

The Secretary
Standing Committee on Education, Training and
Youth Affairs
committees@parliament.act.gov.au

Dear Secretary

Re: Inquiry into the needs of ACT students with a disability

Please find attached response from the Public Advocate of the ACT to the above inquiry.

If further information is required please do not hesitate to contact this office.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Mackey'.

Trish Mackey
Principal Advocate
22 December 2009





Public Advocate of the ACT (PA ACT) Response to the Standing Committee on Education, Training and Youth Affairs Inquiry into the Needs of ACT Students with a Disability

1. Introduction

The Public Advocate of the ACT (PA ACT) is pleased to provide a response to the Inquiry into the Needs of ACT Students with a Disability, which will be reporting on the level of unmet need for educational services for students with a disability in ACT government and non-government schools.

In accordance with legislative responsibilities as outlined in the Public Advocate Act 2005 (ACT), the PA ACT is to act as advocate for the rights of children and young people with a disability. As part of acting as advocate for those rights we are involved in fostering the provision of services and facilities for children and young people, supporting the establishment of organisations that support them, promoting their protection from abuse and exploitation and dealing with services on their behalf.

The PA ACT has a key role in advocating for optimal outcomes for children and young people with a disability, particularly those who come to our attention due to their vulnerability and need for advocacy assistance. We directly interface with agencies across the service continuum. In addition, families contact us when they have trouble obtaining equitable access to educational programmes and necessary support services particularly post school options. The Public Advocate is therefore well placed to identify the issues and concerns providing evidence for needed improvements.

Improved access to educational services and equity of service provision for children and young people with a disability is necessary if we are serious and committed to meeting the Disability Standards for Education 2005. In representing the 'best interests' of our clients, we submit the following comments and case studies to inform the inquiry.

2. Education programmes for children and young people with more severe and profound disabilities.

The needs of children and young people with severe or profound disabilities for educational and learning requirements have been highlighted through our individual advocacy work and enquiry service. Parents have approached the PA ACT despairing that they are unable to obtain the level and amount of educational support they want for their child. There are limited opportunities

for some families to access education on a comparable basis with non disabled children and young people.

Parents have raised concerns about Turner Primary School Specialist Unit. According to feedback, the classrooms for special needs children have 9 students. This exceeds normal practice for specialist classes who in the main normally only have 6 students.

Parents too have raised concerns that due to the limited opportunities in terms of schools, children who do not demonstrate any behavioural issues are forced to be in class with children who have significant behaviour problems. Due to the presence of these behaviours the teachers and support staff are forced to focus on those with the poor behaviour, the result being the others educational development needs are not met.

The children with the significant behaviour problems can harass, physically abuse and bully the other students. Their poor behaviour can also be modelled by the other students the result being that they begin to demonstrate poor behaviour traits.

The majority of parents who have approached the Public Advocate have been most positive about Malkara School and have expressed the opinion that this school presents the best opportunity for their child with disabilities to achieve their educational and social development milestones.

Case Study 1:

7 year old not benefitting from an educational setting.

Young person diagnosed with autism and developmental disability. The young person was 7 years old. Initially the young person attended mainstream primary school with a specialist stream. Young person totally intimidated by others in class who demonstrated poor behaviour, were extremely loud, were dominating and were physically abusive. Young person withdrew and did not interact. The young person was not receiving adequate support from staff as they were distracted managing the behaviour of the others, therefore the young person started losing the limited educational skills acquired. Young person was disadvantaged due to behaviour of other students and the too few resources to provide the level of support to protect the young person and to develop their education and social skills.

3. Need for post school options

The limited day programs and options for young people with a disability available after they leave school is an issue which has confronted the PA ACT. Day programmes which specifically cater for the more complex needs of individual young people are 'thin on the ground' in the ACT. Whilst individual options or plans can be developed to support some young people these are time limited to certain hours per day. For example, a young person may only

be offered a two hour program to attend bowling. This type of activity certainly supports social development and is inclusive. Families generally would prefer a balance with purposeful activities for their young people. It is extremely difficult for parents who are working normal hours if their young person is only offered limited hours of activity per day. This becomes an issue for supervision and monitoring as in most cases the level of disability is such that the young people who need options upon finishing school do not have the capacity to manage alone.

Families would prefer to be able to access day programs such as the ones provided by Koomarri which provide work outcomes for young people or Gungahlin Community Services which offers a more structured program.

The PA ACT is concerned about the outcomes for young people moving on from Black Mountain School and that supports options be made available to access. The PA ACT supports and advocates for such programmes in the ACT.

The impact of the decision for young people to leave school at 18 years rather than in past years at the age of 20 has further exacerbated the demand for available options.

Case Study 2:

17 year old unable to access post school options

17 year old client with autism and moderate intellectual disability came to the attention of the PA ACT due to significant and challenging behaviours. This young person was not engaged in any educational programme, it would seem none existed which could cater for the presenting needs. This young person had limited social interaction with other peers and the only learning they were able to access was that organised by the young person's carers. There was no access to post school options such as vocational programmes. This client was disadvantaged because of the inability to access meaningful programmes.

4. Service gaps for children and young people with challenging behaviours due to autism and aspergers and other mental dysfunctions.

