



ABN 15 557 421 367

Submission to the Victorian Legislative Council
Legal and Social Issues Committee

Inquiry into the State Education System in Victoria

13 October 2023

Contents

Introduction	3
Executive Summary	3
Recommendations	3
Accountability of the Department of Education.....	6
1. Training, accreditation and professional development, particularly for teaching students with special needs	7
2. The adequacy of the Department of Education’s measures to support teachers; 7	
3. The current state of student wellbeing in Victoria	9
4. Examples of best practice in other jurisdictions and educational settings used to improve student learning outcomes and wellbeing;.....	12
Restraint and Seclusion.....	12
Deaf and Hard of Hearing Students.....	14
5. School funding adequacy and its impact on student learning outcomes and wellbeing.	15
The false economy of neglecting students of disability.....	16

Introduction

About Disability Advocacy Victoria

Disability Advocacy Victoria is the peak body for independent disability advocacy agencies in Victoria. We represent 14 disability advocacy organisations working in communities across rural, regional and metropolitan Victoria.

Disability Advocacy Victoria members have contributed to this submission, which draws on their work and the experiences of their clients. Client names have been changed and any direct references to client documents have been with the approval of the families involved.

Executive Summary

Students with disabilities seeking to access education in Victoria are too often denied their right to school education, or in accessing it are subjected to ongoing violence and abuse.

Given that a person's access to education profoundly shapes their life we are saddened and frustrated that there is no evidence of improvements over many years for young people with disabilities in either their access to education, or their experience as students in educational institutions in Victoria.

The Disability Royal Commission in its final report has also provided further evidence of significant failings in state education systems regarding the human rights of students with disability.

This inquiry provides a valuable opportunity for the Legislative Council to identify opportunities for reform of the state education system in Victoria so that it is safe and accessible for all.

Recommendations

The recommendations below are intended to mitigate the violence, abuse and educational neglect of students with disabilities in Victoria.

Recommendation 1

There be an inquiry into the Department of Education centring on:

- a) why it is that after over 10 years of critical reports into their operations regarding their treatment of students with disability, there have been no changes in the outcomes for those students;
- b) the amount of money that it has spent in the last 10 years in responding to complaints of discrimination, legal fees and settlements;
- c) the amount of money it has spent in the last 10 years on WorkCover claims linked with teacher stress in relation to their lack of support to teach students with disabilities;

- d) the effectiveness of all schools being autonomous in their operations;
- e) the restraint and seclusion of students with disabilities.

Recommendation 2

Recognising the lack of outcomes for students with disabilities, that the Department of Education develop a workforce plan that:

- a) invests in and promotes people with disabilities becoming qualified teachers or having key roles in the classroom; and
- b) invests in and promotes people with disabilities to be in senior roles in the head office of the Department of Education.

Recommendation 3

That the right to Auslan interpreters/deaf blind interpreters for deaf/hard of hearing students and Communication Support Workers for students that use methods other than speech to communicate, is enshrined in Department of Education policy.

Recommendation 4

That the *Education and Training Reform Act* Regulation 25 be abolished and replaced with a Regulation that stipulates the actions schools must take in response to behaviours of concern that may be met with violence by staff, such Regulation to be informed by ABA Australia.

Recommendation 5

That the Department of Education commence taking data for public release on the following:

- a) Academic outcomes of students with disability (preferably by type)
- b) Welfare outcomes of students with disability (preferably by type)
- c) Violence against students with disabilities through physical restraint by type of disability
- d) Seclusion of students with disabilities by type of disability
- e) School attendance - specifically restrictions on attendance, and every time parents are contacted before the end of the school day to attend school premises, pick up their child and take them home.

Recommendation 6

That until segregated schools are dismantled (other than those for deaf/hard of hearing), teachers must have special education qualifications either prior to employment, or commencing at the time of employment.

Recommendation 7

That in line with Australia's legal obligations with the UN *Convention on the Rights of People with Disability* the Department of Education be prevented from building further segregated schools, and began implementing a plan to dismantle them.

Recommendation 8

That the Department of Education mandate:

- a) the reading of the Student Support Group Guidelines;
- b) the implementation of the Student Support Group Guidelines;
- c) the use of SMART goals in Individual Education Plans;
- d) training in the writing of Individual Education Plans;
- e) the use of a template for Positive Behaviour Plans which has input from ABA Australia;
- f) Structured Synthetic Phonics as the method by which school teaches reading;
- g) the reading of its Autism Education Strategy which should include explanatory notes on exactly what schools need to do to teach autistic students as per the Strategy.

Recommendation 9

That in line with previous recommendations from the Victorian Equal Opportunity and Human Rights Commission and the Office of the Public Advocate, prohibit the seclusion of students with disabilities.

Recommendation 10

That if the Department of Education refuses to prohibit seclusion, that each school have a designated seclusion room that meets minimum standards including air-conditioning, observation windows, absence of sharp surfaces and hanging points, and guidelines that are made public and informed by human rights groups, and the *Charter of Human Rights and Responsibilities Act* as to the rules governing seclusion.

Recommendation 11

That the Department of Education prohibit the use of reading programs that have been discredited as lacking in evidence.

Recommendation 12

That Deaf Victoria have formal representation within the Victorian Deaf Education Institute in order to inform policy and procedure around deaf/hard of hearing people.

Recommendation 13

That a survey to every principal is sent out requesting feedback on whether they consider the funding their school receives as being adequate to support students with disabilities, such survey results being available publicly, and acted upon by the Department of Education.

Accountability of the Department of Education

1. A large number of reports have been issued by various Victorian statutory authorities, Parliamentary Committees and human rights organisations over the last 10 years that have documented serious human rights abuses and failures on the part of the Victorian government to meet its obligations to enable all Victorians, including those with disability, to access good quality education. We refer to the reports below.
 - *Held Back-the Experiences of Students with Disabilities in Victorian Schools*, Victorian Equal Opportunity and Human Rights Commission 2012
 - *Programs for Students with Special Learning Needs* Victorian Auditor General 2012
 - Parliamentary Report on the Abuse of People with Disabilities in Institutional Settings 2015
 - Parliamentary Report On Educational Attainment for Students with Disabilities 2016
 - *Review of Program for Students with Disabilities*, Department of Education and Training 2016
 - *Report on Students with Disabilities in Victorian Schools Analysis Paper*, Victorian Equal Opportunity and Human Rights Commission 2017
 - Parliamentary Report on Services for People with Autism Spectrum Disorder 2017
 - Victorian Ombudsman's Investigation into Victorian Government School Expulsion 2017
 - *Improving Educational Outcomes for Children with Disability in Victoria*, Castan Centre for Human Rights Law 2018
 - *School Compliance with Victoria's Child Safety Standards*, Victorian Auditor General's Office 2019
 - *Supporting Students with Disabilities 2023*, Victorian Auditor General's Office
2. Despite this extensive documentation and evidence of serious maltreatment and failures, the functioning of education in Victoria for people with disabilities continues to comprehensively fail students.
3. Our observation is that the Government needs to make substantial changes to address these issues, but that the Department of Education is particularly defensive and resistant to embracing significant change to improve the human rights and welfare of students with disabilities.
4. Both the Victorian Equal Opportunity and Human Rights Commission and the Office of the Public Advocate (OPA) have recommended the seclusion of students with disabilities be prohibited. Given children with disabilities have died in seclusion the Department of Education must act on these recommendations.
5. As a step towards enabling clearer public scrutiny and transparency over the Department of Education's performance, the Committee should seek

information from the Department of Education about the numbers of court/tribunal cases it has been involved in concerning students with disability over the last ten years, and how much of Victorian taxpayer's money has been diverted from schools to be spent in legal fees and settlements involving students with disabilities.

