



**NSW Auditor General Inquiry into Supporting students with
a disability**

May 2024

1. Executive Summary

The main points of the P&C Federation are:

- **Key Reform Area 1 – Strengthen support**
 - The P&C Federation recommends the following:
 - Provide the opportunity for more current teachers in mainstream classrooms to attend professional learning on supporting students with disability
 - Provide more robust support for teachers in managing complex behaviours in classrooms, including specialist behaviour support staff in schools
 - Explore the opportunity for students with a fulltime National Disability Insurance Scheme (NDIS) carer be allowed to keep that carer during the school day when support is often most needed, as well as other ways to better integrate NDIS supports with education supports.
- **Key Reform Area 2 – Increase resources and flexibility**
 - The P&C Federation recommends the following:
 - Funding must be both increased and better targeted to increasing the availability of support for children with a disability.
- **Key Reform Area 3 – Improve the family experience**
 - The P&C Federation recommends the following:
 - The NSW Department of Education should, as a matter of priority, review and improve the effectiveness of its communications to parents about the supports available for students with a disability.
 - The NSW Government should ensure all government schools to have a counsellor/student ratio of 1:500
 - The NSW Department of Education should reform its complaints processes to ensure that complaints can be addressed outside of a school principal's direct line of report, and that this complaints process is made available on every school website.

2. Introduction

The Federation of Parents and Citizens Associations of New South Wales (the "P&C Federation") thanks the NSW Auditor General for this opportunity to contribute feedback to its Inquiry on Supporting Students with a Disability. The P&C Federation believes that education is a universal human right irrespective of culture, gender, ability, location, or socio-economic status and that it is the responsibility of government to ensure that education is available to all children. In order to be inclusive of all children, including those with a disability, school systems must provide the necessary infrastructure, resources and supports to ensure positive and equitable outcomes. In the current environment of underfunding of government schools, the provision of full funding for government schools is an absolute prerequisite for achieving real and lasting reform in the area of inclusive education.

The P&C Federation is the representative voice for parents and students enrolled in public schools in New South Wales. We have more than 1,800 member associations, 5,000 association executive members, and represent the 791,000 public school students and their parents. This makes the P&C Federation one of the largest volunteer-based organisations within Australia. Our experience of the issues within education is broad and carries with it the voice of a substantial body of parents and carers.

3. Statement of Issues

There are a variety of issues that create barriers to an inclusive education for students with a disability. A fundamental issue is insufficient funding of government schools, by a factor of almost 12% of the calculated minimum need for their operation. This underfunding places principals in an untenable

position when trying to provide inclusive education opportunities for all students in an environment of unmet funding needs. This inhibits the ability of our government school system to provide an inclusive education for students with a disability.

4. Scope of the Submission

The P&C Federation has restricted this submission to the first three key support areas identified by the Auditor General, as these are the areas on which the P&C Federation has the most insight. Our response is shaped in large part by two factors:

1. The issue of underfunding and resourcing of NSW government schools, which we see as a key underlying factor in support for students with a disability.
2. The experiences of parents in NSW government schools, relayed to the P&C Federation by its various member services networks.

5. Analysis and Discussion

A. Strengthen support: investing in teachers and other support staff.

Recommendations

- Provide the opportunity for more current teachers in mainstream classrooms to attend professional learning on supporting students with disability
- Provide more robust support for teachers in managing complex behaviours in classrooms, including specialist behaviour support staff in schools
- Explore the opportunity for students with a fulltime National Disability Insurance Scheme (NDIS) carer be allowed to keep that carer during the school day when support is often most needed, as well as other ways to better integrate NDIS supports with education supports.

Analysis

It is important that there is a clear scope for all people involved in a child's education

1. Teacher: responsible primarily for imparting the curriculum to students and managing classroom control in line with Department policies.
2. School Learning Support Officer (SLSO): responsible primarily for under the supervision and direction of a teacher as part of a learning and support team to assist in the development and implementation of a learning and support program.
3. NDIS carer in classroom: responsible for supporting a student for matters that fall outside the education sphere.

The provision of inclusive education for students with a disability requires specialist training, personnel, and resources. It is not reasonable or realistic to expect teachers to be able to cater for students with a wide range of needs if they do not receive training and support to do so. For this reason, teachers and SLSOs must receive initial training and ongoing professional learning that provides the skills necessary to deliver an inclusive education.

Relatedly, it is important that schools have access to specialised resources and professionals to address specific needs. To make these resources readily available, schools and the school system must be fully and adequately funded (not merely provided with individual student loadings). Funding must be both increased and better targeted to increasing the availability of support for children with a disability.

The Disability Royal Commission identified poor integration between the NDIS and education supports as a barrier to inclusive education for students with a disability.¹ With this in mind, the P&C Federation

¹ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report, Volume 7. Page 175

recommends the Department of Education explore ways to better integrate external supports provided by the National Disability Insurance Scheme (NDIS), particularly the option for a NDIS carer to be allowed to remain engaged during the school day when support is often most needed. In a P&C Federation survey to parents on disability support in government schools, over 85% of parents of a child with a disability indicated they support the inclusion of NDIS carers in classrooms to assist students with a disability.

