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Inquiry into the Provision of Education to Students with Disability or Special Needs in Government and Non-Government Schools in NSW
Submission

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About Youth Action

Youth Action is the peak organisation representing young people and youth services in NSW. Our work helps build the capacity of young people, youth workers and youth services, and we advocate for positive change on issues affecting these groups.
It is the role of Youth Action to:

1. Respond to social and political agendas relating to young people and the youth service sector.
2. Provide proactive leadership and advocacy to shape the agenda on issues affecting young people and youth services.
3. Collaborate on issues that affect young people and youth workers.
4. Promote a positive profile in the media and the community of young people and youth services.
5. Build capacity for young people to speak out and take action on issues that affect them.
6. Enhance the capacity of the youth services sector to provide high quality services.
7. Ensure Youth Action's organisational development, efficiency, effectiveness and good governance.

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Recommendation 2: The inquiry specifically recommend in its report to Government that a body of work is undertaken to consult young people with disability in NSW regarding their experience of access to education.

Recommendation 3: The NSW Government implements a consistent definition of disability in order to provide the appropriate funding for students with disability in NSW schools. Youth Action acknowledges this is complex, but recommends that the NSW Government draws more upon the research of not-for-profit organisations such as the World Health Organisation (WHO) to utilise the considerable amount of research they possess around the definition of disability.

Recommendation 4: Ensure research gaps are filled, to better inform policy outcomes and to ensure services and support at ground level are more effective in delivery.

Recommendation 5: That the committee make special effort to analyse how inclusion and its philosophies are implemented within school environments, school policies and teaching approaches, and report on implementation improvements.

Recommendation 6: Review of current training provided to teachers regarding inclusive classrooms, and addressing the needs of students with disability

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Recommendation 7: Conduct an independent review of the *Every Student, Every School* initiative at state-wide level. A further evaluation of the program would be beneficial in determining its effectiveness, and broader research data would be beneficial to determine the policies impact. This review would undertake to understand the experiences of young people with disability from young people with disability.

Recommendation 8: More research into this area needs to be conducted to determine the diversified needs of students with disability and how to tailor complaint mechanisms to their requirements. Suggested strategies are provided in text.

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INTRODUCTION

Youth Action welcomes the opportunity to contribute to the *Inquiry into the provision of education to students with a disability or special needs in government and non-government schools in New South Wales.*

Young people with disability are often absent from discussions and decisions that impact their lives. Young people in general are often considered by many decision makers to be too immature, inexperienced, disinterested or it is considered too hard to have their views taken into account. Young people with disability face additional and compounding barriers to inclusion in decisions, such as exclusion from society, and are often viewed in 'segregated, special and demeaning settings.'[1] As highlighted by the Royal Commission into Child Sexual Abuse in Institutions 'when children with disability are stereotyped as dependent and passive and unable to "speak up", they are at heightened vulnerability to being segregated, abused, overlooked and not heard.'[2] This is applicable in relation to access to education, as without the expertise of those young people with lived experience, young people remain at a heightened risk of educational exclusion, and decision makers will not have the necessary information to make informed choices.

Recommendation 1: The inquiry ensures the consideration of the experiences of young people with disability in relation to education, and their participation in decision making

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[1] G Llewellyn, S Wayland, G Hindmarsh, 2016, 'Disability and child sexual abuse in institutional contexts', Royal Commission into Institutional Responses to Child Sexual Abuse, Commonwealth of Australia, p. 1, accessed via https://www.childabuseroyalcommission.gov.au/getattachment/182ea3a4-e1b7-405d-9ee9-d006c2f76d66/Disability-and-child-sexual-abuse-in-institutional
[2] ibid

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Recommendation 2: The inquiry specifically recommend in its report to Government that a body of work is undertaken to consult young people with disability in NSW regarding their experience of access to education.

