

**Vision Australia Submission: Review of the School Education Act 1999 (Western Australia)**

Submission to: Department of Education, Western Australia

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# Introduction

Vision Australia is pleased to have the opportunity to provide a submission in relation to the Review of the School Education Act 1999 (**the SE Act**) (**the Review**).

This submission addresses the questions in the Discussion Paper that are most relevant to students who are blind or have low vision.

# Context

The importance of inclusive education for students with disability cannot be overstated. It was a considerable focus of the recent Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (**the DRC**). In Volume 7 of its Final Report, the DRC stated:

*“An inclusive education is vital because it shapes the self-esteem and aspirations of students with disability. It also maximises students’ ability to gain rewarding employment, participate fully in the community and lead a fulfilling life… School education is perhaps the most important opportunity to shape attitudes and social norms relevant to people with disability. An inclusive education fosters respect and embraces the differences, diversity and inherent dignity of people with disability. These attitudes and values are critical in preventing violence against, and the abuse, neglect and exploitation of, people with disability…*

*An inclusive schooling system should aim to ensure that students with disability access and participate in learning and extracurricular activities to the greatest extent they can and on an equal basis with their peers…”*

For Australians who are blind or have low vision, quality and inclusive education at all levels is vital to enabling later participation in the civil, political, economic, social, and cultural spheres of society on the same basis as other members of the community.

There is a particularly strong link between a quality education and the subsequent gaining of meaningful employment.  Vision Australia research has shown that 75% of people who are blind or have low vision that also have a tertiary education are employed. Given the otherwise low employment rates for the blind and low vision community[[1]](#footnote-2), it is clear that an education system that is inclusive and accessible and allows access to tertiary education is critical to improving employment and economic outcomes for this cohort.

It is also important to mention, that whilst we welcome this Review, and similar past reviews, to have any long-lasting impact on inclusive education, we also need significant change around attitudes and awareness of disability at all levels. As the DRC noted in Volume 7 of its Final Report:

*“Changing attitudes to promote inclusive education requires concerted effort from all sectors of society, including governments, schools, teachers and parents.”*

# Response to Discussion Paper – Question One

### Should the objects of the SE Act be changed to improve access and inclusion for students with disability? If so, how?

Vision Australia supports an amendment to section 3 of the SE Act (Objects of Act) to make reference to inclusion and access for students with disability. We believe that specific refence is vital to acknowledge the legal necessity of inclusive practices in education and to direct attention to this in the minds of those who perform roles under the SE Act (refer also Question Six of the Discussion Paper). We support the insertion of an object similar to that contained in the Education Act 2015 (Northern Territory), namely: ‘to ensure that education programs are responsive to the individual needs of children and young persons, including children and young persons with disability’.

# Response to Discussion Paper – Question Two

### Should principles be added to the SE Act to improve access and inclusion? If so, what principles would you add?

For the same reasons noted in relation to Question One of the Discussion Paper, Vision Australia supports the insertion of a set of guiding principles in the SE Act. From an inclusion and access perspective, we consider that a principle similar to that contained in the Education (General Provisions) Act 2006 (Queensland) would be beneficial, namely: ‘education should be provided to a child or young person in a way that – (i) provides positive learning experiences; and (b) promotes a safe and supportive learning environment; and (iii) recognises his or her educational needs’.

# Response to Discussion Paper – Question Three

### Should the definition of disability in the SE Act be changed to improve access and inclusion? If so, how?

Vision Australia considers that a definition of ‘disability’ should be retained in the SE Act, but be brought into line with the definition of ‘disability’ contained in the Disability Discrimination Act (Cth) (**the DDA**). It is important to maintain consistency between legislation, which has as a function, in part or whole, the inclusion of people with disability. It is also beneficial to those needing to administer such legislation to be working within the same parameters. The definition of ‘disability’ in the DDA is also broader, and acknowledges the sometimes temporary nature of disability. Any future changes to this definition in the DDA should be carried over to the SE Act.