Cases referred to the PA ACT highlight the gaps in services and the need for additional resources for children and young people with autism and aspergers syndrome. The PA ACT has been contacted when these children are suspended from school or excluded due to the challenging behaviour and complex issues which can be present. The PA ACT acknowledges there have been service initiatives to address these issues. There are a core group of young people in the territory however, for whom educational programmes are not able to meet their needs as illustrated by case study 3.

Case study 3:

13 Year referred to Management Assessment Panel, excluded from school

A 13-year-old with multiple disabilities referred to the Management Assessment Panel coordinated by the PA ACT due to lack of case coordination and case management. The young person's disabilities and presenting challenging behaviours were causing significant concerns to the family who were at risk of not being able to provide care. A number of agencies were involved but plans were not coordinated. Not only were there no suitable placements available, the young person was not attending school and had a history of repeated suspensions. The mainstream school system, whilst wanting to provide some support, effectively was unable to meet this young person's needs due to the behavioural risk factors that presented. Home schooling and distance educational supports were considered but there was a lack of flexible tutoring supports and funding to support this young person on a one-one basis. The young person's rights and need for education and learning were not met due to service limitations and the lack of specialised programmes.

5. Integration and coordination of education services with other services

Effective interagency communication pathways are necessary in addressing the educational and post school options for children and young people with a disability. It is optimal there be greater interagency coordination as this can facilitate positive outcomes for clients. The sharing of knowledge, expertise and resources from across the sector can only enhance educational outcomes.

As evidenced through some of the Management Assessment Panels conducted by the PA ACT, often education services have been left out of the communication loop and planning has been undertaken to address only the broader needs of disabled children and young people. Difficulties in meeting the complex needs of clients at times has resulted in barriers to effective communication and planning between agencies. Integrated and coordinated planning is significant to ensure all agencies are working together in supporting and meeting the needs of children and young people with disabilities.

6. Therapy concerns

Parents of children with disabilities experience a level of pressure and stress over and above that of parents with children without disabilities. The demands on their time, the need to be hyper-vigilant, have endless patience, meet the demands for a level of care required, as well as the significant impact of dealing on a day to day basis with issues relating to community reactions, access matters, equipment, advocacy and services that are provided but do not meet the needs of individual children all increase the tensions and anxiety for parents.

Parents of children with disabilities are in the best position to know what is required to assist their child to meet their particular milestones. Services too often work in silos, have no clear referral mechanisms and too often expect individuals to fit the service model provided rather than being flexible enough to meet identified need.

All are aware of the recruitment issues faced by Therapy ACT but their primary concern is to ensure that their child receives therapy, that is professional therapy.

It is understood that waiting lists with Therapy ACT are extensive, but parents express concerns that the service only acts as consultants who train the parents to provide the Therapy. Through this method of providing service it may be that a young person only sees a Therapist twice a year.

Therapy ACT is unable to make ongoing appointments or negotiate appointments to coincide with a time that may suit the family. If the parents are working this becomes extremely problematic.

As there are so many competing demands upon families with children with disabilities it would seem that most families would prefer that Therapy be provided during school hours and within the school setting.

7. Developing a quality inclusive educational service system.

In developing, a quality educational service system to meet the Disability Standards for Education, the education system must not exclude the needs of children and young people with the more complex educational and learning needs. Different and initiative models of education and learning are required.

The PA ACT supports the inclusion of children and young people with disabilities within mainstream educational services where this is optimal, appropriate and can meet their needs. However, as evidenced through the work of the PA ACT, many children and young people with mental dysfunctions, mental illness and behavioural challenges that come to our attention remain unsupported because the mainstream educational system is not sufficiently resourced or robust enough to support them. Some of these clients require a different learning, educational and training environment due to their specialised needs.

Case Study 4:

10 year old with a mental dysfunction eventually excluded from education

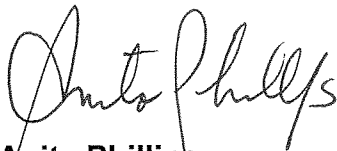
Young person demonstrated significant behaviour problems for a number of years. Excluded from school on a number occasions. Reintroduction to school was on basis of 2 hours attendance each day. Concentration was so poor that the 2 hours per day became a chore for child and support staff. No education learning occurred. Eventually young person was only allowed at school 2

hours per day. Young person was separated from other students and isolated in a room for the two hours. No structured education program was provided. Behaviour continued to escalate. Staff unable to manage situation hence expelled. At 12 years of age young person was diagnosed with a significant mental illness and prescribed medication to manage behaviour.

The availability of appropriate programs and services for this group needs to be considered in the continuum of educational services. Developments and changes of this nature have implications for funding, skill levels of educational staff and training needs which cannot be discounted, but government needs to make these commitments for the rights of these children and young people be achieved. We need to strive for ongoing improvements so that these vulnerable children and young people have comparable access to services and facilities and are afforded their right to participate fully.

8. Conclusion

I thank you for the opportunity to provide a submission to the inquiry on the educational outcomes of children and young people with a disability. The Public Advocate remains committed to working with government and agencies in collaboration and partnership so educational services are the best possible and of a high standard in meeting the needs and requirements of children and young people with a disability. If further information is required, please do not hesitate to contact myself or Ms Trish Mackey, Principal Advocate on 62070707.



Anita Phillips

Public Advocate of the ACT

22 December 2009