



# Left behind

VCOSS Submission to the  
Review of the impact of COVID-19 on  
school students with disability





April 2023

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We respect the unique perspectives of people with experience of poverty or inequality, and seek to strengthen and elevate their voices.

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VCOSS acknowledges the Traditional Owners of Country and pays respects to Elders past and present, and to emerging leaders.

This document was prepared on the on sovereign, unceded lands of the Kulin Nation.



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## Introduction

The Victorian Council of Social Service (VCOSS) welcomes the opportunity to provide input to the Commonwealth Department of Education's *Review of the impact of COVID-19 on school students with disability*.

The past three years have been challenging for many Australian students, but they have been particularly difficult for students with disabilities. Students with disabilities were **more** likely to miss out on important learning and opportunities for peer connection during periods of remote and flexible learning. As a consequence, the return to school has been harder. In Victoria, the state hardest hit by lockdowns, students with disabilities have returned to school at lower rates than other student cohorts. School refusal has increased and disability advocacy organisations report an escalation in challenging behaviours at school.

This submission unpacks the reasons why, drawing on insights from VCOSS members (Victorian community service providers and disability advocacy organisations) that assist students and their families/carers.

A key message is that while the context is novel (a one-in-a-hundred-year global pandemic), these issues are – at their core – not new issues.

For the most part, the pandemic has **magnified pre-existing problems** that have long prevented Australian students with disabilities from participating in education on the same basis as their peers.

The root causes of these problems are systemic – for example, gaps in laws and policies that are intended to drive inclusion; system-wide practices that create barriers to information (about rights, options, procedures for funding and personal support) and otherwise limit enrolment choice ('gatekeeping'); lack of effective coordination between systems (e.g. education, disability, health) and between settings (e.g. early childhood education and care and school); access to (and adequacy of) funding for individualised supports; and workforce capacity, capability and attitudes.

As such, this submission puts forward recommendations that centre systemic change.

We note that, in Victoria, the State Government's 2020 review of '*Lessons from Remote and Flexible Learning*' has helped to shape investment in universal supports (for example, school-based mental health promotion) and targeted additional supports (for example, school-based small group tutoring). These will be relevant to the needs of a wide array of students, including some students with disabilities.

**But – crucially – Victoria is also enacting systems change.**

For example, the mental health investments in schools are part of a root and branch reform of Victoria's mental health system in the wake of a Royal Commission. Victoria is also midway through a five-year rollout of a new funding and support model for students with disabilities across the state's school system – a systemic reform intended to strengthen inclusion and improve learning and wellbeing outcomes for all Victorian students with disabilities. There are complementary reforms to Victoria's senior secondary certificates, which aim to support more choice and stronger post-school pathways for students with disabilities. A new *Disability Inclusion Act* has also been introduced and will be subject to independent monitoring by a new Disability Inclusion Commissioner.

It is early days, and the promise of these Victorian reforms is some way off from being fully realised, but they each have the *potential* to be transformative for Victorian students with disabilities – and they provide salutary lessons for this Commonwealth review:

**System-level problems require system-level solutions.**

This has always been the case, but the global pandemic has brought this into sharp relief.

## Key Findings: The impact of remote and flexible learning on students with disabilities

This section of VCOSS's submission draws on, and updates, feedback that VCOSS has previously provided to the Victorian Department of Education, including input to that Department's exploration of *Lessons from Remote and Flexible Learning* in June 2020.

Victoria was the Australian jurisdiction hardest hit by the COVID-19 pandemic, and policy decisions were made in a dynamic public health environment. VCOSS acknowledges:

- The extraordinary scale and speed of adaptation enacted by the Victorian Department of Education to adhere to public health directives and establish and operationalise remote and flexible learning over six lockdowns.
- The immense pressure on principals, teachers, wellbeing staff and other school personnel.
- The Department's active engagement with the disability advocacy sector and other stakeholder groups throughout this period and beyond, which created the space for advocates to provide real-time feedback on the impacts of policy decisions on students and families and secure some remedial action.

## Positive experiences

### Key Finding 1: Online learning alleviated external stressors for some students

VCOSS heard that, for *some* students with disabilities, the move to online learning was a positive experience, because it removed stress associated with travel to school or inflexible school routines, or reduced their exposure to bullying or exclusion. Some students with disabilities thrived during periods of flexible and remote learning.

