



Submission to

Review of the Program for Students with Disabilities

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About Melbourne City Mission

Melbourne City Mission is one of Victoria's oldest and largest community services organisations. Our vision is to create a fair and just community where people have equal access to opportunities and resources.

We know that for children and young people experiencing disadvantage, education is a key enabler for social and economic mobility. Consequently, Melbourne City Mission has a strategic focus on supporting education participation and attainment.

Our work with children and young people with disabilities – and their families – includes early childhood intervention services, parenting support and case management services, which are strengths-based, have a human rights underpinning, and build the capacity of children and young people to participate in early years education and school, as well as broader community participation.

Melbourne City Mission's work is client-directed. Staff undertake advocacy with, and sometimes on behalf of, the people we support. As part of this work, we provide secondary consultations/expert advice on disability inclusion to universal services, including schools.

This work is necessary because of the significant barriers – cultural and practical – that children and young people encounter in the education system.

This submission draws on Melbourne City Mission's practice wisdom through our work with children and young people with disabilities who:

- are currently receiving early childhood intervention services
- are currently attending early years programs
- are currently attending school
- have previously disengaged from school and are re-engaging through Melbourne City Mission's Melbourne Academy classrooms.

Introduction

The Australian Bureau of Statistics notes a significant gap between students with disability and those without, notably in the attainment of Year 12 or equivalent, vocational education and training qualifications, and participation in university studies.¹

Notwithstanding legislative protections – such as The *Disability Discrimination Act 1992* which enshrines the rights of students with disabilities to education and training ‘*on the same basis*’ as students without disability – and associated guidelines and standards which expressly state that all students with a disability should be able to participate in the Australian curriculum on the same basis as their peers through rigorous, meaningful and dignified learning programs, complaints to bodies such as the Victorian Equal Rights and Human Rights Commission highlight that significant barriers persist for students with disabilities.

For many students with disabilities, being able to participate on the same basis as their peers requires adjustments. Funding is critically important, as it determines the level of adjustment that can be made to buildings and facilities, learning materials, curriculum delivery and assessment strategies; access to assistive technology; access to additional personnel such as tutors or aides for personal care or mobility assistance; access to services such as sign language interpreters or visiting school teams or specialist support staff; and access to ongoing consultancy support or professional learning and training for staff.

Presently, Victorian students with disabilities have limited access to targeted additional support through special purpose funding streams, such as the Program for Students with Disabilities (PSD). Whilst there is an expectation that non-eligible students will have their needs met through general school budgets and other non-PSD programs such as the Language Support Program and the Abilities Based Learning and Education Support (ABLES) resource, parents frequently report that this is not the case².

Consequently, students with disabilities – particularly those with complex behaviours – are being locked out of opportunity.

Melbourne City Mission welcomes the State Government’s *Review of the Program for Students with Disabilities* as an important step in redressing current gaps, together with the *Education State Schools Funding Review*, and the commitment to introducing mandatory teacher training and professional development to foster knowledge and understanding of disability as part of the *Special Needs Plan for Victorian Schools*.

In relation to **recommendations**, Melbourne City Mission has provided input to the Victorian Council of Social Service submission to the *PSD Review*, and supports the VCOSS recommendations³. Additionally, in the body of this submission, Melbourne City Mission advocates for improved access to the PSD system for students studying in accredited non-school settings, such as the Melbourne City Mission Melbourne Academy, consistent with a student-centred, needs-based approach. We also highlight the importance of the Student Resource Package – currently also under review – incorporating a loading for students with disabilities that accurately reflects their relative disadvantage in education participation and attainment.

