Appendix 2: CDA's presentation to Senate Inquiry into the Delivery of quality and affordable early childhood education and care services – Immediate future of the childcare sector in Australia, May 2014

[Extract from Proof Committee Hansard, pp.48-54]

GOTLIB, Ms Stephanie, Executive Officer, Children with Disability Australia

FORSTER, Mr John, Member, Children with Disability Australia

[14:48]

CHAIR: The committee welcomes witnesses from Children with Disability Australia. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. The committee has your submission. I now invite you to make a short opening statement, and at the conclusion of your remarks I will invite members of the committee to put questions to you.

Ms Gotlib: Thank you for the opportunity to speak with you today. I know some of you are aware of Children with Disability Australia, which is the national peak body for children and young people with disability aged zero to 25. We have around 5,000 members nationally and a social media subscription, which is growing by the minute, of over 7,000. We are a fairly young organisation, having been officially launched in 2010, yet we are quite small operationally, with a lot of ground to cover. We have a total staffing of 3.3 FTE, so we are quite small. People sometimes think we are bigger, but I suppose that is a compliment. We are everywhere!

There are unique and additional barriers faced by children with disability and their families in relation to accessing child care and early childhood learning. Many families find accessing child care and early education exceedingly difficult or impossible. It is the view of CDA that families of children with disability experience quite distinct disadvantage when accessing or attempting to access early services and care which is over and above that of families with children without disability. It is quite distinct. It is the opinion of CDA that the present system is unreliable at best and does not adequately meet the needs of children with disability.

The legislative and policy context relevant to the care and education of children with disability is very comprehensive. It clearly articulates and promotes Australia's commitment to all children receiving quality and inclusive education in a manner conducive to a child achieving the fullest possible inclusion and individual development. Despite this rich context, which defines an expectation for all children, it is common for children with disability and their families to experience the following when accessing early childhood care: discrimination, limited choice—or no choice, really—inadequate support, limited access to expertise, early childhood workers with limited qualifications and training in relation to disability and inclusive education, and low and very different expectations. In some cases they are low, but sometimes it is a very different expectation, and that is seen as acceptable because the child has a disability. That is really important to be aware of

As outlined in the CDA submission, the following issues are key considerations when reviewing the delivery of quality and affordable early childhood services. Firstly, funding for children with high support needs is inadequate and inflexible and offers limited structured engagement or feedback mechanisms for parents, families or key stakeholders. The next is social inclusion. The benefits of inclusive education and experiences for children with and without disability have been well demonstrated in research. Inclusive education requires recognising impairment as one of the many forms of human diversity and welcoming and viewing diversity as a resource rather than a problem. Inclusive education therefore creates a situation where all children can be valued and experience a sense of belonging and where all children are encouraged to reach their full potential in all areas of development. CDA believes that inclusion should be made a quality area in the national quality standards. This would provide the opportunity for providers to be measured on how inclusive their services are. It would allow visibility for prospective parents and families to see how the service rates in comparison to others in the area.

The next is choice. Although finding a childcare place is difficult for all families due to an inadequate number of places et cetera in the community, this experience is greatly magnified for families of children with disability, as they have additional barriers. It is often a case of, 'Good luck,' if you are looking for child care, particularly if your child has a more significant disability. The other important thing that we are seeing happen is, I think, really important to be aware of and happens frequently. We see that, due to the unavailability of childcare places for children with disability, families often use respite services to bridge this gap. The respite services are those provided to families and unpaid carers of a person with a disability, with planned, short-term, time limited breaks from their usual caring role. So they are meant to be about providing the reprieve that families need to maintain their health and wellbeing and to sustain family life, not as a default care option. I know the committee is looking at early childhood, but you particularly see when you have some school-aged children that there are just not the after school care options available.

Regarding education outcomes, the report on government services reveals that the attendance rate of children with disability at child care is very low, at three per cent, compared to the number of children with disability within the community, where the prevalence rates are about 6.6 per cent.

CHAIR: Before you go on—if I could interrupt you; I do not want to mess up your train of thought—in terms of disability, if someone who is severely physically disabled has an anaphylactic reaction, does that fit the umbrella? I am wondering where that fits. The three per cent—is that the total range? That three per cent could be comprised of children with anaphylactic reactions, if they are included in the numbers.

Mr Forster: No.

Ms Gotlib: No, I would not think so. It is usually the functional impact of the disability. You may have a medical condition, but it needs to have a functional impact which affects your support—the broad support needs and development.