It is important to recognise, and to apply lessons from, this dimension of lived experience – although VCOSS notes:

- All students with disabilities should **feel** and **experience** safety and inclusion at school at all times. VCOSS is concerned by reports that some students with disability were **only** able to obtain wellbeing relief when governments enacted extraordinary measures in the face of a one-in-a-hundred-year event. The *Disability Standards for Education 2005* (Cth) include standards for the elimination of harassment and victimisation. However successive reviews of the Standards have highlighted the limits to their practical use and power. The Commonwealth Government must pick up the pace to implement recommendations from the 2020 review.
- These positive experiences do not reflect the lived experience of all students with disabilities. VCOSS member feedback is that, **overall**, students with disability had higher rates of absenteeism and disengagement from remote learning than non-disabled students and, post-lockdowns, have returned to school at lower rates.

**Key Finding 2: The pivot to remote and flexible learning narrowed the digital divide for some students**

VCOSS has long been concerned about the impact of digital exclusion on student learning and wellbeing. A laptop and device for internet access are a student's 'tools of the trade' at home and at school. Without them, the learning experience is compromised – students are unable to complete homework or participate fully in the curriculum.

The pivot to online learning brought this long-standing issue to the fore. In Victoria, the rapid deployment of laptops, SIM cards and dongles by the state's Department of Education provided thousands of students with access to home internet for the very first time, including students with disabilities.

VCOSS notes that this was a complex logistical exercise, deployed at speed with good intentions. Not everyone who needed a device received one in the initial rollout. Some who did were unable to use the technology. For example, VCOSS heard of instances where students with disabilities required 1:1 assistance to use a device but parents/carers did not have the digital skills to do so, or could not help because of their own work commitments.

Community sector organisations were able to elevate concerns these concerns to Victorian authorities, and subsequently:

- The Victorian Department of Jobs, Precincts and Regions funded the sector to establish some time-limited digital connector roles and virtual parent coach roles through a COVID-19 job creation initiative known as 'Working for Victoria'. Families with disabilities were amongst those prioritised for support.
- The Victorian Department of Education engaged the NDIA and authorities reached agreement that students on NDIS plans could access in-home disability supports during school hours.

For some students with disabilities, these digital inclusion measures were a 'silver lining' of the first year of the pandemic.



## Challenging experiences

### Key Finding 3: The right to an inclusive education was tested and found wanting

Every student with disability has the right to access high-quality, inclusive, and engaging school education. This is a right protected under the *United Nations Convention on the Rights of Persons with Disabilities*, to which Australia is a signatory, and other international, Commonwealth, and state and territory human rights instruments – including the *Disability Discrimination Act 1992 (Cth)* and the *Disability Standards for Education 2005 (Cth)*.

The *Disability Standards for Education* specifically include standards for the provision of reasonable adjustments and student support services. However, as noted earlier in this submission, successive reviews have highlighted limits to their practical use and power – and the pandemic has only served to magnify their shortcomings.

Victorian advocates said they believed some schools thought the public health emergency completely waived their obligation to provide differentiated learning.

VCOSS notes that:

- Similar concerns were aired in submissions to the *Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disabilities Emergency Planning and Response Issues Paper*.<sup>1</sup>
- In a separate issues paper on disability inclusive emergency management commissioned by VCOSS and the Disability Advocacy Resource Unit in late 2020, the University of Sydney's Centre for Disability Research and Policy found that, compared with other groups, people with disabilities tended to be an '*afterthought*' across all levels of government and across diverse areas of policy making and resource provision in the initial response to COVID-19.<sup>2</sup>

<sup>1</sup> Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disabilities (2021), [Overview of responses to the Emergency planning and response Issues paper](#), accessed 4 April 2023

<sup>2</sup> Villeneuve, M. (2020). [Clearing a path to full inclusion of people with disability in emergency management policy and practice in Australia](#). Centre for Disability Research and Policy. The University of Sydney, NSW for the Disability Advocacy Resource Unit and the Victorian Council of Social Service.

VCOSS members acknowledge the significant pressure experienced by public health officials, education officials and school staff. Nonetheless, concern was expressed that the rights of disabled school students appeared to be relegated as Australian governments moved at pace to contain a public health crisis and pivot entire school systems to remote and flexible learning.