¹ See www.abs.gov.au/ausstas/abs@.nsf/Lookup/4446.0main+features102009

² Victorian Equal Opportunity and Human Rights Commission (2012), *Held back: The experiences of students with disabilities in Victorian schools*, Melbourne

³ VCOSS (2015), *Review of Program for Students with Disabilities – VCOSS submission*, Melbourne

Melbourne City Mission's perspectives on Term of Reference 1:

The ability of the PSD to meet the needs and maximise the learning of all children and young people with a disability in government schools

Not all students with disabilities are eligible for targeted additional support. In 2012, the VEOHRC reported that more than 100,000 students in Victorian schools had a disability that may affect their learning ability. Of these students, there were 20,883 receiving PSD funding.⁴

Melbourne City Mission is concerned that:

- **The current system is complex and opaque**

Melbourne City Mission is one of Victoria's largest community-based providers of the Victorian Certificate of Applied Learning (VCAL), the State's alternative Year 12 qualification. Through the Melbourne Academy (our high-support Community VCAL program), Melbourne City Mission currently has in the order of 250 students undertaking Foundation, Intermediate and Senior VCAL studies, including Vocational Education and Training in Schools (VETis) offered through our integrated Registered Training Organisation. Our student body includes young people who exhibit complex behaviours and have learning difficulties, and who describe previous experiences of school refusal and school exclusion.

Whilst Melbourne Academy staff are adept at navigating complex funding systems (our education model is underpinned by a diversity of registration, curriculum development and funding streams), they describe the PSD system as *"invisible to us"* and *"difficult"*. For example:

- The Program for Students with Disabilities Management System (PSDMS) is used by schools, regional and central offices to administer processes associated with the PSD. Melbourne City Mission is accredited by the Department of Education and Training (DET) as a Non-School Senior Secondary Provider, as distinct from a school. This means that we have no direct access to this database. We are reliant on schools to tell us whether a Melbourne Academy student has been receiving PSD funding, and we can only invoice a school for PSD if we know about it. We understand that requests for this information could represent an administrative burden for schools, particularly when students have had a significant period of disengagement. Melbourne City Mission believes that a simple way to resolve this issue would be to provide DET-accredited community providers with direct access to the PSDMS.
- PSD resources are allocated on the basis that *"school is compulsory for children aged between 6 and 17 years"* and *"students are expected to attend normal school hours (between 9.00am and 3.30pm) every school day of each term"*. By the time students present to the Melbourne Academy, they have typically had two to three years of disengagement – ranging from sporadic attendance to non-attendance – thus the PSD funding has not 'stuck' and a new application has to be submitted.

⁴ Victorian Equal Opportunity and Human Rights Commission (2012), *Held back: The experiences of students with disabilities in Victorian schools*, Melbourne

Melbourne Academy staff say:

“As a community provider, finding out what the gateway is and how to make it work is problematic. For example, at SKYS [the St Kilda Youth Services Learning Centre, now part of the Melbourne Academy program], there was a student who had significant mental health and drug and alcohol issues. She was living in a refuge when she came to SKYS. She’d been out of school for one or two years, and she’d been with us a year when we found out she’d been receiving PSD funding at her previous school. She had dropped off the [PSDMS] and we just weren’t able to work out how to get her back on.

*“We know colleagues in community schools can spend six months on an application, and it is knocked back. At Melbourne City Mission, we estimate about 20 per cent of our students **should** be eligible for targeted additional support through the PSD, but in all my time at SKYS and the Melbourne Academy, I’m only aware of one occasion – just this year – where we successfully obtained PSD for one of our students.*

“We just don’t know what to do next and because we are not a school, we’re not able to access advice or assistance from Student Support Services Officers (SSSOs). SSSOs are key resources utilised by schools in relation to psychological assessments and other parts of the PSD pathway. It’s another resource in the system we don’t have access to.”

- **The funding is hard to get**

As described immediately above, there are significant barriers to accessing PSD funding for students with a history of education disengagement who re-engage from Years 10 onwards in non-school/‘alternate’ settings, even in cases where students have previously been deemed eligible.