CHAIR: What we take as a broad definition?

Ms Gotlib: Yes. We all know that extensive research shows that the educational outcome of children begins at an early age. AEDI data confirms that the educationally disadvantaged students are more likely to develop mentally vulnerable when they arrive at school than their peers. Evidence supports the importance of early intervention to help these students as it is more effective to address underperformance early before poor academic performance becomes entrenched. Therefore, strategies to address educational disadvantage in schools must be integrated within early childhood services to help ensure that students with disability arrive at school with the skills and capabilities that are required to participate in schooling.

Let me remind you briefly of some of the statistics regarding people with disability. Currently 26 per cent of children with disability do not go past year 10 and only 36 per cent go on to complete year 12, compared to a year 12 completion rate of 60 per cent for people without disability. This flows through to employment participation, with only 53 per cent of people with disability in full-time employment compared to 83 per cent of the rest of the population. Obviously, there are other considerations, but getting it right from the start is crucial. So it is absolutely vital that early education and care options available to children with disability are accessible and provide maximum opportunities to facilitate development and future life opportunities. The value of an effective education experience at a young age for any child will continue to reward them throughout their lifetime. This is no different for a child with disability. That goes to what I said before about different expectations. That is exactly what we see.

Finally, on workforce participation, parents and families of children with disability are sometimes referred to as carers as they provide unpaid care over and above what is normally expected to support their child. The most recent statistics show that carer workforce participation is much lower than the rest of the community. The majority of mothers—62 per cent—who are primary carers of children aged nought to 14 with disability were not in the labour force. This compares with 36 per cent of other mothers of children of the same age. CDA members frequently report difficulties with gaining and keeping employment due to childcare difficulties. Many families report a strong desire to undertake paid employment. The overwhelming lack of care options for children and young people with disability creates a barrier to achieving this, obviously.

In summary, the difficulties in accessing early child care and education for children with disability is substantial. Inadequate and inaccessible early childhood care places children with a disability at a distinct disadvantage compared to their peers without disability as they enter primary education. In addition, families of children with disability face specific challenges re-entering the workforce, causing negative impacts on their careers and the overall productivity of the Australian workforce. Thank you.

CHAIR: Do you wish to add anything, Mr Forster?

Mr Forster: No, not in terms of the opening statement, although I do want to declare that my day job is CEO of an organisation called Noah's Ark. Noah's Ark focuses its work on young children with disability and it is funded by the state government, but it also receives funding through the inclusion of a professional support program.

Senator McKENZIE: Thank you for that declaration.

CHAIR: Which hat are you wearing today?

Mr Forster: Thank you very much for allowing me to continue that spiel. I am here as the parent of a child with a disability and as a member of CDA.

Senator McKENZIE: Thank you for your evidence, and I want to ask: given the strong work that your organisation does in all things educational for students with a disability, are there any models internationally that you know of that get it done better for children with a disability accessing early childhood education?

Mr Forster: There is quite a lot of work being done in that area. It is largely done in the US, because since the Kennedy family and their interest in disabilities the US government has put enormous amounts of money into research in this area. There is a lot more done in terms of providing professional support to services, because the assumption is that the staffing services should not be expected to have the skills to deal with children whose development is not typical. That is not a reasonable expectation, but with support from people who have an understanding of what that means the scenario changes. The work which is moving on now is: how do we embed developmental opportunities for children who have greater learning difficulties into the daily routine—rather than it being a special add-on program. I am quite happy to provide any linkages you would like to any of that literature. There is some work done in the UK as well around this, but it is not as clear as the work which is done in the US.

Senator McKENZIE: Okay, that is research and, I am assuming, discrete systems or providers where the research is being conducted. I am just wondering if there are any system-wide approaches such as we are discussing through the course of this inquiry where nations or jurisdictions have got it a bit better than perhaps it is at the moment for young Australians with a disability.

Mr Forster: I know mostly about the English-speaking countries—because of my limited language skills, in part, and I think also in terms of comparative situations. I could reference somewhere like Sweden but it is so significantly different from this kind of jurisdiction. I recently spent a week talking in the UK with people about the changes that they have introduced there. They are addressing the same sorts of challenges we are, and they have just brought in some very fundamentally different legislation as part of a new children and families bill.

There are four components of that which are significant. They are taking a zero to 25 perspective, so their argument is that they can no longer afford to create a series of silos where you go through early childhood-primary and in particular, like Australia, they were particularly worried about the school-leaving group and whether they were making a successful transition. Their economic rationale for this change is embedded in that, saying, 'If we can get that right then the young people enter adulthood as more skilled and more capable of being independent. That is part one.