In relation to the Committee's Terms of Reference, we make the following submissions:

1. Training, accreditation and professional development, particularly for teaching students with special needs

6. There is no requirement for teachers in schools that segregate children with disabilities away from their nondisabled peers ("segregated schools") to have special education qualifications.
7. Recognising Victoria is in breach of Australia's commitment via the Optional Protocol of the *UN Convention on the Rights of Persons with Disabilities*, through its continued building and support of segregated schools, training in working with students with disabilities ought to be mandatory for all teachers, in order that students with disabilities can be educated alongside their nondisabled peers and receive expert assistance whichever school they attend.
8. We stand alongside Disabled Persons Organisation People with Disability Australia calling for the end to segregation as per our legal obligations under the *UN Convention on the Rights of Persons with Disabilities*. As an exception, we recognise that segregated education is appropriate for deaf/hard of hearing/deaf blind students who rely on sign language to communicate with each other, and with their teaching staff.

2. The adequacy of the Department of Education's measures to support teachers;

9. It is clear from the outcomes for students with disabilities, that support to teachers is inadequate. In our experience much of the mistreatment and discrimination against students with disabilities comes from teachers who have not even read the Department's disability guidelines, policies and procedures. It is not enough to have a website which teachers do not have time to peruse, relying on individuals to choose what to read, if anything.
10. The decision in the Kennett era to make all schools autonomous was extremely unhelpful, leading to inconsistent practices and operations, and disengagement with the Department of Education. It encourages teachers to in effect support themselves and is not acceptable in our view when each Victorian child deserves the same quality of education. As an example, the Victorian Auditor General's Office found over 10 years ago:

DEECD has developed policies and guidance to help schools support students with special learning needs. It also provides funding to support students with the highest levels of need through the PSD. However, it does not monitor how schools use the funds nor does it adequately oversee the educational outcomes of students with special learning needs. Schools are not implementing DEECD's policies consistently or effectively. As a result, the quality and type of support provided to students with special learning needs is not equitable.¹

Recommendation.

To get the most from Student Support Groups and how to develop and implement meaningful and effective Individual Learning Plans.²

11. **Attachment A** is the Department of Education's Individual Education/Learning Plan template. **Attachment B** is an Individual Education Plan from 2019 for a student who was in the equivalent of Year 12 with a mild intellectual disability. Two things stand out. Firstly, the lack of SMART goals (Specific, Measurable, Achievable, Realistic, Time Bound) which is the basic professional manner in which education plans are written. Given the fact that there are no SMART goals, there is (and was) no measuring or data on the goals.
12. Secondly, this student, in his last year at school, has three goals, firstly to say hello and say what he did the night before, the second is taking turns and listening in conversations, and the third is go to the toilet independently. This is not an education. In an era where everyone who works with people with disabilities has a first rule of presuming capacity, segregated schools are presuming incapacity and teaching at that level.
13. Below, is the entirety of an Individual Education Plan from Wonga Park Primary School in 2021.
"Term 1 Goals – SSG team
Term 1 Goals were suggested and discussed during the SSG;
Goal 1 – Wellbeing – To Build John's confidence and resilience
Goal 2 – Social – For John to be able to find and connect with friends at playtime
Strategies -
-build up relationships in the classroom
-take friendships outside/connect him with the friends before he goes outside
-for John to start to feel confident with someone else outside
Goal 3 – Literacy (Pause for now – as of Wk 5 T1)"
14. These few sentences were taken directly from the minutes of a meeting. It is the formal Department of Education position that these few sentences are a bona fide Individual Education Plan.

¹ *Programs for Students with Special Learning Needs* Victorian Auditor General 2012 pviii

² *Ibid* p xi

15. There continues to be no quality control over Individual Education Plans despite the Auditor General's recommendations, schools can write them in any way they please, and there is also no requirement to report to anyone on their effectiveness. The fact that any teacher could write an individual education plan such as the one attached, especially to address the complex needs of someone with disabilities, indicates a lack of professional development and understanding of best practice. The person that suffers is the student with a disability
16. In our view, teachers need adequate time off to keep up-to-date with the latest in evidence-based teaching approaches, and need to be adequately funded for backfill. There ought to be minimum training which is compulsory by nature. This will not happen, until the autonomy of schools is addressed.

3. The current state of student wellbeing in Victoria

17. We refer to the list above on page 6 in relation to findings about outcomes for students with disabilities in Victoria. In our experience, the Department of Education is very often involved in a "reform" of educational practices, however the question must be asked why there are no positive outcomes for students with disabilities as a result of such reforms. The most recent and current "reform" is changing over the funding system from the Program for Students with Disabilities to the "Disability Inclusion" model (a model that continues to conflate the term "inclusion" with "segregation"). In order to inform the Victorian Auditor General's Report this year where he audited Victorian schools and their support of students with disabilities via the "Disability Inclusion" Model, Disability Advocacy Victoria sent a survey out to our members on this topic, in order to provide the Auditor General with information from the advocacy sector. These are the results. The "reform" began its rollout in 2021. The questions relate to the period 2020/2022.

Requests for advocacy in a government school.

90% of advocacy agencies said they had received requests for advocacy assistance relating to education in a government school.

Ability to assist.

Only 60% of advocacy agencies were able to provide assistance. The reason given by 50% of advocacy agencies for not assisting individuals with disabilities who had education issues, was because it was not an area that the agency practised in. 20% said they were at capacity.

Numbers of complaints

Out of the agencies that were able to assist students with disabilities, the numbers of complaints received per agency ranged between 1 and 50.

Disability Inclusion Funding – latest Department of Education "reform".

Of the cases that agencies worked on, only 15% of the students were receiving Disability Inclusion funding, and 45% of families/students did not know. The remainder were not receiving Disability Inclusion funding.

Not one agency had sighted a "Disability Inclusion Profile", the document that according to the Department of Education, is designed to help schools and families identify the strengths, needs, and educational adjustments schools can make for students with disability in Victorian government schools.³

Improvement in education circumstances for students with disabilities.