However, students at recognised transition points – for example, entry to primary school and entry to secondary school – in the mainstream system **also** face barriers to accessing funding. Parents cite a range of issues, including:

- ***Some schools are more willing to undertake the resource-intensive application process than others.***

Families tell us that some mainstream schools have a reputation for being more ‘disability-friendly’ than others, and that they feel steered towards – or away from – particular schools or school models. This is particularly an issue, as VCOSS notes in its submission to the PSD Review, for those children and young people that schools perceive to be “borderline’, that is those students who may or may not be successful in attracting funding”⁵.

⁵ Op cit.

- ***The educational/functional needs of students are secondary to “disability diagnosis”.***

This issue, extensively documented in the VCOSS submission to this *Review*, is identified as a significant concern for families accessing Melbourne City Mission supports.

For example, Annie, the mother of two children with autism, one of whom was deemed eligible for PSD funding and the other not, told us:

“With Sarah, she needs an aide, but we didn’t even bother going for funding because her speech would have rated too high. She can’t articulate and respond properly, but technically speaking, we knew she wouldn’t qualify. She could be sitting there in the classroom out on her own, missing out. However, we’re lucky that the principal at the school we’re at now is making sure Sarah receives support and is included.”

Melbourne City Mission is also concerned that many children and young people with cognitive impairments – such as Acquired Brain Injury (ABI) – are insufficiently supported in their education.

ABI is often described as a ‘hidden disability’. In the school environment, a young person with an ABI may present as articulate and physically capable, however, experience significant memory loss, have a slower speed of processing, cognitive fatigue and difficulties with concentration. These conditions can significantly impede the student’s experience of education and impact learning outcomes (Luke’s story is provided as an example on page 10 of this submission).

Melbourne City Mission, through its Paediatric Secondary Consultation work, has extensive experience educating teachers about ABI. We know that the capacity of a school to respond to a student with an ABI is greatly improved when the school is able to source Program for Students with Disability (PSD) funds. At the present time, there is not fair and equitable access to these funds for students with an ABI, as cognitive impairment is not a category recognised by the Department.

As a consequence:

- Schools are trying to access support funds for students with an ABI by applying for funding under an ‘associated category’ where possible; or
- Schools are attempting to absorb the support needs of the student within the existing funding arrangements.

Either way – whether the school applies under an ‘associated category’ or tries to ‘make do’ with existing funds – the system is currently perpetuating exclusion for young people with an ABI. Consequently, these students are at heightened risk of education disengagement, with flow-on effects for already-low rates of employment participation amongst adults with an ABI.

- **The current model is deficits-based, compelling parents to focus on negatives and downplay their child's strengths**

Annie, a parent cited earlier in this submission, told Melbourne City Mission:

“The process is horrific. You have to downplay your kids’ strengths to get support at a mainstream school.

“The base assessment for autism is pretty much around speech. So what you’re hoping is that your child’s speech, during the assessment, is so bad that they are assessed as severely disabled. And the thing about this type of assessment, is that yes, your child might be able to speak, but what is their functional speech? Their ‘social speech’ can be appalling. They might be able to speak, but not have a clue what is going on around them.

“As you’re doing the education needs assessment, you’re documenting every worst case scenario. When Thomas was younger, he used to push and hit other kids. It wasn’t ‘him’, it was about what was happening for him in the environment, from a sensory point of view. Anyway, to get funding to support his needs at school, I had to paint him like some psychotic child. I had to go there. This is what you need to do.”

For parents whose children are transitioning to primary school from Early Childhood Intervention Services (ECIS) – a strengths-based model – the deficits-based approach is particularly confronting.

In the ECIS system, an integral part of the work with children is establishing positive engagement with their family at the outset. A starting point for ECIS providers like Melbourne City Mission is listening to the family and understanding where they are at – for example, their understanding of their child and any issues of grief and/or anxiety. If that initial step is not done well or with respect, it impacts the service’s capacity to work with the child and the family, and the effectiveness of the ECIS supports going forward.

Melbourne City Mission contends that this strengths-based, partnership approach should carry through to the school setting.