The most significant thing they are doing is legislating that basically the education department bureaucracy, the health department bureaucracy and the social care—which sits in their local authorities—have to work together to generate one plan for families. They are calling them 'education, health and care plans'. If you were to talk to families in Australia or to families throughout the UK, the biggest problem is that all of these bureaucracies have operated in isolation and families end up in the middle of these territorial disputes. This process is attempting to resolve those disputes by saying, 'It is actually up to the funding bodies to bring that together.' Another part of the reform is that they are making families

central to the decision-making processes, similar to the National Disability Insurance Scheme approach, where families are coming into their own in terms of being a partner in planning. This is extending that into education and health services—that sort of role, which is not something that we are contemplating here at the moment. I guess the final part is that they are also moving towards families having greater control of budgets, but they are doing it in a much slower way than we are through the national disability insurance approach.
Senator McKENZIE: Thank you.

Ms Gotlib: This is a little bit off track, but I think that raises the really important point that this is critical interface issue leading into the NDIS. With this significant gap, families are going to turn to the NDIS, so we want to avoid those turf wars around who is responsible and who is not. Potentially that makes it worse for families because they are in the battle about accessing child care, but then they get stuck in another battle about whose responsibility it is and who is going to fund it.

Senator McKENZIE: Absolutely. Given what others have said about staffing changes coming in 2016 and the impact on services and the quality conversation that had been had, I am wondering whether, from your perspective, you had any comments to make. I know you made some brief comments around the knowledge of staff on disability; you are saying that we need specialist support services. How do you see that working within the training and education space? Are we producing that sort of skill set and, if so, where? And what is its quality and do we have enough of them?

Ms Gotlib: I think John needs to comment on this as well; he is probably more informed around this than me. We have mostly focused on school education, just because of our limited resources and capacity. But when we have been involved in discussions around the early childhood care reform, I feel like it is almost like everyone is engulfed in the other training needs, and disability has just been put to the side because we cannot manage it at the moment because we have to embrace all this other change and look at all the additional training needs that we have now. That is a great pity, I think, because then it becomes a bolt-on again rather than a core expectation. That is certainly our reasoning around wanting it as part of the quality framework—to make it a core expectation of all services and the system.

Mr Forster: Excuse me, I tend to do a little historical exercise at this point.

Senator McKENZIE: Fantastic!

Ms Gotlib: You may want to restrain him!

Mr Forster: The way I understand where we are in a systems level at the moment is that, when our children's services were being developed, children with disabilities were in institutions and regarded as ineducable. That is basically the starting situation. We have services which were not designed for children with disabilities and a population view that children with disabilities were not suitable to be part of those services. We made probably the most significant progress in the nineties, with antidiscrimination and human rights legislation and that sort of process. The general response to having children with disabilities in either childhood or education was to bring in an additional person. That additional person has, by and large, been untrained or trained at the lowest level, with the consequence that you have the most complex learning needs being addressed by the person—or attempted to be addressed.

The thing that was interesting about the revamping of the Inclusion and Professional Support Program was that what it was trying to do was shift away from the notion that you have this untrained person who cares for this child with a disability. It was trying to shift to the notion that what we need to be thinking about is the whole of the educational environment and how all children are functioning and how we actually engage the child with the disability in that. That program in its inception had a number of components. For here, what is relevant is that it had three components: one was maintaining the notion of needing additional staff in changing ratios, also providing professional support—local mentoring through the inclusion support agencies, so the staff had someone they could talk to—and professional development. That professional development has largely disappeared into other changes in the early childhood sector in the last four years or so.

The big change which was really encouraging in terms of the introduction of the early years learning framework and the national standards really was that what it did was create aspirations for all children in terms of educational outcomes. If that were to be delivered, it would be a huge leap forward but to do that requires a better educated workforce than we have traditionally had and better educated in terms of early childhood development.

Senator McKENZIE: I think there is a lot more to talk about in that space but I am sure there are other senators with questions.

Senator URQUHART: From listening to you, I have gleaned three things from your opening statement—the lack of dollars, the lack of training and the lack of accessibility. That might be very simplistic but those were the three key messages. When I read your submission, the examples in particular, I was really gutted in some respects about how some children had been treated. Then I got pretty angry about it because I thought why should they be treated like that, that it is just not fair, and the parents as well. Then you say that with the NDIS parents might have to get embroiled in an argument about where the funding comes from. Haven't we got to a stage where parents of children with disabilities have, for all that child's life, had to fight about funding, to get the best out for that child? Have we got to that stage? I think we have and I think we have been there a long time, for too long.

