

family

A D V O C A C Y

Pre-Budget Submission to NSW Treasury

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We're strengthening the opportunity for more people with disability to lead valued lives

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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.

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Introduction

Family Advocacy is a not for profit disability advocacy organisation in NSW made up of, and led by, families whom advocate with, for, and on behalf of, people with developmental disability.

OUR VISION is of families being agents of positive social change so the inherent value of people with developmental disability is recognised within a just and inclusive society.

OUR PURPOSE is to attain positive social roles for people with developmental disability. This is accomplished through the development and support of advocacy by families and by strengthening the knowledge, role and influence of families.

OUR FOCUS is to encourage and support families to speak up and seek opportunities with, and at times on behalf of, their family members so they can enjoy the same environments, lifestyles and living conditions afforded to most Australians.

This means being included in education, employment, and community with the right to live safely, with dignity, and free from violence, abuse, neglect or exploitation.

We provide support based on the Family Advocacy model, in the following ways:

- Advocacy advice and advocacy information to individuals
- Advocacy development for family members of a person with disability
- Systemic Advocacy

Family Advocacy appreciates the opportunity to provide a pre-Budget submission to NSW Treasury.

Our comments and recommendations are premised on 32 years of experience working with families in the education system in New South Wales, collaborating with NSW Education Ministers and the Department of Education including the Disability Strategy Reference Group, and participating in the many reviews and inquiries most recently, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (hereinafter, Disability Royal Commission) and the NDIS Review.

This pre-budget submission is a reflection on the investments needed to address the service gaps in education, employment and proposes budget allocations to start the process of addressing issues raised in the findings of the Disability Royal Commission. It follows the demand for advocacy will grow and as such an increase in advocacy funding is necessary.

Family Advocacy wants people with disability in NSW to be included in education, employment, and community with the right to live safely, with dignity, and free from violence, abuse, neglect or exploitation. The offshoot will provide a more enriched experience for the wider community for future generations.

We encourage Treasury to adopt the Recommendations in this submission.

Education and Employment

Family Advocacy calls on the NSW Government to fund the desegregation of education and employment.

The Disability Royal Commission heard overwhelming evidence that people with disability in segregated settings are more likely to experience violence, abuse, neglect and exploitation. All Commissioners agreed that reforms are required to ensure that no one is forced to participate in settings designed exclusively for people with disability. The joint End Segregation Position Statement¹ endorsed by 42 disability advocacy organisations identifies the principles to end segregation.

Education

All six Commissioners made the key point:

"Education is the starting point for an inclusive society".

Based on the Commission's recommendations, this joint [Position Statement on Inclusive Education](#), endorsed by 12 disability advocacy organisations, was sent to the NSW Minister for Education and Early Learning, which proposes that inclusive education can only be achieved through ongoing enhancement of mainstream practices alongside a phased and responsible transition away from segregated approaches. These major reforms need to be implemented with clear timelines, transparency around the process and co-designed with people who have the lived experience of disability.

It's important to note, these recommendations are backed up by the recent NDIS Review which recommends:

Action 2.5: All Australian governments should take steps to protect the right to inclusive education for children with disability and developmental concerns in early childhood education and care and schools.

Whilst we appreciate the NSW Government is yet to respond to the Disability Royal Commission, however, there are a number of measures that can begin to address these findings as they are not new issues. We remind NSW Treasury, there have been many government reviews and inquiries regarding NSW students with disability in the education setting, at least five in NSW and eight at the National level², highlighting the inequities and systemic failures that exist in our education systems, over and over again. And yet with so many recommendations for reform, our education enquiries have continued to rise steadily over the last 5 years. We know what needs to be done – to transform our education system.

The Disability Royal Commission identified in Recommendation 7.13 that State/Territory Ministers should release a National Roadmap to Inclusive Education for students with disability in its 2024 report to National Cabinet³.

As per the aforementioned Position Statement on Inclusive Education, Family Advocacy supports Recommendation 7.14 that segregated education must be phased out and called for this in the aforementioned Position Statement as well as in submission to the Disability Royal Commission, provided below. Instead of the 28-year timeline proposed in the Disability Royal Commission, Family Advocacy is calling for the NSW Government to fund desegregation

¹ https://dpoa.org.au/wp-content/uploads/2020/11/Segregation-of-People-with-Disability_Position-Paper.pdf

² Graham, L.J. (2024) *Inclusive Education for the 21st Century: Theory, Policy and Practice*, Second Edition, NY Routledge, (see Page 32, Table 2.2 Relevant Government Reviews and Inquiries from 2000 to 2023)

³ [Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report, Volume 7, Inclusive education, employment and housing; summary and recommendations](#) (2023), last accessed 11 October 2023,

within 10 years, in line with of Australian Coalition's for Inclusive Education's Roadmap. ['Driving change: A roadmap for achieving inclusive education in Australia'](#).

[Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability - Submission No.1: Inclusive Education](#)

[Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability - Submission No.2: Response to Education and Learning Issues Paper](#)

[Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability - Submission No.4: Statement of Family Advocacy's Executive Officer, Cecile Sullivan Elder for Public Hearing No. 7 "Barriers to accessing a safe, quality and inclusive school education and life course impacts"](#)

The NSW Department of Education's Disability Strategy flows from their Disability Inclusion Action Plan (2021-2025).⁴ In 2022, 183,000 students in public schools had a disability (approximately 1 in 5). The distribution in the various setting is 86% mainstream classes, and 14% in segregated settings (11% support classes in mainstream schools and 3% in schools for specific purposes (SSPs)).⁵

In 2022, \$334.5 million was spent on specialist learning support teachers and flexible funding in mainstream schools, and \$300 million was spent on Integration Funding Support (IFS) for over 15,400 students enrolled in mainstream classes who have a confirmed disability and moderate to high support needs.

However, rather than moving away from segregated education, \$1.154 billion was spent on segregated education in 2023, an increase of \$75.5 million from 2022 (\$1.079 billion). This is comprised of \$414 million for SSPs, an increase of \$15.7 million from 2022 (\$398.3 million); and \$740.4 million on support classes in mainstream or SSPs, an increase of \$59.8 million from 2022 (\$680.6 million).

The desegregation of support units and schools for specific purposes can be supported by reallocating the \$1.154 billion and any additional funding that was due to be allocated in 2024 to SSPs, to measures that will progressively realise inclusive education and transparently reporting on how the IFS funding support is applied for each child.

Allocation for research on improving suspensions, exclusions and expulsions

The Department of Education's submission with the Disability Royal Commission stated "the suspension rates for vulnerable students in NSW are too high and disproportionately so for students with disability". In 2022, 15,385 students with disability were suspended.^{6,7} This comprised of 11,800 in mainstream schools, 2893 in support units, 692 in SSPs. These systemic failures must be addressed.

Another concern to us is the number of students suspended more than once in 2022 was 12,977 (K-2: 639; Yr3-6: 1347; Yr7-9:7894; Yr10-12: 2583)⁸. Looking at first versus repeat uses of exclusionary discipline tells us a lot. Repeat incidents are where we find the students for whom suspensions and exclusions do NOT work. Oftentimes this is because exclusionary discipline is being used inappropriately and against a student who has not yet acquired the skills necessary to comply or who may never be able to comply because the rule itself is discriminatory, when

⁴<https://education.nsw.gov.au/about-us/strategies-and-reports/our-disability-inclusion-action-plan-2021-2025/our-plan>

⁵ https://education.nsw.gov.au/content/dam/main-education/teaching-and-learning/disability-learning-and-support/our-disability-strategy/Progress_Report_Improving_outcomes_for_students_with_disability_2022.PDF

⁶ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability Public Hearing 7 - Education Questions on notice - State of New South Wales – 16 July 2021

⁷ Budget Estimates 2023-24 Hearing – 24 October Supplementary Questions; p102-106

⁸ Ibid.

applied to them. Given that getting in trouble is not a very nice experience, we believe these kids would avoid it if they could.

A six-year longitudinal study investigating the development of severely disruptive behaviour funded by the Australian Research Council⁹, observed these children and watched what they were getting in trouble for. It wasn't "violence", although it would often end up described that way. Much of what was construed as violence was, especially in prep, the inadvertent result of poor spatial awareness, poor self-regulation, and lower oral language competence. The study explains eleven reasons why exclusionary discipline does not work and we encourage this be read by the Parliamentary Education Committee to find measures to reduce suspensions, exclusions and expulsions.

A number of inquiries into suspensions, exclusion and expulsion processes have taken place in other States, namely in South Australia by the Centre for Inclusive Education QUT. Rather than reinvent the wheel, we recommend the NSW Government invest in a Suspensions Taskforce to learn from the research that has already been done that can be applied universally. In addition, we recommend commissioning a study from expert academics in this field, such as the Centre for Inclusive Education, QUT, to provide a report that is NSW centric, to reduce the number of suspensions, exclusions and expulsions in NSW as well as the number of students with repeated suspensions.

The Disability Royal Commission's Recommendation 7.10 Complaints management suggests "State and territory governments should create or expand existing complaint management offices that operate within educational authorities at arm's length from schools to help resolve complaints about schools, specifically complaints concerning the treatment of students with disability". Family Advocacy calls on the NSW Government to accept and implement Recommendation 7.10 ensuring apart from being independent, it is also effective, accessible, transparent, safe and enforceable with legal remedies attached (as required to comply with international conventions, including the CRPD).

