

# Joint position statement by Family Advocacy and People with Disability Australia

## Parliamentary Forum: Securing Prosperous Futures: The vital link between Inclusive Education and Employment



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### Employment for all

Getting a job is a typical life path for most Australians. Employment provides a range of benefits including a sense of contribution, economic security, improved social and emotional wellbeing, creating opportunities for relationships, broadening our horizons and adding meaning to our lives. This is no different for a person with disability. The option for anyone, regardless of their ability, to have the opportunity to work is essential to this narrative.

This rite of passage to employment, however, is often not afforded to young people with disabilities. Unfortunately, current practices create barriers to employment opportunities for students with disability. The Disability Royal Commission found that these barriers include negative attitudes and low expectations of the capability and future employment prospects of young people with disability. These negative assumptions perpetuate the ongoing segregated nature of our school system.

Family Advocacy and People with Disability Australia are deeply concerned. Attitudes and practices that restrict opportunities need to change.

In Australia, 48% of people aged 15–64 with disability are employed, compared with 80% of those without disability according to the 2024 (Australian Institute of Health and Welfare, 2024). People aged 15–64 with significant disability have a much lower employment rate at 27% than those with other disability at 62% (AIHW, 2024). Young people with disability (15–24) are:

- less likely to be employed full time: 24% of young people with disability are employed full time compared with 35% of young people without disability;
- more likely to be unemployed: 25% of young people with disability are unemployed compared to 11% of young people without disability. (AIHW, 2024)

Article 27 of the United Nations Convention on the Rights of Persons with Disability (CRPD) makes clear that people with disability have a right to access work and employment on an equal basis with others. Article 27 also requires that governments must safeguard and promote the realisation of the right to work, and ensure equal remuneration for work of equal value.

### Barriers to employment for students with disability

The barriers to employment start when the young person is at school with much of this stemming from assumptions about a young person's ability to work, the type of work they should do, and the setting they should be in. Many young people are currently not being provided with any opportunities to pursue work at and after school at all, and instead are directed to Day Services or Australian Disability Enterprises (ADE).

The relationship between segregated “special” education and segregated “Australian Disability Enterprises” are clear, as are the processes within our education systems that

support this. A key finding in [research done for the Disability Royal Commission](#) highlighted that people with disability who previously attended special/segregated schools were significantly less likely to transition into employment. Further to this, the research found young people with disability who previously attended special/segregated schools or special/segregated classes in mainstream schools were significantly more likely to transition into employment in ADEs than participants who previously attended mainstream classes. In NSW, the nearly 29,000 students with disability who are placed in special schools and support units continue to be at risk of being caught in this cycle of poor employment outcomes.

Segregation remains a barrier on the pathway to regular employment. Segregated settings also promote the continuation of segregated communities. The Disability Royal Commission clearly identified that segregated settings continue to cause significant harm to people with disability.

### **Inclusive education is the vital link to employment for students with disability**

An essential component in the pathway to regular employment and career opportunities is an inclusive education system that is tailored to, and supports the needs and aspirations of, students with disability. Article 24 of the CRPD and the Committee on the Rights of Persons with Disability (the Committee) in its *General Comment No.4* state clearly that people with disability have a right to an inclusive education. The realisation of inclusive education is critical as it is regarded as a right that supports the realisation of all other rights, including, crucially, employment. Research indicates that students with disability who learn in an inclusive setting have better academic performance, social competence, psycho-social well-being, and higher participation in society after school, including in employment ([Jackson](#) 2008, [Hehir](#) 2018, [Cologon](#) 2019, [Graham](#) 2020).

The Committee in its *General Comment No 4*. states that inclusive education is “the primary means by which persons with disabilities can lift themselves out of poverty, obtain the means to participate fully in their communities, and be safeguarded from exploitation. It is also the primary means through which to achieve inclusive societies.”