When asked if advocacy agencies had seen any changes in relation to complaints reported to their agencies in relation to education, 64% percent said they were receiving the same number of complaints, and 36% said they were receiving more complaints.

18. In preparing this submission, DAV again sent out a survey to individual disability advocacy agencies and received responses from 21 of such agencies/members. We decided to look at the 10 year old report from the Victorian Equal Opportunity and Human Rights Commission "*Held Back-the Experiences of Students with Disabilities in Victorian Schools*"⁴ and use the same chapter topics in order to compare the barriers for, and mistreatment of, students with disabilities in 2012 and prior to 2023. We asked advocacy agencies if they were currently advocating on the same issues. Below are our findings.

Schools knocking back enrolments by suggesting they don't have the appropriate resources	52.38%
Schools restricting hours of attendance	66.67%
Schools not allowing students to be involved in camps/excursions etc	61.90%
Schools failing to put in place reasonable adjustment/supports	100%
Limited access to therapies (speech pathologist, occupational therapist, psychologist)	71.43%
Restrictive Practices (Restraint and Seclusion)	33.33%
Suspension	80.95%
Expulsion	38.10%
Bullying	80.95%
No or substandard individual education plan	80.95%
No student support group	66.67%
Not enough funding	71.43%
Complaints process not working	47.62%
Teachers don't know enough about disabilities	90.48%
Lack of Auslan interpreters/communication supports	42.86%

³ <https://www2.education.vic.gov.au/pal/disability-inclusion-funding-support/guidance/tier-3-student-level-funding>

⁴ www.humanrightscommission.vic.gov.au/our-resources-and-publications/reports/item/184-held-back-the-experiences-of-students-with-disabilities-in-victorian-schools-sep-2012

<p>Other – Failure to acknowledge or appropriately support invisible disability, for example, more internalised presentations of autism more common in girls. Funding is targeted towards those with more overt/externalised/disruptive behaviour which often amounts to sex/gender discrimination and leads to poorer outcomes for unsupported girls.</p> <p>Not enough individual learning officers to support students in class</p> <p>Lack of recognition/respect of parents' knowledge in care plan meetings</p> <p>Lack of inclusion leading to 'school refusal' and complete disengagement from education - a large number of 'school refusers' are students with disabilities and are not 'refusing', but are being excluded, however it is misrepresented and mischaracterised as being the student 'refusing' when it is actually a very normal and natural response to school not being a safe or inclusive environment for them</p> <p>Not taught with class. Separate area all the time with limited attendance.</p> <p>Inappropriate use of aides in the classroom (reliance on one-on-one means the student is isolated within the class); lack of training for aides, they do need to know the curriculum as a core competency; principals preventing students from taking NAPLAN and/or failing to provide alternative assessments</p>	
---	--

19. A as can be seen, for students with disabilities nothing is changing, or rather, nothing is improving.

20. However, preferable to government/the Committee relying on statistics from Disability Advocacy Victoria, we continue to be concerned about the lack of tracking and monitoring of outcomes for students with disabilities, and the ability to look at data that reflects those outcomes. Such data should be collected both on academic and well-being outcomes.

21. Currently data often omits students with disabilities. Schools often encourage, and even directly request, students with disabilities to opt out of NAPLAN. We assume that this is because schools don't want their scoring affected. However this gives a skewed version of data in relation to academic outcomes, and we believe it is particularly important that the academic outcomes of students with disabilities are separately reported on. Data in relation to students with disabilities would also be helpful in relation to disability by type, and comparisons between mainstream schools and segregated schools. We know that in the Federal Senate Education and Employment References Committee Report on its findings into the education of students with disabilities in 2016 that a concern of many parents was that

their children were receiving “babysitting” instead of an education.⁵ We agree, but it is important that data confirm anecdote.

4. Examples of best practice in other jurisdictions and educational settings used to improve student learning outcomes and wellbeing;

22. There are other states and jurisdictions that have taken a much more proactive approach in relation to the Science of Reading. The Victorian Department of Education allows schools to use any particular program or approach, regardless of how discredited it is and its lack of evidence. It was particularly disturbing to read recently that the Department of Education had blocked publication by LaTrobe University of a research study involving six government schools into the teaching of reading, due to the fact that the study supported the scientifically proven approach to reading, an approach which is not required by the Department of Education.⁶
23. The decision by the Department of Education to allow schools to teach reading in any manner their staff see fit, given the well-documented problems with teacher training, is mistaken in our view and makes somewhat of a mockery of all the Department of Education documents discussing the importance of evidence-based teaching. The use of systematic synthetic phonics programs is increasing all over Australia and in other parts of the world in response to the science behind teaching children how to read, but Victoria is lagging behind to the detriment of students with language and learning delays, and other disabilities. It has adopted a phonics screening tool that has been widely criticised by experts as being inadequate.
24. The fact that the Victorian Department of Education is not requiring evidence-based teaching methods is embarrassing, and there is no excuse for it. Even many teaching universities are appropriately looking at the poor literacy outcomes of students and making changes to the way they teach teachers.⁷ This is good news for new teachers but does nothing to address teachers currently in schools.

Restraint and Seclusion

25. This needs to be addressed as a matter of urgency given:
 - a. the continued and increasing use of restraint and seclusion in Victorian government schools, particularly segregated schools;

⁵Access to real learning: the impact of policy, funding and culture on students with disability Para 2.66

⁶ <https://www.theage.com.au/national/victoria/departments-blocks-good-news-story-on-schools-reading-transformation-20230622-p5dii6.html>

⁷ [Elite Universities Call for Change in Reading Education | Psychology Today](#)

- b. the lack of detailed guidance to staff who are not directed to do anything in particular to proactively address behaviours of concern in preference to using restraint seclusion;
 - c. the deterioration in the protection of students with disabilities through seclusion being formally endorsed to be used in Victorian schools, but not in areas that have been created for the purpose of seclusion, allowing students to be locked in storerooms, sheds, or all manner of rooms without any minimum requirement (air-conditioning, observation windows, lack of hanging points or objects that can be used to self harm or accidentally harm those in the room);
 - d. the fact that restraint and seclusion have led to injuries and deaths in schools elsewhere, but yet the Department of Education has failed to address the high level of usage in its schools;
 - e. the Department of Education's refusal to release data on restraint and seclusion of students with disabilities.
26. A few weeks ago, the Department of Education release data on restraint and seclusion⁸. While we believe it is appropriate to assume that the vast majority if not all the victims of restraint seclusion are children with disabilities, this was not reported upon. In any event, looking at the reporting period, being 2019-2022, incidences of restraint and seclusion are increasing, from 1522 in 2019, to 1844 in 2022.
27. Given restraint and seclusion can cause injury, trauma and death, it is beyond our comprehension as to why this is not being seen as an emergency situation that needs urgent attention. Coupled with the fact that staff are not required to read restraint, seclusion and behaviour policies, or have any training when they restrain small children, this situation is likely to result in the serious injury or death of a student.
28. With both the Victorian Equal Opportunity and Human Rights Commission and the Office of the Public Advocate calling for seclusion to be prohibited in Victorian government schools, one can only wonder what the reasoning is to ignore these calls, knowing the damage that can be done to already vulnerable children.
29. To our knowledge, students without disabilities are not required to risk injury trauma or death when they attend school.
30. These practices are barbaric, in the context of there being no requirement after the application of restraint and seclusion, for school staff to do anything but "consider" any preventative or de-escalation strategies that might reduce the likelihood of an incident happening again.⁹
31. We are also disturbed that the Department of Education did not consider the views of the Victorian Equal Opportunity and Human Rights Commission in its review of the Regulations to the *Education and Training Reform Act*, in

