am really serious about that. I feel like that is key to change.

*[DANA Policy Officer, Siobhan]:*

I think we have kind of covered, explored, or started to, what barriers there are to identifying, disclosing, reporting... Some of those responses really looked at that lack of good independent complaints mechanism.

Now I'll look at question five - **do you have any ideas for supporting the transition from segregated or integrated settings to inclusive settings and sustain the change?**

We had some examples from Tasmania, where you can make progress towards that change happening, but if it's not supported with proper funding, actual structural change in education policy and all the resourcing that is needed, it's not going to be sustained, because people will say this is not quality education or it's not safe, any number of concerns around that, and it will revert back. It is really a tricky change, and yet no change will happen immediately. We need the DRC to be making specific national and state and territory recommendations on, this is the pathway, this is the transition plan, and it needs to be realistic, but also something that is transitioning away from models that we know do allow for abuse and neglect to flourish. Does anyone have ideas for that?

*[National Advocate]:*

The Australian Coalition for Inclusive Education that we were talking about before talks about this but one that seems to make a lot of sense for people is: why do four or five-year-olds, depending on what state you live in, start their education journey in segregated settings? And why can't we start with people, young students who are starting their education journey, in their local school, with the friends they went to kindergarten with?

Throw money at the first-year teachers, they are often either the most experienced or the most enthusiastic because they are dealing with 25 very young people. Also, the peer learning that happens when a child with disability starts at school at the same time as everyone else, around difference, what it means to grow up with someone with disability.

My child is about to transition into year three, she's had three years with the same 125 kids in the cohort, five different classes. She has had a different set of classmates each year, some consistent, some totally new again. Everyone knows who [my daughter] is, everyone knows [she] doesn't use words to communicate, they know what she likes and doesn't like, they are either interested in being her friend or they are not. Like every other kid in her class.

So why can't we start with the first year of school in the year that everyone is together, and learn the lessons on how to transition students with disability into their local school with the right attitude and the right support, and draw a line for the 2022 cohort? Let's give the education system an out for 2021, because of the pandemic etc.

*[QLD Advocate]:*

From the autism point of view, I think the answer is, for some kids on the spectrum, the sensory bombardment of being in a classroom with 25 four-year-olds is unbearable and

they need a lot of support to be able to cope with the emotional regulation involved, to deal with the sensory environment of all those four-year-olds. That is a real practical issue.

*[National Advocate]:*

It might be that for 2022, we don't have 25 four-year-olds in a classroom, like their co-teaching models, different ways of doing things? How do we take the bucket load of money that is used for segregated settings and distribute it differently so the first year of education is more culturally aware, for First Nations people, more supportive for refugee communities, their child may have spent their life in a refugee camp and their first experience of education needs to look a lot different to what it currently does, around those sensory needs.

A more supportive schooling environment for families who did not grow up in Australia and don't know what the education system looks like, and don't know what tuckshop means and why it's a good community thing to volunteer at the tuckshop. Why can't we spend some money on that first year of school and have that look different for a whole range of students.

If you think about how many kids enter school without a diagnosis, the path for my child in particular was straightforward because the diagnosis and the pieces of paper had been there since birth. It was well-established what those things were, that path is quite easy.

But there are many children with developmental delays that we don't know at four or five what that will look like, so how about we set up an education system that deals with that differently and is more accommodating - of also what [TAS Advocate 1] was saying about the wraparound services - that need to support families to start off education in the right frame of mind too.

My child is only [under 10 years of age] and I think the triple P parenting program has been suggested to me every year of her life. And clearly having done it twice, it is not meeting other people's expectations of my parenting, so what is needed for families to kick off that education, go in excited about education, not scared about what will happen, and not be focused on the safety, but on the community they are building around their child?

*[DANA Policy Officer, Siobhan]:*

Unless anyone is really keen to talk about that, I wouldn't mind moving on to my next question. Sometimes advocates don't recognise the importance of the work they do. **What existing or potential role is there for access to independent advocacy in the achievement of better education outcomes for people with disability?**

This includes individual, family, legal, citizen or self-advocacy. What currently happens, but also if there was potentially, if things were better resourced, I think it could be playing a bigger role for some students and families. Anyone have anything to say about that?

*[NSW Advocate 1]:*

Yes to all of the above. I think we need a suite of all of those because they all have different purposes in different settings and situations. But I think the investment in self-advocacy is

underestimated. Especially with teaching children self advocacy. I know in my child's case, we were teaching self-regulation and self advocacy together. And it's made a big difference in helping him in his day-to-day expression of where he is at.

But also with taking those things, the advocacy models like family advocacy - I'm a bit biased with where I'm coming from - but also citizen advocacy, where it takes longer but it's more sustainable in the long run because you are teaching a fisherman how to fish.