A lack of an inclusive education can have the opposite effect, as confirmed by recent findings of the Legislative Council Portfolio Committee No.3 - Education Inquiry Report No. 52 - “Children and young people with disability in New South Wales educational settings” (August 2024):

“Finding 1. That a lack of inclusion faced by children and young people with disability in New South Wales educational settings has profound impacts on various aspects of their lives, including in employment, social life, accessing housing and health services, and more. These impacts have potential lifelong consequences.”; and

“Finding 5. That beyond the impact on students, siblings and families, a lack of inclusion in New South Wales educational settings reinforces prejudice, discrimination and ableism in society which, in turn, perpetuates non-inclusive practices in the education system.”

The Disability Royal Commission also concluded that “schools need major reforms to overcome barriers to safe, equal and inclusive education”. In order to achieve better employment outcomes **whilst at school** and post-school for students with disability, the NSW government must move more purposefully towards achieving an inclusive education system as defined in Article 24 of the CRPD and by the Committee in its *General Comment No. 4*.

The NSW Department of Education has been made aware of the major reforms needed for almost two decades across multiple audits, parliamentary inquiries and the recent national Disability Royal Commission. While some efforts at change have occurred, more needs to be done. The Audit Office of NSW report (September 2024), “Supporting students with disability performance audit” concluded “The Department of Education has effectively designed approaches and developed reforms aimed at improving the support provided to students with disability. However, key initiatives that target longstanding and well-known issues have not been implemented in a timely way, limiting the effectiveness of the Department’s support for students with disability in NSW public schools.” Of the many reforms suggested, we believe it critical to prioritise:

- the adoption of a CRPD compliant definition of inclusive education
- taking effective steps to improve longer-term student outcomes
- improvement on career guidance and transition support services
- develop an independent complaints system
- take effective steps to improve longer-term student outcomes, and
- improve post-school internships and employment opportunities in the NSW Public Service.

### **School to work using the Discovery process from the Customised Employment Model**

The typical path in high school is to have work experience, and then casual work in order to get a good taste of work life and learn what you do and don't like. It cannot be overstated, that work experience is absolutely critical for a young person with a disability. The NSW education system does not provide consistent, supported and flexible work experience opportunities, and this impacts career planning and employment prospects.

Research shows that the conversation, thinking, and preparation for normative work experiences, such as part-time or casual employment, needs to start early for a young person with disability, with the essential ingredients of high expectations from school staff as well as the parents or carers. This allows adequate time for exploring options, developing skills, building connections, discovering the conditions of success, setting goals and making informed decisions about post-school plans. For parents and carers of students with disability, these natural pathways can require more consideration, planning, and at times, advocacy compared to parents and carers of students without disability.

A key strategy to support successful work experience opportunities and career and transition planning is the Discovery Process, the first stage under the Customised Employment model, as discussed and recommended by the Disability Royal Commission, see Recommendation 7.16. Customised Employment is premised on the strong fundamental principle that everyone can work in typical, paid employment. The Discovery Process stage is a ‘no fail’ process, which involves uncovering who a person is, by identifying their interests, contributions, conditions for success, and what naturally motivates them in their everyday life. The information developed through the Discovery Process is used as the foundation for a highly customised employment role. By looking at the contribution of the individual student rather than how they compare to others, the Discovery Process avoids the disadvantages of traditional job-seeking practices which hinder many young people with disability.

Crucially, the Customised Employment model works. A strong research base demonstrates its efficacy in increasing employment opportunities for people with disability. A recent research project in the United States examining the use of the Customised Employment Model with people with significant disability found that of 173 individuals who took part, 74.2% obtained internships and 56% obtained employment. The average hours worked were 23 hours per week being paid at award wages, and the average tenure was 25.9 months (SourceAmerica, [Pathways to Careers](#), 2021).

The emphasis on supporting a student to identify their will and preferences in the Discovery Process is consistent with the promotion and protection of rights, a key process and outcome of inclusive education. In this respect, the Discovery Process and Customised Employment appear uniquely complementary to and supportive of, an inclusive education system.

The recommendations we outline below would encourage an inclusive education system that builds the capacity of educators, students with disability and their parents or carers to engage better with the transition to employment. It would encourage attitudinal change that recognises all students with disability have a right to employment and an opportunity for a prosperous future.