⁸ www.vic.gov.au/statistics-victorian-schools-and-teaching#restraint-and-seclusion

⁹ Department of Education Restraint and Seclusion Policy

particular that Regulation 25 which allows restraint and seclusion, may be in breach of the *Charter of Human Rights and Responsibilities Act 2006*.

32. A recent 4 Corners expose¹⁰ rightfully called out the abuse of children with disabilities through physical restraint. The restraint was widely condemned as being unlawful. However this type of restraint occurs in Victorian government schools and is defended by the Department of Education as being perfectly acceptable. There is something more than disturbing about the ongoing abuse of students with disabilities in Victorian government schools, and the support and endorsement of such abuse by the State of Victoria. The traumatising of children who already have disabilities and therefore face a life of discrimination and barriers, is unacceptable, but has been going on for decades. We call on the Senate Committee to make recommendations to address this.
33. **Attachment C** is just some of the abuse that occurs in segregated schools, and only those instances that the media has taken up.

Deaf and Hard of Hearing Students

34. Despite discrimination cases both in Victoria and other states upholding the right of deaf/hard of hearing students to their native sign language, Auslan, there is no Department of Education policy that direct staff in the provision of accredited Auslan interpreters to students who request it.
35. It is not appropriate for each school to make up their own mind about whether they will provide such support. It is also not appropriate for a student's family to have to take discrimination action against the Department of Education when the accredited interpreters are not provided.
36. The role of the Victorian Deaf Education Institute ("VDEI") needs to be reviewed. It is unclear to what extent they are collaborating with, and obtaining advice from, deaf and hard of hearing people themselves. The operations of the VDEI, including the training of visiting teachers, needs to reflect the knowledge and experience of students who are deaf or hard of hearing, and who have gone through the education system and have valuable learnings and feedback. The most appropriate manner in which to do this seems to be collaboration with Deaf Victoria.
37. Many deaf and hard of hearing children are in mainstream schools and are isolated from their peers. For those who use Auslan, their ability to socialise with other students is limited to those who are also fluent in Auslan. The VDEI needs to have as part of its strategic plan, strategies that regularly bring Victorian students who are deaf/hard of hearing together for reasons including mental health. Parents of deaf/hard of hearing students would also benefit from this type of support.

¹⁰ [Video shows boy with autism unlawfully pinned to the ground facedown by adults in 'abusive' NDIS-funded therapy - ABC News](#)

38. VDEI ought to also have a coordinating role in data collection that relates to deaf/hard of hearing students. There are minimum standards for the effective support of deaf/hard of hearing students. These are not required in Victoria. As with other areas of disability, teachers who teach deaf/hard of hearing students are not required to access any resources provided by the VDEI. It is their choice as to how much they wish to educate themselves. There is no requirement for teachers of the deaf to be fluent in Auslan.

5. School funding adequacy and its impact on student learning outcomes and wellbeing.

39. Funding for students with disabilities through the Program for Students with Disabilities has been criticised by numerous organisations, and the Department of Education itself, resulting in the latest “reform”, which as the Victorian Auditor General’s Office noted this year, was being taken up in an ad hoc fashion.
40. Despite allegedly rolling out in 2021, as can be seen by our most recent survey, the outcomes for students are unchanged. The smaller schools, particularly those in rural regions, cannot support students with disabilities on past and current funding models, which are finite. For example, if there is a child in a small school that needs a full-time Auslan interpreter, or a full-time aide due to their multiple and complex disabilities, this could be a salary of \$55-\$65,000 per annum.
41. The problems of restricted attendance, lack of one-to-one support, lack of therapy supports to ensure students with disabilities can access the curriculum, communication support workers for students who rely on augmentative and alternative communication, can all be put down to a lack of appropriate funding. Not even segregated schools which boast speech therapists, occupational therapists and psychologists on staff are able to develop, implement and oversee language, sensory or motor programs. Psychologists rarely work directly with students who have severe behaviours of concern. These therapists will visit whole classes and work in generalised ways which are insufficient for students with significant disabilities that require tailored approaches. In this regard, segregated schools can actually be providing a poorer service than mainstream schools to students with disabilities.
42. It is certainly more palatable to arrive at the conclusion that the extremely poor outcomes for students with disabilities in Victoria is due to a lack of funding, than malice or incompetence. While changes to funding models may come and go, we submit that if the outcomes for students with disabilities are poor, and brutal, then the funding model is failing, amongst other aspects of education for students with disabilities.

The false economy of neglecting students of disability

43. Constant discrimination claims against the Victorian Department of Education are costing money. WorkCover claims, from teachers who find the burden of competently teaching students with disabilities without sufficient support, cost money. Teachers leaving the system due to stress from not being provided with the support to deal with students with behaviours of concern, cost money. Students who have left school without an education and can't enter the workforce, cost State and Federal governments money.
44. In terms of the high numbers of people who are illiterate and innumerate and/or have other disabilities in the criminal justice system, these are further costs that emanate from a failure in education.

Disability Advocacy Victoria

INDIVIDUAL EDUCATION PLAN

Please refer to the Individual Education Planning Summary Guide for further information. Items marked with an asterisk (*) are explained in the IEP Template Key Terms.