RESPONSE TO THE TERMS OF REFERENCE
a) equitable access to resources for students with a disability or special needs in regional and metropolitan areas

Defining Disability

A definition of disability is imperative to educational access. A lack of consistency can distort a school's understanding and contribute to exclusionary practices within schools. Throughout the literature, and government policy, there is a lack of consistency in the definition of disability. For the purposes of this submission, Youth Action will use the definition of disability used by the *World Health Organisation (WHO)*. According to WHO, disability results from the interaction between those with impairments, and attitudinal and environmental attitudes that hinder their full and effective participation in society on an equal basis with others.[3] This is opposed to a view that disability is 'embedded' within a child or young person.[4] Previously, disability has been viewed from either a medical *or* social perspective, particularly where that understanding has transitioned from the former to the later. WHO suggests viewing disability as two facets, both *medical* and *social*. That barriers exist both from a result of individual impairments and as a result of society.[5]

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[3] World Health Organisation (WHO), 2011, 'World Report on Disability. Malta; World Health Organisation', pp. 3-8, accessed via http://www.who.int/disabilities/world_report/2011/en/
[4] G Llewellyn, S Wayland, G Hindmarsh, 2016, op.sit.
[5] WHO, ibid. p.4

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There is an inconsistency of the meaning of disability in government policy, which is contrary to the *National Goals of Schooling*'s[6] aim of providing all students with access to high quality schooling that is free from discrimination based on gender, language, sexual orientation, culture, ethnicity, religion, disability, socioeconomic or geographical status. This goal is rendered meaningless without a consistent definition of disability.

There are a number of legislative, state and national policy tools that underpin NSW's approach to disability in education, however, for example, previous definitions of disabilities under the *Disability Discrimination Act* have been very broad, and previous iterations have meant difficulties in establishing standards in education, assigning funds, the type of research conducted and how policy is implemented.[7] It is difficult to ascertain how NSW Department of Education defines disability, as it is absent in the *Every Student, Every School* policy and the *NSW Department of Education Disability Inclusion Action Plan 2016-2020*.

Recommendation 3: The NSW Government implements a consistent definition of disability in order to provide the appropriate funding for students with disability in NSW schools. Youth Action acknowledges this is complex, but recommends that the NSW Government draws more upon the research of not-for-profit organisations such as the

[6]I Dempsey, 2011, 'Trends in the proportion of students with a disability in Australian Schools'. *Journal of Intellectual and Developmental Disability*, Vol. 36, No. 2, pp.144-145, accessed via
http://www.tandfonline.com/doi/abs/10.1080/13668250.2011.573777
[7] Employment, Workplace Relations and Education References Committee, 2002, *Education of students with disabilities,* EWRERC, Canberra, accessed via
http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_Employment_and_Workplace_Relations/Completed_inquiries/2002-04/ed_students_withdisabilities/report/c02

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World Health Organisation (WHO) to utilise the considerable amount of research they possess around the definition of disability.

Education and Disability

Education determines more than a child's economic future—it is also critical to a child's social and emotional development, to establishing a sense of identity and a sense of place in the world

- National People with Disabilities and Carer Council[8]

Current data shows that: [9]

- 90 000 (or 12%) students enrolled in NSW schools have disability
- 75% of this population attends mainstream school with the majority placed in regular classes
- 30% of students with disability fail to pass Year 10, compared to 20% of students without disability
- 36% of individuals aged 15–64 years with a disability had completed ear 12 compared to 60% of people without disability

Despite legislation and programs such as the *Disability Discrimination Act 1992*, the *Disability Education Standards 2005* and *Every Student, Every School*, people with a disability are less likely to complete Year 12 than their peers without disability.[10] The

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[8] National People with Disabilities and Carer Council, 2009, *Shut Out: The Experience of People with Disabilities and their Families in Australia*, National People with Disabilities and Carer Council, Canberra, p. 60, accessed via https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/shut-out-the-experience-of-people-with-disabilities-and-their-families-in-australia

[9] Children and Young People with a Disability Australia, 2016, *Issues Paper National Education Evidence Base, Submission to Productivity Commission,* CYDA, Canberra, pp. 4-6, accessed via: http://www.pc.gov.au/__data/assets/pdf_file/0013/200704/sub066-education-evidence.pdf

[10] Australian Federation of Disability Organisations, 2013, *Education Policy Report and Recommendations*. pp. 1-97.