Family Advocacy and People with Disability Australia invite the NSW government to work with us to implement these recommendations in consultation and collaboration with people with disability, their family or carers and representative organisations.

## RECOMMENDATIONS

### 1. **Adopt a CRPD compliant definition of inclusive education.**

The NSW Department of Education's 'Inclusive Education Statement for students with disability' should adopt a definition of inclusive education that is consistent with the CRPD, in alignment with Finding 6 of the NSW Legislative Council Portfolio Committee No.3 - Education Inquiry Report 52 - August 2024.

#### ***What does this mean?***

A working group is developed with key personnel within the NSW Department of Education and relevant stakeholders to draft a new definition.

### 2. **Improve career guidance and transition support services.**

The NSW government should fully "Accept" Disability Royal Commission Recommendation 7.5 'Careers guidance and transition support services'. The NSW government should also "Accept" Recommendation 27 of the Legislative Council Portfolio Committee No.3 - Education Inquiry Report 52 - August 2024, "That the NSW Government increase support for young people with disability transitioning from school to study at TAFE, vocational education and training and higher education, for example, through funding transition pilot programs and introducing in-school supports and learning for students with disability." This should include:

#### **a) Invest in a work transition pilot using the Discovery process from the Customised Employment model.**

Invest in a [Work Transition Pilot Project](#) to improve the transition of young people with disability from education to employment, based on the Discovery Process of the Customised Employment Model, to be able to derive appropriate matches.

#### **b) Improve communications between the school and students with disability and their families by investing in a capacity building program in schools, to raise expectations and better understand employment pathways, and assume employment for all.**

This is consistent with Recommendation 2 of the Legislative Council Portfolio Committee No.3 - Education Inquiry Report 52 - August 2024, "That the NSW

Government make it a requirement that schools ensure best practice in creating and maintaining communication between the school and the student, their parents and siblings, in line with Recommendation 7.6 (a) of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.”

### 3. **Develop an independent complaints system.**

A robust accountability mechanism is essential to ensure statutory obligations are being met. The NSW government should fully “Accept” Disability Royal Commission Recommendation 7.10 “Complaint Management” to create a complaints system “at arm’s length” from schools. In addition, the NSW government should also “Accept” Recommendation 23 of the Legislative Council Portfolio Committee No.3 - Education Inquiry Report no. 52 - August 2024: “That the NSW government investigate and review options for an independent oversight function or body to support, advocate and investigate on behalf of children and young people with disability and their families.” The independent oversight function or body must contain people with disability in key support, advocacy, investigative and decision-making roles.

#### ***What does this mean?***

A working group is developed with key personnel within the NSW Department of Education whilst consulting with relevant stakeholders on the design and implementation of a new independent complaint system. As complaints are the direct measure of systems flaws, this should be addressed as a matter of priority.

### 4. **Annually monitor the experiences and outcomes of students with disability to take effective steps to improve longer-term student outcomes.**

The Audit Office of NSW 2024, “Supporting students with disability performance audit” report has recommended by January 2026, the Department of Education should: “1. At least annually, monitor the experiences and outcomes of students with disability to: c) take effective steps where there is a need to improve longer-term student outcomes.”

### 5. **Improve post-school internships and employment opportunities in the NSW Public Service.**

The NSW Public Service should increase the percentage of people with disability in their employment in line with Disability Royal Commission Recommendation 7.18.

- a) **Increase the disability representation of the teacher workforce.** We note Legislative Council Portfolio Committee No.3 - Education Inquiry Report no. 52 - August 2024, Finding16, “That the representation of teachers with disability in the teacher workforce is below that of the general population and is not meeting NSW Government targets.”
- b) **Adopt a Customised Employment approach.** To ensure this is equitable and robust across all groups of people with disability, a Customised Employment approach should be utilised within the NSW Public Service to support employment of people with disability, with training provided to key personnel across government departments on the Customised Employment approach.

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