Such a policy could potentially alleviate work on teachers and teachers' aides whilst giving students access to a carer who they have a relationship with. This would thereby constitute an important component of a wider strategy to strengthen support for students with a disability.

It is important to emphasise, as per point 3 above, that allowing NDIS carers in a classroom setting must not lead to NDIS carers performing the role of an educator. Teachers are responsible for imparting the curriculum, and SLSOs may assist in the development and implementation of a learning and support program. NDIS carers should not be expected to carry out these roles; their role should be limited to supporting students in ways that do not involve educational matters. Incorporating NDIS carers into classroom settings appropriately requires proper and careful planning from governments.

With this in mind, the P&C Federation strongly recommends the government study the option of allowing NDIS carers to directly assist in education settings, with a goal of integrating NDIS and educational supports.

Increase resources and flexibility: enabling schools to operate with more flexibility

Recommendations

- Funding must be both increased and better targeted to increasing the availability of support for children with a disability.

Analysis

Adequate supports, in the form of smaller classes, well-trained teachers, specialists, learning support officers, and well-designed classroom spaces benefit all students, not just students with a disability. Providing these supports allows students with a disability to access learning in a way that best meets their individual needs, while allowing teachers to meet the broad needs of all students through differentiated teaching strategies. The result is that the needs of all students are met, and schools can provide a high-quality education to all students regardless of ability.

Conversely, where adequate supports are not available, or where funding to provide supports is lacking, no student wins. Classrooms experience disorder, differentiated teaching strategies are ineffective, teacher morale suffers, and students with a disability risk being viewed as an impediment to learning. This is unfair to students. Full funding and adequate supports are a necessary prerequisite to allowing all students to access a high quality and inclusive public education.

Nationally, funding for supports for students with a disability in government schools are largely based on categories of assistance under the Nationally Consistent Collection of Data on School Students with Disability (NCCD). In addition to the three levels of adjustment for disability loadings *Australian Education Regulations 2023* (supplementary, substantial and extensive), the NCCD also defines a fourth level of support: "support provided within quality differentiated teaching practice," which refers to supports that teachers are expected to provide without additional funding.

While the NSW Government provides low level adjustment for disability funding to support students with additional learning and support needs, this loading is at high risk of being insufficient on a school-by-school basis due to the chronic underfunding of NSW schools. Because this loading is not tied to specific students, the general underfunding of the school means that this support may not always go specifically to resources for students with disability. This does not represent an intentional diversion of funds, but instead represents the practical realities faced by principals who are forced to operate in a general environment of underfunding.

An additional problem is that in small schools, especially those outside metropolitan areas, infrastructure supports (e.g. classroom modifications, including sensory or quiet spaces, ramps, disabled toilets) are often sought in response to the needs of a specific student. This can create gaps in available resources when a student enrolls due to the time needed to make modifications. As more students with disability are included in mainstream education, it will be necessary to be more strategic by making these investments in anticipation of the arrival of students that need them, not in response to their arrival.

It is also important that no student be disadvantaged in education due to their geographic location, and the costs of services are proportionally higher with geographic remoteness, particularly when such services are in-person. This should be mitigated via remote technology and, where remote technology is not feasible (such as in the provision of SLSO support for students with autism), the Department must have funding to ensure students in these areas are not disadvantaged. Crucially, the availability of services should be widely communicated to parents.

Improve the family experience: making experiences better and easier

Recommendations

- The NSW Department of Education should, as a matter of priority, review and improve the effectiveness of its communications to parents about the supports available for students with a disability.
- The NSW Government should ensure that all government schools have a counsellor/student ratio of 1:500
- The NSW Department of Education should reform its complaints processes to ensure that complaints can be addressed outside of a school principal's direct line of report, and that this complaints process is made available on every school website.

Analysis

Parent experience

In the P&C Federation survey, parents of a child with a disability were asked which issues they think their school does well. It is concerning that less than half of respondents considered their school does any of the supplied options well (see below).

Thinking about your experiences with your child with disability, which of these issues do you think your school does well?

ANSWER CHOICES	RESPONSES
Listening to the needs and aspirations of students and their families – meaningful and ongoing discussions.	48.51%
Clear goals with action items.	34.65%
Genuine shared responsibility, where families, carers, and teachers working together in solidarity to give consistent support to the students with disability; being clear about the role of each person.	33.66%
Accessible services to assist children with disabilities and their families.	29.70%
Accurate documentation and records to allow for smooth transitions when needed.	24.75%
Empathy and a trauma-informed lens to consider the experiences of children, families, and other significant people.	22.77%
Flexibility in service delivery to combat barriers to access and engagement, including routines and planning	21.78%
Combating myths and misinformation about disability.	19.80%
Decision making processes, models, and tools that are transparent and evidence-based.	16.83%
Education and awareness training for students with and without disabilities to understand their rights and responsibilities in and outside of the classroom.	14.85%
Support for parents learning about disability, accessing resources, and advocating for their child with medical, educational, and other institutions.	11.88%

In the comments left by survey respondents, a highly common sentiment was that the school and its staff, while often having good intentions, are hampered by insufficient understanding, training and support in addressing students with diverse needs. As a result, the supports and adjustments their child receives may be inadequate and inconsistently applied.