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current system is said to have little capacity to meet the needs of students with disability and is lacking resources to ensure their full participation in schools.[11] The inability of the school system to meet the educational needs of students with disability has received recent and consistent criticism at both federal and NSW levels.[12] The education system is clearly under resourced, with little or no support for inclusion. As the Children and Young People with Disability (CYDA) notes, educational experiences and outcomes for students are poor due to numerous factors, such as inadequate funding and resources, insufficient training in staff, low expectations, marginalisation and victimisation.[13]

Perhaps even more problematic, both for policy-makers and front-line staff, are the *gaps* in data in many areas of education, particularly where children's experiences are concerned. Gaps in data mean problems in 'in defining and measuring educational access and outcomes with for students with a disability'. Data, in turn, is vital for guiding policy-decisions and areas in education that may need change.[14]

Recommendation 4: Ensure research gaps are filled, to better inform policy outcomes and to ensure services and support at ground level are more effective in delivery.

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[11] National People with Disabilities and Carer Council, op.sit., p. 9

[12] K Cologon, 2015, 'Inclusion in education: Towards equality for students with disability', Issues Paper, Children and Families Research Centre Institute of Early Childhood Macquarie University, accessed via http://www.cda.org.au/inclusion-in-education; Senate Standing Committee on Education and Employment, 2016, *Access to real learning: the impact of policy, funding and culture on students with disability,* Commonwealth of Australia; New South Wales Auditor-General, 2016, *Supporting students with disability in NSW public schools*, Performance Audit, e Audit Office of New South Wales, accessed via http://www.audit.nsw.gov.au/news/supporting-students_with_disability_in_NSW_public_schools

[13] Children and Young People with a Disability Australia, 2016, op.sit.

[14] ibid., p.6

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Inclusion

CYDA point to the utility of inclusion policies in education practice to improve education outcomes and support the diversity of needs for all students. Generally speaking, inclusion can be defined as acknowledging the right of every individual with disability to be included in education, where teaching methods and the environment surrounding the individual are adapted to allow students to participate. Inclusion is meant to allow for full and equal participation within a school community, so that *all* students can be valued in the environment in which they are a part.[15]

Similar to disability, however, the definition of 'inclusion' is inconsistent and contentious, which can contribute to misconceptions and inadequate policies that do not provide the appropriate resources for students with disability. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that inclusive schools are the most effective way to counter misconceptions and exclusionary/discriminatory attitudes.[16] A more inclusive education system has significant educational, social and economic justifications. However, an inclusive education system can only be created if school systems themselves become more inclusive[17] and for that to occur, there needs to be promotion of inclusion practices in NSW. Within government schools, the Department of Education's ability to integrate inclusive policies has previously been argued to be

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[15] Children and Young People with a Disability Australia, op.sit.
[16] The Australian Research Alliance for Children and Youth (ARACY),2013, *Inclusive Education for Students With a Disability*, Canberra, pp. 1-66.
[17] National People with Disabilities and Carer Council, op.sit.

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limited. Indeed, despite increasing emphasis on inclusive policies, there has been growing enrolment trends towards segregated settings within NSW schools.[18]

Barriers to Educational Access

Despite increasing emphasis on inclusive policies over the years, barriers throughout schools continue to pervade the education system.