But we have a gap for individual advocacy that is not funded enough, those initial periods where you might need someone who knows the system to go in initially so the parents learn how to say what they have to say to understand what their rights are. We can teach them and we do that. But then they are on their own out in the big bad world. It would be great to have both of them working together so they have the initial buffer to get that confidence up.

Especially like [National Advocate] was saying, if you are from a CALD or a First Nations background, you may not have the ability to communicate in the language that schools and principals can understand. They have acronyms and jargon that people don't understand. That's why I think we need the whole suite of it.

*[SA Advocate 1]:*

I guess from our work here at [SA Advocacy Organisation], we advocate for people with intellectual disability, what we have found in regard to being alongside parents advocating to schools [is] schools are good at rejecting and setting aside advocacy.

The work has to be strategic, otherwise it becomes a split and the school won't listen to the advocate because they will defer to the parent all the time. This is not a criticism of parents, it's a criticism of school systems, they do this all the time and parents are only doing that, maybe once a term or once a year. But schools have more runs on the board with regards to keeping students out of schools than parents do with keeping students in schools.

For us, around advocating for a student who is a minor, we don't do that, but I think the model of Family Advocacy in NSW, working with parents and skilling them up is great. [When] it comes to older students, that's a different ball game. But I think systemic advocacy in South Australia, we don't have a systemic advocacy organisation. I know organisations here do a bit of systemic advocacy. I think some have 10% of funding for systemic advocacy, but anyone who is a National Advocate would know, 10% of bugger all doesn't get you bugger all. It just doesn't work. It's a ridiculous notion. Stand-alone advocacy organisations like QAI [Queensland Advocacy Incorporated] who can do that kind of work at a state-based level, perhaps, and that might feed itself into legal advocacy. But that is a really, really important aspect, for change around education, is systemic advocacy. It's not something we do, but it is something that we would really support.

*[VIC Advocate]:*

What I want to say links back to a comment from the previous question, and links to what advocacy can do now. A way to improve is to add this topic to teacher performance reviews and measures. So that we can prevent that thing which any parent of a child with disability



has had a great year, and then two years where the teachers don't give a you-know-what, so it is not consistent. Teacher performance reviews, that should be added. And measured.

And answering this question, that advocacy would have a part in that and maybe, even be part of a panel that either does the reviews or collates it, so that you end up with a report. My son had a teacher who said halfway through the year, "I have decided to give up on my baby, my program, and change it for him." And I was like, "Well I've only been telling you for six months...;"

Why do... new teachers... each year, they don't read that stuff. So why can they choose to not read that? The advocacy that we could do would be systematic, and making sure they are accountable, they know that somebody else is watching, and they lose some of the power that they have. Because schools are so powerful... as a parent I have been to meetings, thinking the meeting is one thing and it turns out there are upper-level management there and it's them trying to... bully you into something else. That has to stop. And we have a role in that.

*[TAS Advocate 1]*

Just really quickly, I do day-to-day advocacy and often we see it is a system that is somehow broken and needs fixing. But sometimes we need to step back and say that, hey, this is a system that has been built and maintained a certain way, actively. It is doing exactly what it does. It requires a role and a system that won't change without that wider role of systemic advocacy pushing for systemic changes.

*[DANA CEO, Mary]:*

That is a perfect segue into the stuff I have been making notes and thinking as we have gone through this. I see this huge gap for individual advocacy for children in the schooling system around the country, I see it all the time. We get people contacting us, desperate for an advocate and we're often trying to link people to the most appropriate advocacy organisation, and there just aren't enough.

The federally funded advocacy, the NDAP [National Disability Advocacy Program] – there are quite small numbers, small amounts of advocacy done for children, just because it is crowded out by other critical issues for adults. What I have been jotting down some notes about is that systemic work that you are talking about, [TAS Advocate 1], which is done - and CYDA takes a national lead on that - but there are 2 streams of work. One is that we have got to collectively put [the] pressure on to get additional funding for individual advocacy, so that there's room for individual advocates -- more individual advocates that parents can get supports from, but also more family advocacy, for support for parents, and students to learn about self-advocacy.

It does seem to me that we have to pick up this issue. It has come about because of the Royal Commission. That is why we have today's forum. But there is no reason we can't have a national working group that is looking at education issues, and we, because they are state-based, it has to include people from all of the states and territories. But we have to do what [TAS Advocate 1] said, pull back away from the system. That was a really good

description, that each of the systems has something, a self-fulfilling system, and then advocates dive in. I think [VIC Advocate 3] had a comment, going in one after another within individual families to help solve the issue. Then you have to go in again and again for other people.

I would like to suggest, and I will talk to CYDA [Children and Young People with Disability Australia]. I will talk to them about it as well to see what kind of mechanism, that doesn't involve huge amount of additional work for all of you who are already up to your eyeballs in work, but to try to think about what it is that we need to put together for a plan for education advocacy. Specifically, around getting systemic work properly recognised and funded and resourced, and then additional individual advocacy.