STUDENT INFORMATION

Student's name:		Date of plan:
School:	Year/Grade level:	Date for review:
Date of birth:	Victorian Student Number (VSN):	Student Online Case System (SOCS) referral: Yes / No

* Student Support Group (SSG) members

Lead contact: _____

Name:	Name:	Name:
Contact details:	Contact details:	Contact details:
Role:	Role:	Role:
Name:	Name:	Name:
Contact details:	Contact details:	Contact details:
Role:	Role:	Role:

*** Please check all boxes relevant to the student and provide additional information as required.**

<input type="checkbox"/> *Disability and additional needs	• Does this student have a diagnosed disability?	
	• Is this student supported under an individualised disability funding program?	
	• Is this student counted in the Nationally Consistent Collection of Data on School Students with Disability?	
	• What are the *functional needs of this student?	
	• Is there equipment, tools or technology in place to support the student?	
	• Has the therapy team or case conference group been consulted? (applies to specialist schools)	
<input type="checkbox"/> *Out-of-home care (OOHC)	• What is the student's placement type? e.g. kinship care, foster care, residential care or other.	
	• Who makes up the team of professionals supporting this student? e.g. LOOKOUT Learning Advisor, Navigator team member, agency case worker, learning mentor, social worker, Department of Families, Fairness and Housing (DFFH) child protection officer etc.	
	• Has an Education Needs Analysis (ENA) been completed?	
	• If a Koorie student, confirm that school has received relevant information from the student's Cultural Support Plan (from DFFH and their care team) which can be used to inform the IEP goals. Note contact person.	
<input type="checkbox"/> *Koorie	• Record if a Koorie Engagement Support Officer (KESO) has been consulted as part of the development of this IEP.	
	• Record specific learning outcomes with links to the curriculum if student is absent from school due to cultural educational activities (CASES21 absence code 600).	
	• Record involvement in Koorie Programs e.g. the Koorie Academy of Excellence, Clontarf, LOOKOUT program, etc	

<input type="checkbox"/> Involvement with Youth Justice	<ul style="list-style-type: none"> • If the student has a Youth Justice Case Manager or Diversion Support worker, provide name and contact details. 	
	<ul style="list-style-type: none"> • If the student has attended Parkville College (while in youth detention) and has a transition plan, attach to this document. 	
	<ul style="list-style-type: none"> • Record any additional support services currently working with the student e.g. Youth Support Services, Anglicare Youth Services, Youth Justice Community Support Services, Headspace. 	
	<ul style="list-style-type: none"> • If the student is on a community-based youth justice order, when does this finish? Are there any educational requirements specified in in the order? e.g. school to provide attendance data, school to provide engagement letter, school to provide support letter for student – all of which would be addressed to the Presiding Magistrate. 	

*** Is a related plan required for this student?** Refer to the Individual Education Planning Summary Guide for a list of related plans to record here e.g. Behaviour Support Plan.

***STAGE 1: ASSESS: GET TO KNOW THE STUDENT AND HOW THEY LEARN**

What are the strengths and interests of the student and how can we promote them? Recognise and build on the student's strengths to foster student engagement in the learning process.

Provide information about the student to support their education needs, including results of any formal/informal assessments in literacy, numeracy or social-emotional assessments, recommendations or advice from regional and area staff and/or allied health professionals, data or classroom observations.

Current challenges and barriers to learning and engagement.

Ask the student what helps them to learn and record the answers below. For example, engage the student in the following questions:

The IEP is strengths based and informed by student agency. Where appropriate, the student should play an active role in the development of their IEP. See Student Voice Practice Guide (Amplify): www.education.vic.gov.au/school/teachers/teachingresources/practice/improve/Pages/amplify.aspx

- What do I love to do?
- How do I learn best?
- What helps my learning?
- What helps me to attend school regularly?
- What have I achieved? (NB. This is an ongoing learning and reflective activity.)
- Something I feel proud of in the month/term?
- Why are the goals in my IEP (below) important to me? (NB. This is a reflective activity as the IEP is developed.)

*** STAGE 2: PLAN: USE COLLABORATIVE AND STUDENT-CENTRED PLANNING – WHAT DO WE PLAN TO ACHIEVE?**

* Long-term goals. Provide a clear, summarised statement of 1-2 sentences that guides the development of the short-term goals below.

Short-term SMART goals (Specific, Measurable, Agreed, Relevant, Time-bound).

Identify the sub-skills required to achieve the long-term goal/s above. Number and include all SMART goals below.

Current entry level skills:				
GOAL #	Action e.g. what will the student do?	Under what conditions e.g. where, with whom, with what?	Success measure e.g. what does success look like?	By when?

Add additional goals as required.

*** STAGE 3: TEACHING STRATEGIES, ADJUSTMENTS AND SUPPORTS**

* Detail the teaching strategies, adjustments and supports specifically tailored to address the student’s learning needs and support the student to achieve their short-term SMART goals. Consider students strengths and preferred learning supports.

GOAL #	Teaching strategies, adjustments and supports	Person/s responsible

Add additional rows as required.

*** STAGE 4: MONITOR AND EVALUATE: ASSESS THE EFFECTIVENESS OF THE APPROACH**

*Review goals and strategies at least once per term. Collate and analyse data to determine whether the goals have been achieved. Report and feedback on achievement of goals based on the effectiveness of the teaching strategies, adjustments and supports provided in Stage 3.

- Key:
- Goal achieved – new goal, teaching strategies and supports required
 - Still working on goal – review teaching strategies and supports required
 - Goal no longer relevant – new goal, teaching strategies and supports required

* Short-term SMART goals. Provide evidence through formative or summative assessments or qualitative information.

GOAL # _____	DATE			
Student progress/comments:				

GOAL # _____	DATE			
Student progress/comments:				
GOAL # _____	DATE			
Student progress/comments:				

Add additional rows as required.

Additional comments: e.g. What is working well or not working well? Should goals be modified? Should the strategies be continued, revised or replaced?

SIGNED BY

Signature: Principal (or delegate): _____ Date: _____

*Student consulted *Parent/Carer/Guardian consulted

*Date of next meeting: _____

*Please refer to the Individual Education Planning Summary Guide for further information.

© 2020 State of Victoria (Department of Education and Training).
This guide is provided under a Creative Commons Attribution 4.0 international licence, with the exception of:
• any images, photographs, trademarks or branding, including the Victorian Government logo and the DET logo; and
• content supplied by third parties.

Individual Learning Plan

Attachment B

Southern Autistic School – Semester 1, 2019

Teacher: Nicola Angus

Communication	
Victorian Curriculum Area	English Speaking and Listening
Content Description	Level C - Recognise ways to greet and interact with other familiar people (VCELA095)
Entry Skills	<ul style="list-style-type: none"> • Jake can use gestural signs to engage in greetings with staff. • Jake currently requests motivating items using his device. • Jake gains the attention of others using gestural signs and/or making eye contact.
Goal	Jake will use a combination of words through assistive technologies to greet adults on arrival at school and share information about the previous evening.
Teaching and Learning Strategies	<ul style="list-style-type: none"> • Staff will model pathways for Jake to greet adults. This will initially be done with a communicative partner. Staff will then gradually deplete the amount of physical, gestural and verbal prompting to encourage Jake to independently greet staff on arrival and departure of school/work place. • Data will be collected to identify the level of prompting. • The seesaw app will be used to prompt Jake on activities he has participated in at home.