- **The safety net is not working**

Students who cannot access PSD funding are meant to have their needs met through general school budgets and “a range of other supports including the Language Support Program, student support services and the Abilities Based Learning and Education Support (ABLES) resource”⁶.

However, as VEOHRC has previously noted “... this approach requires individual schools to accept these obligations and follow this policy”.⁷

Additionally, this presupposes that the loading for students with disabilities accurately reflects their relative disadvantage in education participation and attainment (Melbourne City Mission acknowledges that the Student Resource Package is also the subject of a current State Government *Schools Funding Review*).

Some parents describe feeling forced to draw on their own finances to extend the support required for their child. Other parents cite examples of their child’s resources being redirected – for example, an aide funded through a child’s PSD allocation being directed to work with another child who also has learning support needs but whose application for PSD was not approved.

⁶ Victorian Equal Opportunity and Human Rights Commission (2012), *Held back: The experiences of students with disabilities in Victorian schools*, Melbourne

⁷ *Ibid.*

Luke's story

Luke is an eight-year-old boy who lives at home with his parents and two younger siblings.

Luke was two-years-old when they discovered he had a right arterio-venous fistula (essentially an extra vein which meant that oxygenated blood was not always getting to his brain). He was also diagnosed with a ganglioglioma. Luke underwent surgery for embolisation of the vein as well as left parietal craniotomy and resection of the tumour. As a result, Luke has a diagnosis of acquired brain injury (ABI).

The brain injury impacts Luke in multiple ways. Physically, he has seizures and weakness in the right side of his body. He has right peripheral blindness, as well as a persistent whooshing noise in his right ear. Cognitively, Luke has difficulty sustaining his attention, difficulty with his memory and learning new information. All of these are exacerbated by Luke's experience of cognitive and physical fatigue.

Luke is currently in Grade 2 at a mainstream school. He attends most days, however, needs to be careful as too much physical exertion or hot days can trigger his seizures. Academically, Luke is falling behind his peers. He is working on recognising letters and making his handwriting legible as sometimes he can start writing backwards. Luke has difficulty with spatial awareness, recognising shapes and recognising colours.

Luke may be able to take in the first part of an instruction, however will miss the rest, which means he benefits from only one instruction at a time and lots of repetition. Luke is at an age where is starting to notice the difference between himself and his peers and is developing depressive and anxiety-related behaviours.

Despite requiring a modified program, Luke has not qualified for PSD funding. Before commencing Prep, the assessments conducted resulted in Luke being two points above the criteria that would allow him to qualify for funding under the severe language disorder category as well as the intellectual disability and physical disability categories. Luke is heavily reliant on the support of an integration aide who is assigned to the class room full time, which has only been possible through the school's creative organisation of resources.

As Luke prepares to enter Grade 3, the school is in the process of re-applying for PSD funding again under the physical disability category. While Luke does experience seizures and physical limitations, these are only part of the cognitive, and now emotional, issues experienced. Unfortunately for Luke, in the absence of a category of support for acquired brain injury or cognitive disability, the difficulties he experiences will not be considered eligible for funded support.

Melbourne City Mission's perspectives on Term of Reference 4:

The efficacy of the current Year 6/7 PSD review process, its purpose, timing, requirements and influence on students' transition from primary to secondary school

Parents cite insufficient support at key transition points as a significant issue for their children and families, and this issue was also highlighted in the VHREOC report, *Held Back*.