Ms Gotlib: Yes. I think we have been stuck in that gear for a long time.

Senator URQUHART: I think we have too and that is what makes me really angry about this. Page 8 of your submission talks about research in the last few months, that it has enlightened you to the fact that, even though there is funding available to kindergarten and day care for support workers, it is not enough. What happens to these children? There is no money, so what happens to them?

Ms Gotlib: They stay at home. They do not get the social and educational—

Senator URQUHART: Socialisation opportunities to get the most potential out of their lives with their disabilities. So we throw them on the scrap heap. Is that what happens just because we do not have the will to find the money? I am asking you for some answers or solutions to the issue.

Ms Gotlib: I think we are at a really critical stage. We are developing the NDIS and there are some key people there. Minister Fifield is one who is really keen to work through the interface issues. But they have to be on the map and they have to be front and centre. We need to stop pushing them to the periphery because it is too hard. We need to break the cycle where children with disability are potentially seen as a burden. In a practical sense I think they are because we have an inadequate system. What does happen to these children? These kids are having limited life opportunities and it is not because of their disability; it is because we are denying them opportunities. I feel we are denying development and potential. These kids have a lot to contribute to the community. Put simply, I think we have previously written off kids because they have a disability and have made all types of assumptions around what can be achieved and what the potential is, when we now know that that is not true and that with appropriate intervention, services and support, regard and respect that these kids, like any other kids, can make an invaluable contribution to the community. It is time we started prioritising them.

Senator URQUHART: In fact, you have said it has to be front and centre. Do you feel that is where it is or is it still on the periphery?

Ms Gotlib: I would say they are definitely still on the periphery.

Mr Forster: Going back to the UK legislation, the part which I did not talk about is that, as part of the scheme their local authorities—which you probably know about—are actually deemed as being responsible for making sure that these processes are carried through. In a previous life I worked for the Brotherhood of St Laurence and looked at educational disadvantage and early school leaving. The people who were having success in that area were Scandinavian countries. They basically said to their educational departments, 'You are responsible in providing a program, whether these children are in your school and, if they are not, you have to provide a program.' At the moment we are in a situation where it is in the interests of education departments, for example, to push people out because they do not then have any responsibility. So a critical issue is that at the moment it is the families that have responsibilities and nobody else.

Senator URQUHART: Families may not necessarily have the skills to be able to offer that child the best potential compared to the skills a trained person could have in a centre. Would that be reasonable?

Ms Gotlib: It depends. I think it is around working in partnership with families and working collaboratively.

Senator URQUHART: Absolutely. I am not trying to push the families out, but I am saying that surely a child with a disability would get an enhanced outcome not only with the support of their family but also in a centre that can adequately cater for their learning at a level that they are able to learn at. Would that be fair comment?

Mr Forster: I think what you are saying is that there are real advantages to young children, and particularly young children with disabilities, who do have learning challenges to have those opportunities.

Senator URQUHART: You eloquently said it better than me. I guess what we were hearing earlier in evidence was that the early years of childhood, before they go to kindergarten, and early childhood education is critical in terms of the outcomes when they get much older. I guess the same would exist for children with disabilities. They are no different from a child without a disability in terms of learning and getting the best potential at a much later stage in their life.

Ms Gotlib: Obviously, there is a big variation in terms of the breadth of the children and the abilities in terms of disability.

Senator URQUHART: Absolutely, as there are with children without disabilities.

Mr Forster: Another way of thinking about disabilities is to think about learning difficulties, because it covers exactly the same scenario. You would think that the children who have learning difficulties would benefit the most from having opportunities to build skills around that.

Senator URQUHART: And I guess that, for children with disabilities, there is not the money to provide those learning opportunities?

Ms Gotlib: Another thing that is really important to be aware of is the research around inclusive education and that the benefits for students and children with and without disability are very clear and very strong, over and above any type of segregated education setting.
I think the other crucial stuff that we see around early childhood learning is that it is a period when cultural preferencing is developed. If we can assist with developing positive attitudes and position children with disability as just part of the normal diversity of life, we will have a whole generation where we will see fundamental change in how people with disability are valued, positioned and viewed.