School to Work

For a number of years, Family Advocacy has suggested the need for a [Work Transition Pilot using Discovery Process](#), recommended in our *Same Classroom, Same Opportunity – Securing Better Futures Through Inclusive Education* campaign.¹⁰ This program aims to improve the transition of young people with disability from education to employment, reducing the increased likelihood of unemployment that people with disability face compared to those without disability. We encourage the Parliamentary Education Committee to recommend the NSW government fund this work transition pilot project using the discovery process which includes evaluating the pilot and using the lessons learned to improve the transition to work for young people with disability in NSW.

Increase the employment rates of people with disability

Family Advocacy supports the Disability Royal Commission Recommendations 7.18, 7.19, 7.20, 7.21 and 7.22, and calls on the NSW Government to commit to the targets for disability employment in the public service at 7% by 2025 and 9% by 2023.¹¹ It is excellent that they extend to all levels of government and include targets for people with cognitive disability and require public reporting. The current rate in 2022 was 2.5%, which is extremely low compared to the fact that people with disability make up 17% of the NSW population.¹² It is also significantly lower than the

⁹ <https://research.qut.edu.au/c4ie/2020/10/15/what-does-exclusionary-discipline-do-and-why-should-it-only-ever-be-used-as-a-last-resort/>

¹⁰ <https://www.family-advocacy.com/what-we-do/systemic-advocacy/same-classroom/>

¹¹ [Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report, Volume 7, Inclusive education, employment and housing; summary and recommendations](#) (2023), last accessed 11 October 2023

¹² [Australian Bureau of Statistics, Disability, Ageing and Carers, Australia: Summary of findings](#) (2018 data table 'People with disability by state or territory of usual residence') section, last accessed 17 November 2023,

previous Premier's priority target of 5.6%, and has remained at this level for the last 5 years¹³.

Accordingly, Family Advocacy makes the following recommendations:

Recommendation 1 – Desegregate education in NSW within 10 years in line with the Australian Coalition for Inclusive Education's Driving Change roadmap.

Recommendation 2 – Develop a roadmap to inclusive education that steps through the reallocation of funding from Support Units and Schools for Specific Purposes funding to inclusive education.

Recommendation 3 - Develop an independent, robust, transparent complaints process with strong investigative powers.

Recommendation 4 – Invest in a Suspensions Taskforce to provide a literary review around suspensions, exclusions and expulsion processes, and then commission research (such as with the Centre for Inclusive Education, QUT), to explore ways to reduce the number of suspensions, exclusions and expulsions in NSW as well as the number of students with repeated suspensions in NSW.

Recommendation 5 – Invest \$500,000 to fund a two-year pilot of Family Advocacy's school to work transition program and use the lessons learned to improve employment for people with disability.

Recommendation 6 – Ensure that people with disability hold at least 7% of public service positions by 2025 and 9% by 2030.

Recommendation 7 – Appropriately resource the NSW Public Service Commissioner to audit the performance of each agency against the disability recruitment targets, require them to report back within one year to the Minister for Disability Inclusion, and provide recommendations on how to boost representation of people with disabilities in the State Public Service.

Recommendation 8 – Extend the NSW Public Sector employment targets for people with disability to local government.

Advocacy

Family Advocacy endorses the NSW Disability Advocacy Network (NDAN) pre-budget submission in full. We are concerned about the lack of funding clarity being provided under the NSW Disability Advocacy Futures Program (DAFP). We also want the 2024-2025 NSW Budget to provide additional resources for NSW disability advocates and advocacy organisations for co design and consultation processes as part of the response to the Disability Royal Commission (DRC) Final Report and NDIS Review. Disability advocacy gives people with disabilities a voice and allows government agencies to make better decisions for our community. Disability advocacy is also crucial for promoting equal rights, preventing and challenging discrimination, improving rules and systems to give people with disabilities choice and control over their lives, improving support services and promoting community integration.

Accordingly, Family Advocacy the call on the NSW Government to commit to "Fund the future of Disability Advocacy NSW" with the following recommendations:

¹³[NSW Government, Public Service Commission](#), Diversity, last accessed 16 November 2023, Strategy set - [NSW Government, Department of Planning, Industry and Environment, Diversity and Inclusion Workforce Strategy](#) 2021-5, last accessed 12 October 2023,

Recommendation 9 - Improved transparency and communication about future funding arrangements with funding announced at least 6 months prior to the end of a funding cycle.

Recommendation 10 - Longer term funding contracts (to 5 years)

Recommendation 11 - Increase funding for disability advocacy organisations to respond to the Disability Royal

Commission and NDIS review to ensure that the expertise and resourcing of people with lived experience is respected.

Conclusion

Family Advocacy appreciates the opportunity to make this submission and looks forward to partner with the NSW Government to deliver on all the recommendations outlined within it.

We want to see a NSW that is free from bias and discrimination, where diversity is valued and celebrated. A NSW where people with disability are safe, learn together with their neighbourhood peers, can work in open employment, and are included in their community. A NSW where people with disability are not segregated in education, employment or anywhere else.

Decisive action and increased investment is essential to make NSW a place that is equitable and inclusive for people with disability.