Some typical comments from respondents are reproduced verbatim below:

- *“We’ve found access to services and support inside and outside the school to be very difficult and if your child has mild needs it feels like there is literally no additional support and no interest from OTs to help as they have higher need people to support.”*
- *“My children have a great school however their understanding of special needs children needs further development as they seem to think all special needs children are the same”*
- *“My son has been at the public school for 3 and a half years. He has heightened anxiety from the school environment and the school allows him to feel unsafe, unsupported and promises things will change all the time but they complain there just isn’t enough funding. Teachers are coming and going constantly and there is no consistency with staff and also the staff are untrained around children with learning delays or disabilities due to only doing PDs on curriculum rather than other aspects that are important to. If the early childhood sector can help support children with delays or disabilities schools can to.”*
- *“I am having to advocate constantly. Little to no communication from the school, Accommodations in IEP not actioned and not communicated to teachers. We get a iep meeting each year but then nothing included in the plan actually happens. I’ve contacted my school multiple times this year, had a great conversation but then still no action.”*
- *“Sometimes the communication is excellent and timely but sometimes I need to advocate before things are done. I keep school updated about diagnoses and intervention”*

Parent awareness

There is much evidence that parents lack awareness of Department policies and resources around support for students with a disability. In the P&C Federation survey to parents, communication was the most commonly cited way they and their family could be better supported (access and delivery + resources and training were the next most commonly cited areas for improvement).

Partly as a result, communication between school and/or the Department of Education and parents about available resources to meet student need is confusing and can become adversarial. This is often through no fault of the school, as they are hamstrung by insufficient financial and human resources from government and have to explain why they cannot provide the adjustments that parents believe are needed for their children with a disability. The principal is generally in the impossible position of having to negotiate directly with the Department for more funding, while simultaneously managing parent expectations when it doesn't come through.

There is also substantial confusion over which support/resources are the responsibility of the school and which are external to the education system. This information should also be made clearer to parents.

School counsellors

Wait times for school-based services (e.g. counsellor/psychologist) is often so long as to be meaningless to families that are trying to address emergent problems. This may be addressed in part by the recent increased funding for extra counsellors, but that is unlikely to fully correct the problem. Additionally, the staffing mechanism for counsellors by which smaller schools share a counsellor who is nominally assigned for supervision at only one of them can make accountability for wait time blowouts difficult to manage.

It is also concerning that high schools receive a full time counsellor, regardless of enrolment numbers, while not all primary schools receive the same. This can lead to situations where a high school has a counsellor available full time, while a primary school with several hundred more students has a counsellor for only three days a week.

The generally accepted counsellor/student ratio at any school is 1:500.² This ratio was recommended to the NSW Department of Education as far back as 2010,³ however recent figures suggest the ratio is approximately 1:650.⁴

Complaints processes

The Department should institute a much more robust complaints management process that operates outside of the principal to DEL escalation strategy. This is to ensure that the subsequent process is not overly burdensome on school staff (particularly school leadership staff) and to ensure that the investigation and any decisions are not influenced by relationships at the school or line management level.

Under the current system, parents may be deterred from pursuing complaints if it is being handled by the principal's line managers, issues surrounding students with a disability and necessary supports are often highly personal and emotional. A complaints management process that operates outside of the

² Australian Psychological Society. 2016. *Framework for effective delivery of school psychology services: A practice guide for psychologists and school leaders*; Gallop Inquiry. 2020. *Valuing the Teaching Profession*; also

³ Recommendation 22 of *Report No 34 - General Purpose Standing Committee No 2 - The provision of education to students with a disability or special needs*. 2010

⁴ NSW Legislative Council. 26 September 2022. Official Hansard, Question and Answer 9434 – <https://www.parliament.nsw.gov.au/lc/papers/Pages/ganda-tracking-details.aspx?pk=93060>

principal's direct line of reports, with ombudsmen who are specialists in Departmental policy, funding and disability support, could improve this process.

In the Federation's view, at least three things are necessary for a complaints mechanism to be successful. First, the mechanism must be independent of the Department of Education after initial efforts to resolve disputes at the local school or district level have been unsuccessful. Second, there should be an informal dispute resolution process that utilises specialist personnel who are familiar with the needs of students with a disability, the requirements of various laws and standards, and the kinds of reasonable adjustments that are available to support students. Third, there should be an appellate process available when informal dispute resolution fails. To be effective, an appellate tribunal should have the authority to direct schools or school systems to provide specific adjustments or make other orders as necessary to meet a school's obligations to a student with a disability.

The P&C Federation would suggest Victoria's Office for School Dispute Resolution is a sound model for the informal dispute resolution process.

Moreover, for the purposes of transparency, the complaints process should be clearly available on every government school website as a matter of course.