Social Skills	
Victorian Curriculum Area	Personal and Social Capabilities – Social Management
Content Description	Level B - Participate in routine activities and interact with others in a range of familiar contexts instigated by a teacher (VCPCSCO63)
Entry Skills	<ul style="list-style-type: none"> • Jake has formed emotional bonds with adults and some fellow peers. He also has demonstrated that he can react and respond to other students emotions within his class.
Goal	Jake will be encouraged to engage in simple social skills such as turn taking and attending to others.
Teaching and Learning Strategies	<ul style="list-style-type: none"> • Staff will create situations in within the learning environment to encourage Jake to share and/or request the use of materials to complete work tasks. • Jake will also engage in partner activities such as board games, cooking and music therapy in term 1. Staff will support Jake to co-operate and communicate with his peers using his communication device.

Adaptive Skills	
Victorian Curriculum Area	Personal and Social Capabilities – Self Awareness
Content Description	Level C - Try a variety of activities and completing some steps in a set routine independently (VCPCSE068)
Entry Skills	<ul style="list-style-type: none"> • Jake currently is able to assist within his toileting routine with the help of staff.
Goal	Jake will follow an Individual visual toileting schedule and independently work through the steps within this routine.
Teaching and Learning Strategies	<ul style="list-style-type: none"> • The SPOT team have assisted staff with a visual schedule for Jake to work through during toileting. • Staff will support Jake using modelling and gestural/verbal prompting, gradually decreasing the amount of prompts. <p>Data will be collected to identify the level of prompting.</p>

Attachment C

Read Today's Paper

Tributes

5:07pm Thursday, September 21st, 2023

Rewards

Melbourne Today 9° / 15° >



Herald Sun

We're for you

Hi, Philip

Victoria Education

Damning dossier of complaints from parents and staff at Ballarat Specialist School

Parents at Ballarat Specialist School have spoken out about a series of alleged incidents, including children being punched, kicked and inappropriately handled while being restrained.



Susie O'Brien

Follow

@susieob 3 min read September 21, 2023 - 3:35PM



Advertisement

- My News
- Today's Paper
- Local
- Victoria
- National
- World
- Opinion
- Business
- Entertainment
- Lifestyle
- Sport



Incidents at the school include one student being pushed and kicked and students being locked in a separate room on a daily basis. Picture: iStock

Education

Don't miss out on the headlines from Education. Followed categories will be added to My News.

[Follow](#)

Vulnerable students at a Ballarat school have been critically injured while restrained in classrooms, physically and verbally abused and had broken bones covered up, their devastated parents claim.

A damning dossier of complaints from parents and staff at Ballarat Specialist School obtained by the Herald Sun includes details of a teacher's alleged "snuggle time" with a female student which was investigated by Victoria Police. A male student also groomed a female student by sending her naked images of himself and talking about masturbation.

Other allegations include a child being left alone at pick-up, a child being forced to walk on a fractured knee after an accident was ignored and children being humiliated and called names by staff. The school, located in Lake Gardens, caters for 443 children with disabilities aged from 5 to 18.

Despite the school's goal of enabling "students and staff to reach their full potential in a safe and stimulating environment", parents have told the Herald Sun they fear for their children's safety on a daily basis.

Members of the school council, parents and staff, who do not want to be named for fear of repercussions from school leaders, say not enough has been done to make the school safe, despite more than two years of detailed complaints made to the Department of Education.

Parents, who do not have any other choice for schooling for their children, say they should not have to "send our kids into situations where they are mentally, physically harmed".

Parents and teachers stress the issues are isolated to a small minority of staff, with the majority trying to support children and get problems resolved.

Staff have also contacted the Education Department raising concerns about the neglect, restraint and abuse of students at the school's senior campus, The Farm.

Incidents included the mishandling and restraint of four students, a student being pushed and kicked, and students "locked in a separate room" on a daily basis. The staff member, who has now left the school, said they witnessed "hands on/inappropriate handling of young students".

One mother said she felt like a "broken record" and that despite repeated reports, her daughter continues to be called "f*cking b*tch, dog, Peppa pig".

Another parent said she was concerned about the "failure of many staff to record incidents and communicate injuries and accidents to parents".

She has repeatedly raised allegations about one teacher who would cuddle a female student – referred to as "snuggle time", have age inappropriate discussions and take the student alone out of the class.

One mother said her son, who has Down syndrome, was secluded repeatedly after making "meowing sounds", stopped speaking after being put in a room with non-verbal student, and was never properly assessed and wasn't given support to develop. She said he was "disconnected and scared/ashamed" in class and has been pulled from the school following a mental health breakdown. Her son is now 17 and cannot read, write or count to 20.

Another mother said staff "watched on while my son beat himself to a pulp for 35 minutes".

"He also ended up in ICU after eating a foam yoga mat after being left unattended in a room," she said.



A Ballarat Specialist School student ended up in ICU after eating a foam yoga mat while unattended in seclusion.

“A lot of the time kids can’t talk so they are particularly vulnerable and dependent,” she said.

One staff member said they had been reprimanded for trying to advance the life skills of students and was distressed by other staff calling children names and humiliating them.

Such incidents include not helping female students when they have their periods and disciplining autistic children for rocking and stimming, which are repeated movements.

Other claims include children being excluded from school camps if they are deemed too hard to manage.

One parent and member of the school’s council said staff who spoke up were “called a troublemaker and then you get harassed until they leave”.

She said staff reported bullying and abuse from children who were not supervised properly but nothing was followed up. “We are verbally berated by leadership,” she said.

A Department of Education spokesman said: “We take parent complaints seriously and investigate all parent complaints.”

“The health and wellbeing of students is always our number one priority. Ballarat Specialist School is committed to providing a safe learning environment in which all our students are supported to thrive.”

Under departmental guidelines, restraint and seclusion are only permitted in exceptional circumstances and to protect the safety of another person.

Karen Dimmock, CEO of the Association for Children with a Disability, said teachers and schools “need the resources, training and time to put in place reasonable adjustments and positive behaviour support to meet student needs”.

More Coverage



[Push for school kids to learn ‘values’ from Indigenous elders](#)



[‘We feel unsafe’: Calls grow for security at Melbourne schools](#)

Read related topics:

School News

More related stories






Victoria Education

EXCLUSIVE

Students at Katandra Berendale Special School left unsupervised by teachers

Parents at an Ormond special school claim their disabled children are being neglected and left unsupervised, leading to violent attacks in the schoolyard.

[Suzan Delibasic](#) and [Susie O'Brien](#)

 2 min read August 31, 2023 - 3:46PM



Students at an Ormond special school are attacking each other in the schoolyard after being left unsupervised. Picture: Supplied

Education

Don't miss out on the headlines from Education. Followed categories will be added to My News.

An Ormond special school has been accused of “severely neglecting” pupils, with children left unsupervised and attacking each other in the schoolyard.

Confronting images show several injuries sustained by prep students with disabilities who attend Katandra Berendale Special School, with multiple gashes to their heads and bruising on their faces.