VCOSS notes:

- This review provides an opportunity to more strongly embed disability inclusion in national planning for future emergencies.
- This review should also serve as an impetus for the Commonwealth to fully implement recommended improvements to the *Disability Standards for Education*, identified in the 2020 review. VCOSS has previously submitted to the Commonwealth that, nationally, the practical use and powers of the Standards are limited by:
  - Their broad and flexible nature, which leaves them open to wide interpretation by providers, through complaints processes and in legal proceedings.
  - Inconsistent application across providers and settings.
  - A lack of funding and resources to implement reasonable adjustments.
  - Poor accountability measures.
  - Reliance on a complaints-based system to drive change and achieve compliance.

#### **Key Finding 4: The provision of adjustments and differentiated learning was patchy**

VCOSS members told us some schools did not effectively adapt education provision for students with disabilities during periods of online learning. We heard particular concerns about the experiences of Deaf students who use Auslan, students who are on the Autism spectrum, and students with complex communication needs (for example, non-verbal students and students who use communication devices).

In mainstream schools, which are attended by 89 per cent of Australian students with disabilities<sup>3</sup>, we heard that the provision of adjustments and differentiated learning was inconsistent across the system.

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<sup>3</sup> AIHW, [People with disability in Australia, Engagement in education](#), Accessed 15 March 2023

Engagement with education support staff was highly variable and some parents felt uninformed and unsupported. Where students had Individual Education Plans, these were often ignored or unaltered during the pandemic.<sup>4</sup>

We also heard that specialist schools offered limited curriculum-based education activities.

Our members expressed concern that during periods of remote and flexible learning, students with disabilities fell further behind and missed out on more learning than their non-disabled peers, exacerbating long-standing<sup>5</sup> educational inequalities.<sup>6</sup>

Those who commenced their schooling during the pandemic were at a particular disadvantage. Many young children with disabilities or developmental delays weren't properly diagnosed or assisted during the COVID lockdowns as the pandemic disrupted access to services. Children and families are now presenting to school (and other service systems) with increasingly complex needs. The proportion of children with disabilities formally requiring special assistance or extra assessments has grown markedly since 2018.<sup>7</sup>

### **Key Finding 5: Universal wellbeing supports were not universally accessed in the first few years of the pandemic**

In 2020, the first year of the pandemic, the Victorian Government ramped up its investment in school psychologists and other wellbeing resources. The following year, it committed \$217.8 million over four years to support student mental health and wellbeing and \$87 million ongoing to create a Schools Mental Health Fund, following the release of the *Royal Commission into Victoria's Mental Health System* final report.

While these new resources have been welcomed, we heard that some students with disabilities fell through the gaps and missed out in the first few years of the pandemic.

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<sup>4</sup> YDAS COVID-19 Working Group, [Disability in the time of COVID-19](#), p.17, Accessed 21 March 2023

<sup>5</sup> Although there has been incremental improvement, successive Australian Bureau of Statistics surveys show people with disability are more likely to leave school at younger ages and to have a lower level of educational attainment compared with the general population. See, for example, <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/education-and-skills/educational-attainment>

<sup>6</sup> People with disability Australia, [Pandemic Project: Final report](#), p.24, Accessed 15 March 2023

<sup>7</sup> Australian Government, *2021 Australian Early Development Census National Report, 2022*, p 72.

Advocates told us that, in some cases, this was because students and families were not aware these supports were available to them. They expressed concern about this access barrier, given that:

- There is extensive research that shows Australians with a disability have a higher prevalence of mental ill-health compared with the general population.
- Children and young people with disability *self-report* higher levels of concerns about their mental health compared with their peers.<sup>8</sup>
- The pandemic heightened the risk of psychological distress for students with disabilities, because of disruptions to routine; challenges studying in home environments not conducive to their learning; and inability to connect in the same way with formal and informal supports (because NDIS supports were suspended or otherwise disrupted, there was reduced or changed access to universal supports, and students experienced isolation from peer and extended family networks).

VCOSS also notes that the reach and impact of new investments in student wellbeing were constrained by national skills and labour shortages in medical, allied health and community services. These issues have been canvassed by the sector, and by state and territory governments, with the Commonwealth Government across a range of policy forums, including at the 2022 Jobs and Skills Summit. Workforce shortages remain an ongoing concern, requiring Commonwealth action alongside the efforts of state and territory governments to attract, recruit and retain staff.

### **Key Finding 6: The NDIS plans of school-aged participants came under significant pressure**

As described earlier in this submission, the NDIA provided approval for students with NDIS plans to access in-home disability supports during school hours. This was a crucial development for families struggling to support remote and flexible learning.