Under-Funded and Under-Resourced

In 2009, the Australian Government released the *National Disability Strategy*, a commitment to social inclusion. A number of submissions the government received showed that there are still significant barriers to the full access and inclusion of children with disabilities in schools. The majority of submissions strongly argued that there is little or no capacity to meet the learning needs of students with disabilities and education lacks the resources to ensure students with disabilities have the same access to education as their peers without disability.[19] Interestingly, students in private or non-government schools were more likely to have difficulty in obtaining funding, as additional hurdles are required to gain funds for support. Non-government schools must apply to the Federal Government for additional funding within a program to support students with disability, but in the past this assistance has been limited.[20]

Attitudinal Barriers to Education

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[18] L Graham L, & N Sweller, 2011, 'The Inclusion Lottery: Who's in and Who's out? Tracking Inclusion and Exclusion in New South Wales Government Schools', I*nternational Journal of Inclusive Education,* Vol. 15, No. 9, pp. 948-49, accessed via http://www.tandfonline.com/doi/abs/10.1080/13603110903470046
[19] National People with Disabilities and Carer Council. Ibid., p. 6
[20]LJ Graham & M Jahnukainen, 2011, 'Wherefore art thou, Inclusion? Analysing the Development of Inclusive Education in New South Wales, Alberta and Finland', *Journal of education policy,* Vol. 26, No. 2, p. :265, accessed via http://www.tandfonline.com/doi/abs/10.1080/02680939.2010.493230

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Widespread assumptions and negative attitudes towards children with disability have large impacts on both everyday life and service provision.[21] Research on teachers' attitudes towards students with Specific Learning Difficulties (SLD), for example, revealed that 'teachers do not always respond to positively to students with SLD within inclusive classrooms.'[22]. Previous interviews in NSW government schools have indicated that though there is a significant difference in enrolment rates between public and private schools, interviews with principals in NSW show that reluctance to admit students with learning and behavioural issues is not limited to private and non-government education institutions.[23] In turn, these negative attitudes towards people with disability have outward consequences on education support and access. For example, it has been noted that many teachers label 'inclusion' merely as being the existence of a child with disability in a classroom environment, which can lead to exclusion both at the macro and micro level. While macro exclusion is the intentional separation of a child from others, micro exclusion may lead to exclusion directly within the classroom environment.[24] Similarly, though numbers are unclear on its prevalence, such attitudes may also lead to a practice of 'gatekeeping', where students are refused or discouraged from enrolling in schools because of their disability. This has tended to be more prevalent in non-government schools due to the more restricted nature of the enrolling process.[25]

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[21] World Health Organisation, 2011, *World Report on Disability*, Malta; World Health Organization, p. 6, accessed via http://www.who.int/disabilities/world_report/2011/en/

[22] S Woodcock, 2012, 'Trainee Teachers' Attitudes Towards Students With Specific Learning Disabilities'. *Australian Journal of Teacher Education*, Vol.38, NOo 8, p. 19, accessed via http://ro.ecu.edu.au/ajte/vol38/iss8/2/

[23] LJ Graham & M Jahnukainen, ibid.

[24] K Cologan,2015, *Inclusive education means all children are included in every way, not just in theory* , The Conversation, accessed via http://theconversation.com/inclusive-education-means-all-children-are-included-in-every-way-not-just-in-theory-45237

[25] LJ Graham, H Proctor. R Dixon, 2016, *In How Schools Avoid Enrolling Children with Disabilities*. The Conversation, accessed via https://theconversation.com/how-schools-avoid-enrolling-children-with-disabilities-53494

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Lack of Staff Training

Moves over the years towards inclusion has led to 'focused attention on how teachers perceive students, what constitutes educational success for children with special educational needs in inclusive classrooms, and the ability of teachers to provide effective instruction for them'. This has been beneficial in spotlighting gaps in educational training for teachers, and previous research has scrutinised graduate teacher education for doing little to prepare students to work with young people and children with disability. Attempts to change teacher perceptions are only one dimension and, indeed, attempting to concentrate on changing individual views alone had little success.[26]

There is universal acknowledgement that appropriate training of teachers is vital for the implementation of inclusive policies and initiatives to address the diversified needs of students with disability.[27] It is consistently found within research is that educators' attitudes are more positive towards inclusive education when they have received training in the area of disability. Even more so is the notion that teachers are more effective in their role when they have received adequate preparation prior to employment.[28] This is especially the case when efforts are 'made to systematically design experiences that will allow that to understand that a person with disability can be a friend'.[29] This requires teachers to feel comfortable in interacting with students with disability and to be dedicated to inclusive policies.[30]

