



Deaf Victoria Submission

Disability Standards for Education review, October 2020

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Background

Deaf Victoria, established in 1982, has conducted a number of systemic advocacy campaigns and provided individual advocacy services to Deaf consumers for whom Auslan is a first language for almost 40 years. In recent times, our reach has also included those who identify as hard of hearing. Deaf Victoria is the only remaining active and funded state-based advocacy organisation for Deaf and hard of hearing people in Australia. Our board is majority Deaf/hard of hearing led and all but one of our paid staff members have a lived experience of deafness.

Deaf Victoria is funded by the Victorian Department of Health and Human Services to provide individual advocacy support for Deaf and hard of hearing Victorians.

Our core business is to ensure access and inclusion in mainstream services across Victoria for Deaf and hard of hearing people. In addition to individual capacity building and advocacy, the organisation works with government and private providers to increase access to services and to educate the wider community on how to interact with and serve Deaf and hard of hearing people community members.

Current projects underway span areas such as: The Disability Royal Commission, Access to Interpreters in Hospitals and training programs to build individual capacity in relation to advocacy. Funding for these projects comes from a number of state and federal agencies.

At an advisory level, Deaf Victoria also represents Deaf and hard of hearing interests in various state government settings and works with other disability groups and our peak organisation, Deaf Australia to ensure those we represent are able to participate on equal footing in society and fully activate their citizenship with pride.

Our vision is:

Deaf and hard of hearing people experience equality, opportunity and connection, and are valued for their unique contributions towards a diverse society.



Deaf and hard of hearing Community

According to the Listen Hear report, one in six Australians has some degree of hearing loss and this is expected to increase to one in four by 2050 (Listen Hear: the economic impact and cost of hearing loss, Access Economics, 2006).

Many Deaf and hard of hearing people view themselves as part of a cultural and linguistic minority group. Auslan (Australian Sign Language) is the language of Australia's Deaf community with many Deaf and hard of hearing people using Auslan as their first and primary language for everyday communication. Auslan was recognised as an Australian Community Language in 1991 (Dawkins, Australia's Language: The Australian Language and Literacy Policy). The 2016 census recorded that there are 3,130 Auslan users who live in Victoria (Australian Bureau of Statistics, 2017).

However, approximately 95 percent of children with hearing loss are born to parents with normal hearing (Listen Hear: the economic impact and cost of hearing loss, Access Economics, 2006). This means that many Deaf and hard of hearing children are growing up in households without a native language user of what is or will become, their primary language. This can result in these children presenting to early education with language skills far below those of their hearing peers. Deaf and hard of hearing people often present with lower literacy levels upon completing secondary education compared to the wider community (Napier & Kidd, 2013). If this is compounded by poor access supports such as: lack of NAATI (National Accreditation Authority for Translators and Interpreters) credentialed Auslan/English Interpreters; Teachers of the Deaf *fluent* in Auslan; bilingual English and Auslan school environments and age appropriate Auslan language models- educational outcomes will suffer. These deficits compound through primary, secondary and tertiary education and can result in not just poor education and employment outcomes, but reduced health, financial or citizenship literacy.

Deaf and hard of hearing students in educational settings from pre-school through to tertiary education are still struggling everyday with barriers to full access and participation which impact their ability to learn. For the most part, the Deaf Community has not seen the kind of reform and improvement that should be expected after 15 years of the *Disability Standards for Education*.

The responses contained in this submission are the amalgamation of consultations and interviews with Deaf and hard of hearing students, parents, Deaf and hard of hearing teachers and educators, Auslan/English Interpreters and the Deaf Victoria Education sub-committee. Much of the information contained herein is directly from individuals who have sought advocacy support from Deaf Victoria for either themselves or their children.