Any of you who are keen to be part of that, please send a message to Siobhan and myself and we will take a sideways away from the Royal Commission stuff. There are things we will still feed into the Royal Commission about what recommendations they should make and the work they should do, but even if they put everything into their recommendations, it is still going to be the advocates that have to keep pushing the systems to get the work done. So, we might as well think about [that] separately as well.

And from all of your own perspective on whatever state or territory you operate in, who are the other people that should be part of this? Somebody mentioned earlier about it requiring parents and teachers and others for this to work. So let's contemplate... We won't have the solutions in a week's time, but I think we could make a start, to at least get a plan that we might feel there was some action happening.

[QLD Advocate], and I follow up your earlier point, because it is something specifically to do with work around autism. I get hammered, in particular by [stakeholder] about the fact that he thinks quite a lot of individual advocacy -- advocates don't understand autism itself well enough, and they are not always -- advocating for the right things... There is something about upskilling, maybe, advocates -- upskilling advocates across the country about autism. Even in the scheme, children with autism, we have to grapple with this issue. It's a bit separate to the whole education thing, that it is another issue I am conscious of.

*[National Advocate]:*

Listening to [speaker with disability at CYDA conference], I think she identifies as autistic, talking about her own educational experience at the latest hearing and to hear her speak so eloquently about traversing different parts of the system, was a real insight. I think Mary is right, there is definitely more that we could do as a broader advocacy group to make sure that we are bringing all the issues to the table and that we are looking at solutions that meet everybody's needs. That in itself will be challenging, but I don't want us to be distracted by that as too big a challenge. So it will be good to work out how we can do that effectively, as advocates.

*[NSW Advocate 2]:*

Sorry if I missed this, but one of the problems is that the professionals who know a lot about the various different disabilities are often ignored in these educational meetings. So you

have multiple reports saying all the same things, by very specialised people, and it's completely ignored.

So one of the things I think [TAS Advocate 1] was saying about getting all the people involved is the professionals who are completely, medical professionals, who are completely ignored as if they have no understanding of what they are saying. So I think that is very, very needed. Because I know that in America, the law says that they have to take into account the professional, the medical professionals reports. That does not happen in Australia. So I think that is something that, moving forward, we need to look at [...]

*[DANA Policy Officer, Siobhan]:*

[...] Thank you, everyone, who has contributed with such fantastic insights. It's such a big topic, so no wonder we have been bouncing questions around and everybody has had a lot to say. Thank you also for comments on the chat feed as well. That is also valuable input. I think we will wind up, because we have gone over time already. But thank you so much all for coming and listening, and yes, we have to keep our focus on the future, as Mary says, and we can all work together on these issues systemically. Thank you, everyone.

## Comments typed in Zoom chat function:

*[VIC Advocate 1]:*

yes teachers seem to be allowed to choose to not use an inclusive approach

*[TAS Advocate 1]:*

Nor are teachers and TA [Teacher Assistant] staff supported via PD [Professional Development] to not just be inclusive, but to successfully maintain inclusivity.

*[VIC Advocate 2]:*

Thank you for your insight [National Advocate], it sounds like the school your daughter attends is so much more committed to inclusive education...I am curious, do you know what has driven their attitudes and culture to this shift and how can other schools learn from them?

*[VIC Advocate 3]:*

For me in my role as a disability advocate, I get frustrated that I am constantly working with clients and I will get a win with one child then next week I get the same issue in the same school. it is like beating your head on a wall. There is such a systemic issue. In the rural sector, parents just keep changing schools which is not great for so many reasons. I am trying to get schools to involve themselves in the International day of Disabilities this year as it is focussed on "Not all disabilities are visible." I can only keep pushing the cause of inclusive education.

It gets tiring, all the schools have the words but they never action anything. We do keep teaching self advocacy with parents but they are tired and sick of fighting the system because they see no change. Thanks for everyone's input today.

*[NSW Advocate 2]:*

I believe parents are sidelined all the time,  
It does not matter if you are articulate or assertive you are seen as difficult and annoying

*[National Advocate]:*

To answer [VIC Advocate 3]'s question: There a couple of reasons why we have had a good experience so far. One - good leadership from the Principal. Two - we had an older child already at the school and [my daughter] was present at school pick up and drop offs etc with visible disability that meant the community already knew who she was. Both children also attended the local kindy and local pool etc so we are highly visible in our local community.

*[VIC Advocate 1]:*

The system is targeted at the bell curve middle not good at flexibility for any diversity

*[SA Advocate]:*

Yes the bell curve....means that many children are not getting a reasonable education. If a school is working well for a student with disability then it will be working well for all students

*[VIC Advocate 1]:*

...and a lot of practitioners don't understand autism either

*[VIC Advocate 3]:*

That is very true [NSW Advocate 2]. They do not want them at the meetings but they are the specialists in their field.