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[26] S Woodcock, op.sit.
[27] S Umesh S, Forlinb C, Loreman, 2008, 'Impact of Training on Pre-service Teachers' Attitudes and Concerns about Inclusive Education and Sentiments about Persons with Disabilities' *Disability & Society*, Vol. 23, No. 7, p.773-785 accessed via http://www.tandfonline.com/doi/abs/10.1080/09687590802469271
[28] ibid, p.774
[29] ibid, p.782
[30] ibid, p.784

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As CYDA notes, measuring inclusion can be problematic, particularly considering that Australia has no measurements to determine the effectiveness of inclusion in educational environments. Consideration, therefore, needs to be given to how 'inclusion can be operationalised and measured'. To combat the issues presented above, more effort needs to be expended on analysing how inclusion and its philosophies are implemented within school environments, school policies and teaching approaches.[31]

Recommendation 5: That the committee make special effort to analyse how inclusion and its philosophies are implemented within school environments, school policies and teaching approaches, and report on implementation improvements.

Recommendation 6: Review of current training provided to teachers regarding inclusive classrooms and teaching to the needs of students with disability

b) the impact of the Government's 'Every Student Every School' policy on the provision of education to students with a disability or special needs in New South Wales public schools

Every Student Every School

In a bid to further the philosophies of inclusion, the 2012 *Every Student, Every School* policy was a $48 million initiative that was introduced to help build the capabilities of NSW schools to meet the educational needs of students with disability. *Every Student, Every School* was developed around a learning and support framework with 5 key objectives:

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[31] Children and Young People with a Disability Australia, op.sit.

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- Professional Learning
- Support for students with disability in regular classrooms
- Special schools as centres of expertise
- Instruments to understand and support individual students' learning needs
- Information to support teaching and learning and extra support.

This initiative is a positive step in relation to advancing inclusive policies. However, there is limited public information about the progress of the initiative. Case studies by the Department of Education present examples where the introduction of Learning and Support teams have meant changes within the school environment have been for the better.[32]

Conversely, broader data on the policy initiative appears to be limited, but other smaller studies have highlighted a number of issues arising within schools after the policies implementation.[33] Interviews with 30 educational professionals of varying backgrounds show the policy and its aims were not well comprehended. For example, Graham notes that one of the *Every Student, Every School* aims, that the school environment is a first line of defence which adjusts and accommodates the curriculum with funding to support changes for students, was not well understood by either ground staff or specialist learning support teachers. [34] Additionally, professionals both within and outside the school environment have come under increased pressure to diagnose or inflate the level of a child's disability. For example, Grahams study noted that, within

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[32] Department of Education, n.d., 'Evaluation Case Study: Using Student Data to Guide Change', New South Wales Department of Education and Communities, prepared by Phillips KLA, pp.1-7, accessed via
https://docs.education.gov.au/system/files/doc/other/using_student_data_to_guide_change.pdf
[33] LJ Graham, 2014, op.sit.
[34] ibid, p. 14

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schools, some Principals and Regional Directors felt compelled to overemphasise a child's impairment due to the fear of having support pulled by district disability officers.[35] In worst-case scenarios students were unnecessarily suspended so schools would receive funding and support.[36] This extended to outside of the school environment, where pressure is placed on health professionals to provide a diagnosis that will secure individual support funding in Australian schools'. [37]

Recommendation 7: Conduct an independent review of the *Every Student, Every School* initiative at state-wide level. A further evaluation of the program would be beneficial in determining its effectiveness, and broader research data would be beneficial to determine the policies impact. This review would undertake to understand the experiences of young people with disability from young people with disability.