To contextualise the information to follow, some common supports or reasonable adjustments requested by Deaf and hard of hearing students are:

- Auslan/English Interpreters- in person or via video



- Tactile Auslan/English Interpreters (for those who are Deafblind) - this type of interpreting can only be performed in person
- Live captions or the use of a speech to text app such as Google Live Transcribe
- Note taking
- Captioning on video materials
- Information in alternative formats such as in plain English (or another language)
- Auslan Interpreters or Clarifiers in exams
- Removal of face masks or use of clear masks for students who prefer to lipread*

*The removal of facemasks when communicating with deaf and hard of hearing people has been approved by the Victorian Department of Health and Human Services if other accommodations are not available and where a safe distance can be maintained. [More information available on the DHHS website.](#)

The experiences of accessing and participating in education for Deaf and hard of hearing students (and parents)

Enrolment and access:

- Accessible information (i.e. videos with captions; in Auslan) about enrolment, courses on offer or the educational institute is not consistent
- Staff who interact with Deaf and hard of hearing students usually have no or little knowledge about how to communicate or interact and support in a respectful way. This can lead to students disengaging with an institution before enrolment even commences
- Most educational institutes are not proactive in providing access supports or have clear and consistent systems for students to declare and discuss their needs

Participation:

- Deaf and hard of hearing students often report that their participation in not just classes but also extra-curricular activities such as excursions, camps and sport can be limited due to lack of adequate access support.
- Provision of curriculum materials in accessible formats (i.e. videos with accurate, not auto generated captions) is not widespread in most educational institutions.
- Educational incursions such as school concerts or social events are often not accessible with live captions or Auslan Interpreting.
- Deaf and hard of hearing students (particularly children) are not always included in consultations about their needs and adjustments or supports required. Examples of this include a student at a secondary school wanting to complain about the lack of skill of the appointed Interpreter *through* this interpreter. The decision to re-employ this interpreter subsequently was in direct contradiction to the student's wishes.

Supporting students:

- Deaf and hard of hearing adult students report that there is an additional burden on them to fight for access needs and self-advocate throughout their studies



- Younger students are often not included in the decision making process in terms of what support they will receive and these decisions are often made by people who lack the linguistic and cultural competency skills to adequately make recommendations on appropriate access supports. There is rarely capacity building activities to model how the student can request what they require.

- Compliance:

- Deaf and hard of hearing students or their parents experience a number of barriers to seeking compliance with the standards such as:
 1. They often do not realise that the supports being provided (or not provided) are not adequate. There is often even a lack of understanding by educational providers when they are not in compliance with the standards.
 2. If they are aware that the supports are inadequate, they usually do not know where to complain, or complain only directly to the classroom teacher, principal, lecturer or Disability Liaison Officer. How to escalate the complaint of the relevant body to lodge a complaint with are rarely known.
 3. Students, parents or support people can be fearful that making a complaint or even raising an issue could result in further discrimination or unfair treatment.
- Due to the lack of specificity in both the Standards and the Guidance Notes, making an assessment- particularly for parents or students- that a breach in compliance has occurred is extremely difficult.

- Transition:

- When transitioning in particular from secondary school to further education, Deaf and hard of hearing students are often ill-equipped to advocate on their own behalf for their access needs as they have never had to do this previously. It is vital for disability support services within tertiary institutions to be proactive with access support offerings and have clear and easy to navigate processes.
- Career counselling is often provided by staff with limited knowledge or misconceptions about Deaf and hard of hearing people and therefore this service can be compromised.

- COVID-19:

- Many Deaf and hard of hearing students experienced additional barriers to inclusion and participation during COVID-19 such as: the inability to see Auslan Interpreters clearly on video calls; increased difficulty in lipreading teachers and classmates via video conferencing; the use of face masks dramatically impacting on the ability to see facial expressions and lips; educational staff not willing to follow exemptions to mask wearing for Deaf and hard of hearing students as allowed by the Victorian DHHS.
- Parents who are Deaf or hard of hearing themselves not being able to access learning content to support their children in home learning.

Discussion paper questions and responses

1. Are the **rights, obligations and measures of compliance** set out in the Standards (and its Guidance Notes) **clear and appropriate**?

No. There is little clear guidance as to who is responsible for determining an adjustment as reasonable. Often these decisions are made by teachers or parents with little knowledge about Auslan or the cultural and educational needs of Deaf and hard of hearing children. Given the lack of detail in these standards and Guidance Notes, it can be difficult for all involved to know what is indeed reasonable.

Example: A Deaf high school student who communicates and receives information exclusively in Auslan receives access to an Auslan Interpreter for only three hours a day. Is it reasonable for a student to have access to only half of the content on any given school day?

Example: A Deaf primary school student who uses Auslan as their primary language and communicates with Deaf parents at home is provided with support from a “communication aide”. This aide does not hold NAATI credentials however is employed to provide interpreting support during classes. The student’s Auslan skills are superior to their “communication aide” and the student by default becomes the language model and teacher to their own support staff. Who makes the decision that a person without Auslan fluency or an Interpreting accreditation is a reasonable adjustment?