Senator URQUHART: We talked a bit earlier about—or I asked a question about—rural and regional communities away from larger cities. I presume the level of childcare centres or early learning centres in rural and regional areas is much more limited in terms of availability and access as opposed to in a large city. For a child with a disability, is that an even bigger hurdle in those sorts of areas—getting access to centres where there is someone that is able to provide that?

Ms Gotlib: Obviously it depends on the individual situation, but that compounding of disadvantage—I think we mentioned that briefly in our submission—occurs frequently. So we have kids facing different types of disadvantage. For example, the level of disadvantage experienced by Aboriginal kids with disability gets compounded.

Mr Forster: What we have is this incredibly fragmented range of services; there are those that are welcoming, versus a whole lot of services who find reasons that they do not want to get involved. In terms of the rural situation, that either works against you or it can be very positive; if you are in the right community, it is a good experience. We see that some services get heavily involved, and often over-involved, and then it becomes a real challenge for them in terms of the workload, and they become seen as the local experts and everybody wants to send their children there. But other people are quite happy to encourage that process. I do not think that is constructive in the long term.

Ms Gotlib: In reference to your reactions to the experiences that we included in our submission, it is quite refreshing for me to hear your response, because I often feel that we tune it out. We can churn out thousands of examples, and often I feel like we do not get any reaction around them. Sometimes we get the reaction of: 'That is just what happens when you have a child with a disability'. The responses are seen as inevitable because the child has a disability, but they are not; and that is what we fundamentally have to challenge.

Senator URQUHART: Absolutely. All of the examples provided me with a level of anger, but I have to say that example No. 4 made me extremely angry; and to the point of wanting to—
Ms Gotlib: Imagine how you feel when it is your baby.

Senator URQUHART: Exactly. I do not know who that was or why it happened. I assume, I hope, that someone found out why it happened and has dealt with it, because those things cannot continue—surely—in a society today.

Mr Forster: But they are not being dealt with.

Senator URQUHART: That is really sad. Given that we have discrimination legislation in this country. We have people who are prepared to stand up against that and speak out against it. We have examples like this, in society today, where people are clearly disadvantaged; they are dealt with in a discriminatory way because of a disability and people are not dealing with it. What is wrong with the department that deals with this? I do not understand that.

Ms Gotlib: It may be a good reason to keep the Disability Discrimination Commissioner.

Senator URQUHART: Absolutely. Exactly. I am really angry, and I wish more people would get angry because maybe those things would change.

Mr Forster: I think it is interesting to reflect on the fact that we have had discrimination legislation for a long period of time, but in practice people have found ways to avoid it. There is very little—to my knowledge—actual litigation. There are structural things, like the inclusion support subsidy, which you have probably heard about; it is the funding the Commonwealth provides. The funding level is lower than the actual costs. So any agency which says, 'I cannot do this because it is unreasonable for me to take on an extra cost', basically is able to do that.

Ms Gotlib: CDA have said for a long time that there is no timely complaints mechanism. If you need to progress a complaint, often in the time that you take to pursue that complaint—depending on a whole range of different circumstances of how you need to progress it—your window is gone, because your child—

Senator URQUHART: Yes, because of the time frame.

Mr Forster: And, as it is usually the mother of a young child who is pursuing these issues, if somebody is rejecting you then your focus is on finding the next place, and you do not have the energy, knowledge, whatever to be going back and having that fight. Again, we are talking about local communities. You are not going to take risks in terms of who you engage with and who you alienate in that process and all those sorts of things.

Ms Gotlib: And often with a disability you are lucky to get one option for child care.

Senator URQUHART: So are you saying that it is an issue of not rocking the boat?

Ms Gotlib: It is just a hard road to walk.

Senator URQUHART: So that is the option we have got and we really just have to accept it?

Ms Gotlib: I would not encourage families to accept it, but it is very difficult and a real challenge and a real stress for families.

Senator URQUHART: Absolutely.

Ms Gotlib: And the complaints are not uncommon either. We can do better.

Senator URQUHART: Absolutely. Thank you. **CHAIR:** Thank you very much for appearing today and thank you very much for your submission. We appreciate the efforts you have gone to.

Mr Forster: I did want to note—again, you are probably aware of this—that the Productivity Commission did an inquiry into the early years workforce in 2011. The report has a very good chapter 8 which talks about this area. I am not aware that there has ever been any formal response to that.

CHAIR: It was a study. But, yes, they backed up the assertion you have made, which is that the money is not enough to fund children with disability in ECEC. Thank you.

Proceedings suspended from 15:26 to 15:40