(d) complaint and review mechanisms within the school systems in New South Wales for parents and carers

Complaint Mechanisms and Processes

The issues above also highlight the need for robust safeguards within school environments. This report will consider complaint mechanisms from a human rights context, which can be defined as 'any procedure that will address individual factual circumstances of human rights violations'.[38] Effective complaint mechanisms are crucial

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[35] ibid, p.16
[36] ibid, p.17
[37] ibid, pp.16-17
[38] Advocates for Human Rights,n.d., *Complaint Mechanisms*, p.1 accessed via
http://www.theadvocatesforhumanrights.org/uploads/app_i.pdf

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to supporting education inclusion and outcomes for young people, as well as ensuring safety for children and young people within institutions. As disability support and services is an area that is changing shape, individuals eligible for schemes such as the *National Disability Insurance Scheme* need to be protected by adequate safeguards, such as complaint mechanisms.[39] As the WHO's *World Report on Disability* suggests, appropriate complaint mechanisms are vital to ensure services and support are of a sensible standard.[40] This is particularly given that children with disability are one of the most stigmatised groups within society,[41] and the need for such mechanisms to be non-discriminatory in nature is particularly important.

Parents and Carers
Despite the implementation of policies such as *Every Student, Every School*, educational experiences and outcomes for students remain poor due to numerous factors such as inadequate funding and resources, insufficient training in staff, low expectations, gaps in data, marginalisation and victimisation.[42] These issues not only highlight problems with enforcing and developing legislation and policies in school environments, and continue to mean that parents and carers must constantly act as an advocate for their child. Indeed, it has been highlighted by O'Connell that parents may also be hesitant to make a complaint because of a fear that their child will face discrimination within the school environment.[43]

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[39] G Llewellyn, S Wayland, & G Hindmarsh, op.sit.
[40] World Health Organisation, op.sit
[41] MD Ruck, DP Keating, RH Brophy RH, EM Saewyc, F Earls , A Ben-Arieh, 2014, 'The United Nations Convention on the Rights of the Child: Its Relevance for Adolescents', Journal of Research on Adolescence 2014, Vol. 26, No. 1, p.20, accessed via http://onlinelibrary.wiley.com/doi/10.1111/jora.12172/abstract
[42] Children and Young People with a Disability Australia, op.sit.
[43] K O'Connell K. 2016, *In What are Your Rights if Your Child with a Disability is Denied a School Place*, The Conversation, accessed via: https://theconversation.com/what-are-your-rights-if-your-child-with-a-disability-is-denied-a-school-place-53500.

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This may be further problematised as parents may also lack knowledge about their child's rights as a student.[44] A 2012 review of *the Disability Standards for Education* highlighted 'that the level of awareness of the DSE across all education sectors, parents and students is low, and that assistance and information about their practical application is difficult to locate.'[45] In NSW, the Department of Education targets information about students' rights primarily to parents,[46] but qualitative studies have also suggested there is a lack of knowledge around complaints processes *at all levels*, including legal resources, intervention and support for prevention, and solutions for harm. The study showed many parents were unsure about their 'rights in relation to complaint making, and found the process draining and difficult'.[47] For parents and carers, the means to keep their children safe were largely dependent on their relationships with carers and school staff.[48] Conversely, more formal methods to pursue complaints under legislation such as the *Disability Discrimination Act*, for example through legal recourse, has proven highly onerous for parents.[49]

Young People and Children

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[44] ibid

[45] Children with Disability Australia, 2012, *Children with a Disability Australia: Special Schools and the Australian Government Education Reform*, accessed via
http://www.cda.org.au/_literature_170104/Special_Schools_and_the_Australian_Government_Education_Reform_-_December_2012_PDF

[46] Department of Education, n.d., *Schools - guide for parents, carers and students*, accessed via http://www.dec.nsw.gov.au/about-us/how-we-operate/how-we-handle-complaints/schools

[47] S Robinson, D McGovern, 2014, *Safe at school? Exploring Safety and Harm of Students With Cognitive Disability*, Centre for Children and Young People, report completed for the NSW Law and Justice Foundation, p. 12, accessed via
http://ccyp.scu.edu.au/index.php/129

[48] ibid, p.67

[49] Department of Education, Employment and Workplace Relations,2012, *Report on the Review of Disability Standards for Education.* DEEWR, Canberra, p. 10