2. Do students, families and carers, educators, education providers and policy makers **know about, understand, apply and comply with** the rights, obligations and measures of compliance in the Standards?

No. Unless you work in the disability sector, it is unlikely you have heard of the Standards. Many parents of Deaf or hard of hearing children are not aware that their child is entitled to support such as credentialed Auslan/English Interpreters. This is in part due to the high proportion of children with hearing loss born to parents with normal hearing, meaning they may not be culturally competent or fluent in Auslan themselves.

Example: In many k-12 educational settings, uncredentialed “interpreters” are used to provide interpreting services as there is no mandate to only hire NAATI credentialed Auslan/English Interpreters in these settings nor are there in most states pay scales and award classifications that provide for this.

Example: A Teacher of the Deaf with little to no Auslan skills is assigned to work with a Deaf student whose primary language is Auslan. No Auslan Interpreter is provided as the ToD is employed to provide specialist or access support. However, they cannot effectively communicate with the student.

Short of parents taking legal action against the Department of Education, there are little to no consequences for educational institutions who employ support staff without the relevant skills or qualifications. On the other hand, for educational institutions (particularly k-12) who want to fill these positions with highly qualified professionals, they are unable to offer competitive employment conditions due to the lack of award classification and appropriate remuneration scales. Complying with the standards therefore is an issue both in terms of desirability and feasibility.

3. In the 15 years since the Standards were developed, **have the Standards contributed towards students with disability being able to access education and training opportunities** on the same basis as students without disabilities?

Not on a wide scale. There exist some educational institutions or individual educators who are proactive and responsive to the needs of Deaf and hard of hearing students, but the vast majority of our clients and community still report significant barriers to participation. Good educational experiences for Deaf and hard of hearing people rely on the good will or awareness level of individuals rather than robust processes coupled with consequences for non-compliance. Barriers persist in terms of attitudes, lack of understanding or cultural competency and at times outright refusal to provide the required access support. This reluctance to provide support is often put down to a lack of funding or, particularly in regional or remote areas, a claim that the skilled workers or supports required are not available in this area despite often little attempt to source these supports.

Example: Secondary students reporting that in choosing elective subjects, Deaf Auslan users were grouped together and denied the opportunity to enrol in the subjects of their choosing due to not enough Auslan Interpreters to “go around”.

Example: A hard of hearing student at a tertiary institution being told that they will not be able to participate in online learning like other students as the online materials are not available with captions. Instead, they will need to attend onsite classes to receive the notes from a notetaker.

Example: A hard of hearing student must wait weeks to have captions added to videos already shown in class and therefore receives less time to study materials than classmates. The student was told it would be “impossible” to have the lecturer provide these resources to the captioning company in advance (even though this had been done by other lecturers in previous years).

In all of these instances Deaf and hard of hearing students have not had the same opportunity as their peers to “*access education and training opportunities on the same basis as students without disabilities*”.

Recommendations

1. Provide more directive guidance on the implementation of these standards with reference to specific disabilities and supports required for Deaf and hard of hearing students- many of these have already been mentioned throughout this submission.
2. Add more specific Deaf and hard of hearing examples to the Exemplars of Practice and include reference to NAATI certified Auslan/English Interpreters.
3. Work collaboratively with Deaf organisations to provide culturally appropriate, accessible practical resources to assist in understanding of the standards and the mechanisms for complaint and dispute resolution. Having videos by Auslan Interpreters is not enough. Peer to peer education in the Deaf Community is far more effective.
4. Employ people with disabilities such as culturally Deaf Auslan users to lead elements of community education and engagement, dispute resolution and complaint support and processing.



5. Include more specific examples of how a rights-based approach is applied to inclusion, participation and decision making in the educational context and increased transparency in relation to the complaints process and the penalties for non-compliance.

In closing, it would be Deaf Victoria's position that the broad themes identified in the 2010 and 2015 Reviews of the Standards: awareness raising; clarity, understanding and capability; complaints and; accountability and compliance remain. Although worthwhile and noble, the aim of these standards to improve access to education for people with disabilities has over a number of years fallen short for Deaf and hard of hearing people.

Further information on this submission can be obtained by contacting Maxine Buxton, General Manager- Deaf Victoria. manager@deafvictoria.org.au 0419 586 979.