# Response to Discussion Paper – Question Four

### Should the SE Act change so that there is a clear right for students with disability to enrol at their local government school?

Vision Australia supports an amendment to the SE Act to include a clear right for students with a disability to enrol at their local government school. We note that an amendment of this kind is in line with recommendation 7.1 of the Final Report of the DRC.

Vision Australia is aware of various clients who have experienced ‘gatekeeping’ practices by education providers when enrolling at schools and early childhood centres. We know that some schools and centres simply refuse to enrol children who are blind or have low vision, citing lack of capacity to provide adequate resources, infrastructure and supports.

We would also urge the Department of Education to adopt the recommendation of the DRC that educational authorities disseminate clear, accessible and transparent material for students with disability and their families on their rights, the obligations of schools relating to applications to attend a local school, and review processes. The material should be distributed via various channels to ensure that parents can be fully informed, and at the least, should be provided by schools and centres to parents of all prospective students with disability.

We also support the establishment of an independent review process to enable a parent

of a child with disability to challenge an enrolment refusal. We believe that a dedicated and independent pathway for parents in relation to enrolment issues would not only assist parents in challenging unfair refusals but would act as a deterrent to education providers in refusing enrolment for reasons that are not justifiable. If such a mechanism is to be effective though, it must be accessible, time efficient, and not place an inequitable burden on parents. It must also be informed by people with disability who have the knowledge and lived experience to provide proper insight to the process.

# Response to Discussion Paper – Question Seven

### Should there be any changes to the SE Act regarding adjustments for students with disability and/or universal measures? If so, what should this look like?

Vision Australia supports the inclusion in the SE Act of an explicit reference to the requirement for reasonable adjustments for students with disability, and the application of this to both government and non-government schools. We believe that this would be beneficial as a measure to improve the awareness of, and increase the proper implementation of these adjustments, across the education sector generally.

We note, in this respect, that in 2020, Vision Australia conducted a survey of parents and students to form the basis of a submission to the review of the Disability Standards for Education (**the Standards**) (**the Vision Australia survey**). The responses to the Vision Australia survey highlighted the continuing issues for students who are blind or have low vision in the education sector. Common themes that emerged included:

1. Lack of knowledge and general awareness of the Standards or considering them to be unclear.
2. Lack of frequency and consistency in the supports provided to students to enable participation in education on the same basis as their peers.

In our experience, there is a significant variance between schools and between educators in the educational supports and services provided to students who are blind or have low vision. Unacceptably, for many of these children, support and assistance depends on where they live, what school they attend, and the teacher allocated to their class. Reasonable adjustments are vital for this cohort to learn the concepts, skills and knowledge which they are otherwise unlikely to acquire in the same manner as their sighted peers. It is also necessary for the development of skills in specialist areas such braille literacy, adaptive technology training, and orientation and mobility. A specific provision in the SE Act which set out clear rules for the identification, planning, implementation and evaluation of adjustments would assist in students receiving the appropriate and individualised supports that they require to learn and participate on the same basis as their peers.

The DRC has also directed extensive recommendations to State and Territory governments in relation to reasonable adjustments for students with disability (refer recommendation 7.3). We urge the full implementation of these recommendations in WA as a further means of addressing the inconsistencies that exist for students who are blind or have low vision in receiving adjustments, as well as other students with disability more broadly. We also suggest that, separately to these recommendations, an enforcement mechanism be established to monitor the provision of educational adjustments for students with a disability. This should be done by a body independent of the Department of Education which has the power to conduct specific and random audits with the aim of monitoring and improving compliance.

In addition, we support the establishment of an inclusive education unit in WA as a central repository for resources and expertise on inclusive education (refer DRC recommendation 7.7). It would be our strong suggestion that this unit be properly equipped to provide support on the full spectrum of disabilities with which students may present and employ persons with the knowledge and lived experience to give this support.

# Response to Discussion Paper – Question Eight

### Should there be any changes to the SE Act regarding duties to communicate, consult and/or collaborate with students with disability and their parents? If so, what should this look like?