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Within Australia, cases where adults with disability have raised a complaint themselves due to service barriers has led to changes in legislation for the better.[50] The rights of children to undertake the same action, however, are far more opaque. At an international level, discussion within the *United Nations Convention on the Rights for the Child* of a child's right to submit a complaint has become a deliberation in optional CRC protocols within the last five years.[51] Consideration of children in decision-making processes appears to be a component in relation to legislation across all states, including NSW, with age and maturity taken into account.[52] However, while Australia has ratified two optional protocols under the convention, the third in relation to complaints mechanism has yet to be signed.[53]

Thus, discussion and research around a child's right to raise a complaint because of factors such as violence, discrimination or abuse within Australia appears to be limited despite emphasis in recent years for services to be welcoming and inclusive. Legislation that considers children's voices in decision-making processes is beneficial, but also vague given that little consideration has been given to children's experiences even within research and studies. It has been noted that the bulk of research tends to focus on the experiences of adults with disability, with limited attention paid to the experiences of children within institutional environments.[54] Even organisations such as UNICEF have highlighted that data collection around children's experiences remains

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[50] World Health Organisation, op.sit.

[51] MD Ruck, DP Keating, RH Brophy RH, EM Saewyc, F Earls , A Ben-Arieh, op.sit.

[52] Australian Institute of Family Studies, 2014, *Australian Child Protection Legislation,* Canberra, Australian Institute of Family accessed via https://aifs.gov.au/cfca/publications/australian-child-protection-legislation

[53] Australia Human Rights Commission, 2012, *Reporting to the UN Committee on the Rights of the Child,* accessed via https://www.humanrights.gov.au/publications/reporting-un-committee-rights-child#what_CRC

[54] G Llewellyn, S Wayland, G Hindmarsh, op.sit; World Health Organisation, op.sit

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lacking.[55] Within Australia, a qualitative study around young people with a cognitive disability pointed out there is incredibly limited data showing the viewpoints of students about safety and harm within schools.[56] What the study did show was that children and young people would often feel ignored and isolated, or could not ask for assistance.[57] As Robinson states, 'a number of researchers note that it is likely that abuse is under-reported by children and young people with disability, for a range of reasons, including lack of support to make a complaint; not feeling they would be believed; not having the words to name the harm they are experiencing; and the feelings of intimidation and fear experienced by all children.'[58]

Recommendation 8: More research into this area needs to be conducted to determine the diversified needs of students with disability and how to tailor complaint mechanisms to their requirements. Suggested strategies that are aimed at making mechanisms more inclusive for students with disability include:

- Schools and staff work with third parties, such as outreach programs and advocates, to raise awareness of complaint processes.[59]
- Information about complaints systems and processes must be widely disseminated, accessible and understandable. For example, education resources about a child's right to speak up may be advertised through youth-related media.[60]

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[55] Children and Young People with a Disability Australia, op.sit.
[56] S Robinson S, D McGovern, op.sit
[57] ibid, p.40
[58] S Robinson, 2012, *Children with a disability Australia. Enabling and Protecting: Proactive Approaches to Addressing the Abuse and Neglect of Children and Young People with Disability,* Southern Cross University: Centre For Children and Young People, p.9, accessed via http://epubs.scu.edu.au/cgi/viewcontent.cgi?article=1111&context=ccyp_pubs
[59] S Robinson, D McGovern, op.sit
[60] Commissioner for Children and Youth People, 2013, *Are you listening? Guidelines for making complaints systems*: , pp/ 7-9, accessed via https://www.ccyp.wa.gov.au/media/1414/report-are-you-listening-guidelines-for-making-complaints-systems-accessible-and-responsive-to-children-and-young-people-june-2013.pdf.

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- Advertise the complaints process in such a way that is understandable and not overly complex in language.[61]
- Schools should create a culture of collusion with staff, the parents and child involved in the complaints process,[62] where children's voices will feel valued.
- Making students and parents aware of other avenues to explore in situations such as staff abuse.

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[61]ibid.
[62] S Robinson, D McGovern, op.sit

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