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<sup>8</sup> Hall, S., Fildes, J., Liyanarachchi, D., Plummer, J. and Reynolds, M. (2020) *Young, Willing and Able - Youth Survey Disability Report 2019*. Mission Australia: Sydney, NSW.

VCOSS notes that, whilst families welcomed the NDIA's clarification that NDIS plans could be used for this purpose, in many ways these were 'forced choices' for families given that:

- Students with disability were largely excluded from accessing onsite learning unless they were connected to a specialist school setting. VCOSS members report that students who utilised onsite learning during lockdowns often only did so after extensive advocacy.
- Schools could not deploy education support staff into students' homes.

One of the unintended impacts of this policy option was that it significantly reduced families' capacity to purchase other vital developmental supports identified in their child's plan – although VCOSS notes that, for some families/carers, this was a moot point as they could not access NDIS workers when needed, because of workforce shortages during COVID-19.

#### **Key Finding 7: Barriers to accessing onsite learning added to the strain**

Periods of remote and flexible learning were challenging for almost everyone, but – as described on the preceding pages of this submission – VCOSS members highlighted unique pressures on parents/carers of students with disabilities when schools did not provide differentiated learning and individualised supports (Key Finding 4), when students with disabilities fell through the gaps for universal wellbeing supports (Key Finding 5), and when access to non-school formal and informal supports was disrupted. Many parents/carers had to step into the breach and provide their children with intensive one-on-one support<sup>9</sup> which resulted in some having to forgo their jobs or reduce their paid working hours.

Advocates reflected that access to on-site supervision at school could have significantly alleviated the strain for some students, parents and carers. However, access for students with disabilities was highly variable. VCOSS members noted inconsistent approaches across specialist and mainstream settings, as well as variation in how individual schools interpreted and implemented the public health directives at any given time.

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<sup>9</sup> Brotherhood of St Laurence, [Voices from the COVID-19 Frontline Report](#), p.42, Accessed 15 March 2023

Given the over-representation of children and young people with disability in Child Protection and Out-of-Home Care, we also heard that some families were concerned that they would need to label their child or family as 'vulnerable' to unlock access to onsite learning. This unwittingly created another access barrier for families with disability.

**Key Finding 8: Some schools kept disability advocacy organisations at a distance and failed to leverage their value.**

It's important that families have a direct relationship with their children's school, but sometimes parents and carers of students with disabilities require support from disability advocacy organisations to clarify rights and responsibilities – or to assert them. This is especially the case in a global pandemic, when information is in flux and systems are under strain.

VCOSS members told us that families were turning to their organisations for advice and assistance because they found communication and decision-making by schools to be confusing, inconsistent or contradictory, and did not feel able to raise or resolve issues directly with the school without an advocate's support.

However, advocacy organisations sometimes found it difficult to engage and build working relationships with schools. Instead of leveraging advocates to help students and families/carers navigate information in a dynamic environment, we heard that some schools engaged in 'gatekeeping', holding advocates at bay.

## Key Findings: The long-tail impacts of COVID-19 on face-to-face learning

### Positive experiences

#### **Key Finding 9: The inextricable link between wellbeing and learning has come into sharper focus**

The transition back to onsite learning has been highly variable for students, including students with disabilities. However, wherever students sit on the continuum of experience – all had their learning and social and emotional development impacted in some way by the COVID-19 pandemic.

Preceding sections of this submission have made reference to Victorian Government investments in school-based mental health and wellbeing programs. These investments include the establishment of mental health practitioners in schools and the development of a School Mental Health Menu from which schools can purchase evidence-based programs and initiatives across three tiers of intervention (whole-school mental health promotion, early intervention and cohort-specific support, and targeted/individualised support).

VCOSS heard examples of school/community sector partnerships that have helped to restore peer connections, foster a sense of belonging or otherwise improve wellbeing as resumption of onsite learning resumed.

For example, Good Shepherd Australia New Zealand described how the use of creative therapies (such as art or pet therapy) has been successful in re-engaging students to learn with other students and get through a whole day at school.

This is a living example of the Victorian Department of Education's 'Framework for Improving Students Outcomes' policy ('FISO 2.0) in action.

## Challenging experiences

### **Key Finding 10: Some students are struggling to re-engage and some have not returned at all**

The preceding section of this submission described a range of learning and wellbeing challenges experienced by students with disabilities during the period of remote and flexible learning.