Vision Australia is a strong proponent of schools acknowledging the parent and student voice in all matters pertaining to the education of a child with disability. We also submit that a process for better collaboration between disability service providers and educational providers should be implemented to ensure that students with disability are achieving their potential in the education system. It is only with genuine consultation and communication, and by partnering with students, parents and other external stakeholders, that educational providers can ensure that students with disability reach their educational goals. In our experience, too often strategies that could assist a student with disability are not put into practice because the knowledge that sits with a parent, a student or an external stakeholder is not sought or considered by educational providers.

We support the inclusion in the SE Act of a provision mandating that schools have procedures in place to facilitate consultation with students, parents and relevant external stakeholders about necessary adjustments for both learning and participation in the school community, including: (a) the need to reduce to writing and distribute to all relevant parties a summary of the consultation, along with agreed adjustments; and (b) the need for adjustments to be reviewed at 6 monthly intervals.

To be an effective contributor to educational decisions it is also vital that students with disability and their parents are fully aware of their rights, and of the obligations of education providers. The Standards are arguably unworkable if there is not a broad awareness of them amongst students, parents and educators. For students and parents, certainty around expectations and supports is paramount for them to be able to reasonably participate in decisions which impact educational outcomes. The Vision Australia survey revealed that 60 percent of respondents were aware of the Standards, but of those, only 28 percent were aware of them prior to school enrolment. That still leaves a significant proportion of respondents with no awareness of the Standards at all. There is accordingly a definitive need for educational authorities to provide clear and accessible information to students and their families on their rights and school obligations, together with expectations around decision-making. We would urge the WA Government to adopt in full the recommendations of the DRC in this regard (refer recommendation 7.6).

# Response to Discussion Paper – Question Nine

### Should the SE Act change so complaints are handled in a different way? If so, what should this look like?

We are aware from clients of Vision Australia that they are often deterred from making complaints about educational providers due to the associated negative connotations, and the potential for discrimination or victimisation from the education provider if they go through a complaints process. Of the respondents to the Vision Australia survey, almost 70 percent said that they had wanted to lodge a complaint about something that had taken place within an educational setting but had not proceeded with it. Further, for parents who had made a complaint to an educational provider, the process and outcomes were far from ideal, particularly in relation to the time taken to achieve a resolution, if a resolution was achieved at all.

Complaints made under the DDA are also time-consuming, and the positive obligations placed on complainants are often not compatible with the other pressures that may be being faced by the family unit. In addition, students and their families may not have the resources needed to progress a complaint beyond conciliation to the Federal Court of Australia if a resolution is not reached.

To counter some of these issues, we urge the WA Government to adopt the recommendation of the DRC to create or expand complaint management offices within educational authorities which are at arm’s length from schools, particularly for the purpose of addressing complaints about students with disability. We also support the concept of embedding complaint handling duties and measures in registration requirements for schools as a means of enforcing compliance with those duties. Refer recommendation 7.10. We would support the amendment of the SE Act to include provisions which reflect these recommendations.

# About Vision Australia

Vision Australia is the largest national provider of services to people who are blind, deafblind, or have low vision in Australia. We are formed through the merger of several of Australia’s most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families.

Vision Australia service delivery areas include: registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment, Assistive/Adaptive Technology training and support, Seeing Eye Dogs, National Library Services, Early childhood and education services, and Feelix Library for 0-7 year olds, employment services, production of alternate formats, Vision Australia Radio network, and national partnership with Radio for the Print Handicapped, Spectacles Program for the NSW Government, Advocacy and Engagement. We also work collaboratively with Government, businesses and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 30,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation. Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant Client Reference Group, with people who are blind or have low vision representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment.

1. A report conducted by Vision Australia in 2012 showed that 58% of the blind and low vision community were not working. Furthermore, a 2018 research study conducted by CNIB Foundation (Canada), Vision Australia and the Blind Foundation of New Zealand found that people with a vision impairment were significantly less likely to be employed than their sighted counterparts. [↑](#footnote-ref-2)