Consistent with the experience of many families Melbourne City Mission supports, VHREOC identified *"poor planning and inadequate sharing of information when students with disabilities go through transition points in their education"*, and noted:

- *"Funding reviews before entering secondary school may precipitate a step down in supports when a student with disability enters high school, even though the environment and curriculum may be more challenging in that new environment."*
- *"Transfer from specialist primary schools to mainstream secondary schools appear to be common, however the range of supports offered for this transition may be inadequate for some students with disabilities."*
- *"Existing programs to support effective transition from primary to secondary school, and post-school options be enhanced, including allowance for longer periods for transition support for students with disabilities."⁸*

Though it sits outside this specific Term of Reference, Melbourne City Mission wishes to draw attention to another key transition point – that of primary school entry. Whilst VHREOC reported in 2012 that *"programmatically boundaries between early years supports through the Early Childhood Intervention Service [ECIS] and school may lead to loss of educational and development opportunities for children"⁹*, Melbourne City Mission notes that the introduction of the NDIS is creating opportunities to dissipate those programmatic boundaries. Melbourne City Mission is particularly pleased that:

- In Victoria, the criteria for ECIS eligibility aligns with the NDIS – it is our understanding that the majority of children eligible for ECIS in the Barwon trial have transferred to the NDIS.
- Through the NDIS, ECIS support periods have been extended, so that eligible children can continue to access their ECIS supports in their first few years at school (until age 8 instead of cutting out at school entry).

This represents significant and positive reform, however, Melbourne City Mission cautions that in some families and some communities, where there is entrenched – sometimes intergenerational – disadvantage, this is often correlated with low levels of engagement with Maternal and Child Health, and low levels of participation in play groups, child care and pre-school. In these families and communities, critical early intervention opportunities are being missed until these children enter school. These missed opportunities impact on children's first experiences of school, heightening risk for education disengagement at later transition points. Melbourne City Mission contends that assertive outreach strategies are required to engage families (and sustain their engagement) – it cannot be assumed that universal services will simply 'pick up' children and families with multiple and complex needs.

⁸ Ibid.

⁹ Ibid.

Conclusion

Irrespective of which funding stream a student attracts, all students with disabilities and their families need a system that is seamless to navigate, delivers equity and meets need. Melbourne City Mission contends that the current system is not adequately delivering on any of these fronts.

Melbourne City Mission welcomes the State Government's review of the Program for Students with Disabilities as an important step in redressing current gaps.

At the present time, Melbourne City Mission is concerned that gaps in specialist support means that:

- there are some students in mainstream schools who are “just getting by”¹⁰ and not genuinely learning and participating
- there are some students who are only able to attend part-time.

We are also aware, through Melbourne City Mission programs such as Affirming Families, which provides in-home behaviour support with a particular focus on children and young people with autism, that there are students who are enrolled, but do not consistently attend school, for example, because of refusal or exclusion.

In relation to school refusal/disengagement in mainstream settings, Melbourne City Mission staff note that issues arise where curriculum design does not align with students' individual learning styles and/or interests, or where teaching styles are based on consequences – this approach is not amenable to students who miss social cues, have difficulties processing information and consequently don't understand the 'rules', and/or have anxiety.

In relation to school exclusion, Melbourne City Mission notes that the learning difficulties of students with autism who are deemed 'high functioning' can be overlooked, and students labelled as 'non-compliant', treated as problematic and sent home, when the student is not meeting a teacher's expectations.

It is our experience that these issues are directly related to resourcing – not only funding to make adjustments to curriculum delivery, but also resourcing of professional development/capacity building for teaching staff – as well as school culture.

Melbourne City Mission notes that the Victorian Government – as part of its *Special Needs Plan for Victorian Schools* – has committed to introducing a requirement that “*as a condition of teacher registration with the Victorian Institute of Teaching ... all new teachers [will need] to have completed a special needs component as part of their tertiary studies. Existing teachers will also undertake special needs training as part of their ongoing professional development.*”¹¹

Melbourne City Mission welcomes this commitment – which is critical to ensuring all teachers are equipped with the knowledge and skills to enable the inclusion, participation and attainment of students with disabilities – as well as the *Review of the Program for Students with Disabilities*, and the examination of the Student Resource Package as part of the *Schools Funding Review*.

¹⁰ Ibid.

¹¹ <https://www.viclabor.com.au/media-releases/labors-special-needs-plan-for-victorian-schools/>