The school caters for prep to year 12 students who have a mild to moderate intellectual disability.

Parents say there is a lack of teachers in the schoolyard, leading to the attacks.

The Herald Sun has been told that some injuries are so severe, one student was rushed to hospital after being struck in the head by another student with a metal spade.

Families also claim that serious incidents are not being properly recorded by the school.



A Katandra Berendale Special School student who was hit in the face by another student. Picture: Supplied

A mother, whose child attends the school, said the multiple injuries experienced by students, including her son, was “disgraceful”.

“For months there has been a lack of supervision from teachers at the school and it’s clear that these vulnerable children are receiving substandard care,” she said.

“My son, as well as another girl in his year, received substantial head injuries on the same day.

“We were notified by the school by phone but with no clear explanation on how the injuries occurred.

“I had to request an incident report for both injuries and investigate the accident myself, with multiple contradicting stories from staff.

“Whether it’s been a matter of staff negligence or occupational health and safety, there has been a failure to safeguard the safety of our children and the school has failed to uphold their duty of care to vulnerable individuals.”

Another mother, Tzila Katzel, whose son also attends the school, said her complaints about students’ aggressive behaviour had fallen on deaf ears.

Advertisement

Ms Katzel said there was a lack of skilled staff to attend to children with special needs.

“Staff don’t know how to respond appropriately ... they are overall severely neglecting these kids,” she said.

Parents have also reported only seeing the principal at the junior campus, once per month, saying there was “very little involvement or oversight from leadership”.

A Department of Education spokesman said: “The school is aware of incidents which have occurred in the playground at the Katandra site, all of which have been fully investigated and reported to parents – with extensive support provided to students and families, and increased supervision in the playground”.

“The school has employed additional teaching and education support staff, as well as a Mental Health Practitioner, Speech Pathologist and Occupational Therapist,” he said.

“A separate play time for preps has been implemented to provide greater supervision, as well as extra lessons for students on appropriate behaviours, including ‘how to play safely’ classes for the prep cohort.

“The school investigates all incidents, including reporting them to parents.”

More Coverage



[Death-threat, drink drive teacher can return to classroom](#)



[Police make arrest over Donvale special school blaze](#)

More related stories



School staff accused: ‘Let’s put disabled kids in cage fight’



Nationals state MP Melina Bath said there was an urgent need for a detailed investigation: ‘The safety of students must always be our first priority.’ Picture: Andy Rogers

• **EXCLUSIVE**

JOHN FERGUSON

ASSOCIATE EDITOR

[@fergusonjw](#)

• 8:18PM NOVEMBER 27, 2020
• 35 COMMENTS

Two teachers and two support staff discussed putting up to six disabled children in a cage fight at a regional Victorian school

already facing three investigations after complaints of mistreatment relating to dozens of alleged incidents.

The Weekend Australian has obtained evidence of a shocking online discussion by staff at the Latrobe Special Developmental School in Gippsland, in which they talk about creating a cage fight for up to six children, all of whom had disabilities.

The contents of the October 20 discussion have outraged parents and sparked calls for a judicial inquiry, including into the handling of issues such as alleged “manhandling” of children by staff and unexplained bruising.

Four school staff were involved in the online cage fighting discussion. The conflict was proposed by one of the teachers, records of the conversation show.

The teacher first proposes putting four children into the cage, with other staff then suggesting two other names. One of the education support workers, suggesting it was black humour, posted three laughing emojis. The second teacher offers: “Add (child) just to c what happens.”

The conversation has been leaked to the support group Voices for Special Needs, which is attempting to force an overhaul of the way the government school, which is in Traralgon, 160km east of Melbourne, operates. The school is already facing one police investigation, another from the Victorian Department of Education and Training and another by the state’s WorkSafe authority after parents highlighted 15 alleged incidents of students being dragged by staff, three incidents of children being grabbed and then falling, unexplained bruising and 11 incidents of alleged manhandling.

“There has been the establishment of a toxic culture in that school,” a spokesman for VSN said. “These are the most vulnerable children in our world. Most are non-verbal. We need change. To say we are deeply concerned is an understatement.”

Police confirmed on Friday that officers had received reports of incidents at an educational facility in Traralgon, but said: “As the matters are under investigation it would be inappropriate to comment further.”

The Weekend Australian understands there have been examples of sexual assault allegedly committed by students but parents have complained of a lack of communication with the school leadership.

The school has about 80 pupils, according to a recent annual report, ranging in age from four to 18. Some of the children cannot speak and suffer from illnesses or conditions including autism and cerebral palsy.

Local Nationals state MP Melina Bath said there was an - urgent need for a detailed investigation. “The safety of students must always be our first priority. These are serious allegations that must be thoroughly investigated by the appropriate independent authority,” she said.

“Understandably, this matter is causing great distress for all involved.”

Education Minister James Merlino referred the matter to his department, which confirmed multiple investigations were under way into the school.

The department did not comment specifically on the cage fighting conversation.

“The department has been made aware of broad allegations involving Latrobe Special Development School and is working with those affected to ensure the appropriate steps are taken,” a spokeswoman said. “The department continues to assist Victoria Police and WorkSafe with their investigations on these matters and is committed to working with Voices for Special Needs.

“The department is taking steps to proactively respond to the concerns raised and is currently undertaking a priority Child Safe and Minimum Standards review at the school. The department encourages any families who are aware of inappropriate behaviour to come forward so it can ensure the appropriate steps are taken and support is provided to those who need it.”

VSN said there were as many as three sexual assault investigations under way, claiming that families had not been supported and had not been communicated with.

One of the key concerns of parents is the manner in which incidents are handled and then reported by the school, with any clashes often complicated by the lack of verbal skills of the children. “We are mortified and disgusted and we question what century this school is operating in,” VSN’s spokesman said.

[School staff accused: 'Let's put disabled kids in cage fight' \(theaustralian.com.au\)](https://www.theaustralian.com.au/news/education/school-staff-accused-let-s-put-disabled-kids-in-cage-fight/news-story)



My News

Local

Victoria

National

World

Opinion

Business

Entertainment

Lifestyle

Sport



Education Victoria

EXCLUSIVE

Teacher mass exodus amid reports students are like 'caged animals' in classrooms

A Melbourne special school is under investigation amid a mass exodus of teachers and reports students are being treated like "caged animals".

Susie O'Brien and **Olivia Jenkins**

 2 min read July 21, 2022 - 6:12PM



Sunshine Special Development School is under investigation amid a mass exodus of teachers. Picture: Supplied

Education

Don't miss out on the headlines from Education. Followed categories will be added to My News.

A Melbourne special school is under investigation amid a mass exodus of teachers and reports students are stuck like “caged animals” in their classrooms.

A number of major incidents have taken place at Sunshine Special Development School, including one student who was physically assaulted by another student in late April.