While the resumption of onsite learning has restored school-based supports and coincided with improved access to other community-based supports, not all students have 'bounced back'.

VCOSS members report greater prevalence of anxiety, impacting students' ability to engage and learn. For example, Deaf Victoria told us that for some Deaf students who were the only Auslan users at home, being unable to communicate in Auslan increased their sense of isolation during lockdowns and this continues to impact their confidence to use Auslan. Good Shepherd Australia New Zealand described concerns about self-harm amongst students as young as Grade 2.

We also heard that some students who enjoyed the flexibility of online learning have struggled to adjust back to old routines and structures with the resumption of face-to-face learning.

These experiences have given rise to:

- An increase in challenging behaviours, which is resulting in:
  - Increased rates of school refusal (also referred to as "school can't").
  - Greater reports of formal and informal exclusion, including expulsions and suspensions. For example, in 2022 the Association for Children with Disability experienced a 175% increase in calls about informal exclusion from school, a 116% increase in calls about suspensions and a 360% increase in calls about expulsions compared with 2019. VCOSS heard reports of children as young as six being excluded from school.



- Advocacy from students and families/carers for schools to be more flexible and to integrate the best elements of online learning with onsite provision. For example, on a statewide listening tour that VCROSS is running across Victoria, when we asked young people how they are feeling three years into the pandemic, we heard things like:

*“I am neurodivergent and it was much easier for me to learn during the lockdowns. Now that the lockdowns are over, all the [flexible] accommodations made for me are gone. The teachers tell me that I should be able to manage because I managed online.”*

- Increased inquiries and enrolments at flexible learning organisations and special assistance schools – such as Melbourne City Mission’s Hester Hornbrook Academy and the Brotherhood of St Laurence’s David Scott School, which have a teacher and youth worker in every classroom and capacity to provide more flexible and individualised support.
- Some community service organisations also report they have seen an increase in families deciding to homeschool their children because parents/carers do not feel schools are able to provide appropriately supportive options.
- Increased early school leaving. We heard that some students who were ‘in and out’ of school prior to the pandemic, but on a positive pathway back to education, have once again disengaged. Hard-won gains had been lost, as some of these students did not log in at all during lockdowns and have not returned.

## Recommendations

### Recommendation 1:

The Commonwealth Government should fix gaps and weaknesses in Commonwealth legislation, policies and other frameworks that are intended to support or enable inclusive education.

As a starting point:

- The Commonwealth Government should consult with people with disability, families, carers, advocates, human rights experts and lawyers to inform the development of a stronger *Disability Discrimination Act (Cth)*
- The Commonwealth Government should commit to a timeline and process to fully implement all recommendations from the 2020 review of the *Disability Standards for Education*.

### Recommendation 2:

The current National School Reform Agreement will conclude on 31 December 2024. The Commonwealth Government should identify students with disabilities as a priority cohort and work collaboratively with state and territory governments to ensure the next NRSA – and the associated Bilateral Agreements – will drive tangible improvements in learning and wellbeing outcomes for all Australian students with disabilities.

### Recommendation 3:

The Commonwealth should work cooperatively with the relevant state and territory governments to fix interface issues between the NDIS and the education system (as well as other interfacing systems) as part of the NDIS Review. This collaborative work should actively engage students with disabilities, families/carers, disability advocates and those working in the different sectors/systems to identify issues, develop solutions and design reform implementation so that students can fully participate in education (and other areas of community life) on the same basis as their peers.

**Recommendation 4:**

The Commonwealth Government should invest in data and research to track short- and long-term outcomes for students with disabilities post-pandemic, and apply these insights to policy development and investment decisions that help students with disabilities to attain or recover the knowledge, skills and supports they missed during the pandemic emergency.

**Recommendation 5:**

The Commonwealth Government should apply insights from this Department of Education review, the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disabilities, and other independent reviews of emergency events to more strongly embed disability inclusion in national planning for future emergencies.

**Recommendation 6:**

Disability advocacy is a key safeguard for inclusive education (and disability rights more broadly). The Commonwealth, State and Territory governments should make an ongoing commitment to a National Disability Advocacy Program and equivalent state and territory programs (e.g. in Victoria, the Victorian Disability Advocacy Program), and ensure all levels of the program are adequately funded to meet demand.



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