This incident, described by one parent as a “severe bashing”, led to the victim being hospitalised for five days, traumatising staff and students.

In a letter to the ombudsman, desperate parents said: “We send our children off to school each day not knowing if we will be picking them up from a hospital”.

It said the “basic human rights and civil liberties of students” were diminished or removed and there was a failure to assess the potential for violence of some students.

More than 55 staff have left the school since the start of last year and principal Nicole Edwardes is now on leave.

Larger classes and high numbers of new or casual staff have left the school’s 183 vulnerable students – 95 per cent of whom are non-verbal – without teachers who can properly care for them.

One parent said the students were “like caged animals bouncing off the walls – it’s not an education”.

“The kids are hyped up and there’s no one looking after them that know them well. Anything can happen in there.”

Some children had to be chemically sedated just to return to school after lockdown last year.



have been diminished. Picture: Supplied

Another parent told the Herald Sun that some students “tower over the teachers and are regularly sent home for manhandling them”.

As a result of staff shortages and Covid restrictions, classes have been combined and outings and regular life skills classes such as cooking, travel skills and swimming have been cancelled.

“The kids are left in the rooms and don’t go anywhere,” the parent said.

“It’s a very toxic place and if staff speak up they get harassed and then they leave.”

Staff were so concerned that they wrote anonymous letters to the school council and parents back in April telling them they did not feel safe, and that students would be attacked by other students.

One teacher wrote to the department calling for an independent inquiry, saying staff were “getting hurt” because they have no formal training in handling students with challenging behaviours.

“If something isn’t done soon to help the school something major will happen.”

Actions underway by the department include an environmental risk assessment by an independent consultant to assess safety, an audit of compliance with child safety standards and a school review in term four.

It comes after the Herald Sun revealed earlier this month that [one in 10 Victorian students is now registered with a disability](#).

The disturbing figures showed Victoria recorded the biggest spike in the country between 2020 and 2021 – an increase of almost 20,000 students.

It comes as other parents with children at other specialist schools across Melbourne have raised concerns about school staff’s ability to manage students.

One parent whose daughter attends a special development school in Melbourne’s southeast told the Herald Sun that her daughter has well exceeded the number of school days she can miss due to suspension – which is 15 days – because staff did not know how else to control her behaviour.

The department has been contacted for comment.

More Coverage

[Primary school students vaping in class](#)
[Education Minister denies school mask guilt trip](#)

[How elite schools have changed local landscapes](#)

EXCLUSIVE NATIONAL VICTORIA EDUCATION

'Violence, abuse, neglect': three Melbourne special schools in probe

By [Adam Carey](#)

June 20, 2020 – 11.45pm



1

[View all comments](#)

Three special schools in Melbourne will be investigated over a series of allegations of “violence, abuse and serious neglect” of students with disabilities over the past 10 years.

Victoria’s Department of Education and Training has launched an investigation into multiple claims of mistreatment of vulnerable children at Marnebek School in Cranbourne East, Jackson School in St Albans and Southern Autistic School in Bentleigh East.



Geoff Snell and his son Mathew, whom records show was isolated from his classmates at Jackson School about 80 times. JUSTIN MCMANUS

Among the allegations that have sparked the probe are claims that children were restrained in harnesses and had their hands bound; and that children with behavioural problems were routinely isolated in “time-out” spaces including outdoor courtyards, corridors and even a windowless storeroom.

The allegations include a claim that a child was dragged along the floor into a seclusion room.

Incidents provided to the department as evidence span from 2011 to early this year and include statements from former school staff as well as parents and children.

The investigation follows months of written entreaties to Victoria’s Education Minister, James Merlino, by disability advocate Julie Phillips.

“There are people’s lives behind these cases,” Ms Phillips wrote to Mr Merlino.

The trauma and distress alleged to have been inflicted on students at the three public special schools had led to “disengagement from government schooling; a life without education going forward; a life without the ability to communicate”, she said.

The Department of Education and Training confirmed on Friday that it had commissioned an independent investigation into the three schools.

“The department has now engaged external lawyers to provide advice on the allegations you have raised of violence, abuse and neglect of students at these three schools,” Ian Lanyon, director schools and regional services, said in an email to Ms Phillips.

The investigation will be conducted by Peta Nowacki, a specialist investigator at workplace law firm Working Together.

Ms Nowacki said she was still waiting to receive a brief from the Department of Education on the terms of reference of the investigation, but insisted she would act "swiftly and independently" to achieve "natural justice".

"As investigator, I would look at the terms of reference, and if there is anything in it that would compromise my investigative process, I would need to go back and get those terms of reference amended," Ms Nowacki said.

But advocates for children with disability criticised the process, with one arguing an investigation commissioned by the department could not be truly independent.

"There have been too many investigations done where the school system is investigating the school system, and nothing changes and schools aren't held to account," Children and Young People with Disability Australia chief executive Mary Sayers said.

Some of the cases likely to be investigated are currently being heard in the Federal Court. Among them is the case of Mathew Snell, a 21-year-old autistic man who attended Jackson School until March 2016, when it is alleged he was unofficially expelled.

His father, Geoff Snell, obtained through freedom-of-information requests about 80 school incident reports in which Mathew was secluded in a "time-out" space.

Mr Snell said he was summoned to the school to collect Mathew after an episode in which he had turned over classroom furniture, and arrived 20 minutes later to find his son being held in a small storeroom.

"They had him in a storeroom which had no windows, no fresh air ... they were holding the door shut so that he couldn't get out," Mr Snell said.

"He was laying on the floor curled up in a ball sweating like a pig and he was red."

Deborah Frith sent her son, Jacob, to Southern Autistic School between 2016 and 2018, but pulled him out in grade 1 after he told her he had been tied up.

Jacob, who is autistic, was sometimes violent to other students in the school. Ms Frith believes the school resorted to seclusion and restraint to contain him.





Deborah Frith with Jacob. LUIS ENRIQUE ASCUI

“One day, he said, ‘no school’, and he kept taking off his uniform,” Ms Frith said. “I asked him what was wrong and he said ‘the yellow rope’.”

After the incident, Jacob began tying up his dolls, Ms Frith said.

Seclusion and restraint of children are permissible under department guidelines in exceptional circumstances, when children pose an imminent threat of physical harm to other children, staff or themselves.

The department’s guidelines state restraint and seclusion “must not be used as a routine behaviour management technique”.

But data on the use of seclusion and restraint on Victorian students with a disability suggests it is common practice.

According to a 2017 survey by Children and Young People with Disability Australia, 20 per cent of students with a disability reported being restrained, and 27 per cent reported being secluded. Last year, 19 per cent reported being restrained and 21 per cent reported being secluded.



Adam Carey



Adam Carey is Education Editor. He joined The Age in 2007 and has previously covered state politics, transport, general news, the arts and food.