

25th September, 2020

2020 Review of the Disability Standards for Education 2005

Submission made on behalf of the National Outside School Hours Services Alliance (NOSHSA)

About NOSHSA

The National Outside School Hours Services Alliance (NOSHSA) is a network of all Australian State and Territory Out of School Hours Services (OSHC) Associations. These organisations promote provision of Out of School Hours Services and act as a united voice to advocate both to Government and the community for excellence in service provision.

Out of School Hours Services (OSHC) are a vital and important part of many children's lives in Australia today. We believe that access to a quality OSHC service has the capacity to enrich children's lives, support families and build community.

NOSHSA through the combined memberships of our state and territory associations currently represent over 3500 Australian OSHC services.

As an organisation our work is underpinned by a deep philosophical commitment to the United Nations Convention on the Rights of the Child (UNCRC). In particular, Article 31 (The child's right to play and leisure opportunities) and Article 12 (The child's right to express an opinion and have that opinion considered).

NOSHSA understands that Early childhood education and care provides the foundation for children to learn and develop in a safe environment while also having the opportunity to socialise with other children. In addition to benefiting the child's development, early childhood education and care also supports working families to return to work. This is particularly relevant to participation in Outside School Hours Care.

NOSHSA take the opportunity to respond to the questions for early childhood educators and providers.

Admission and access

Children with disabilities are encouraged to have access to Outside School Hours Care. However, there are many unique contexts that impact a service's capacity to include children with disabilities in the OSHC environment. The enrolment process for children with disabilities is particularly important to ensure the service is prepared to meet the individual needs of children. This process can equip services with the necessary information to ensure they are able to effectively support a child's transition to OSHC. Often however, families withhold information about children during enrolment which has consequences for both the service and the child. The barrier to admission and access could be minimized with improved support for families as they navigate the enrolment process.

Participation

The Outside School Hours Care sector need additional support to facilitate the participation of children with disabilities into their services and programs. The Inclusion Support Program (ISP) does not reach the OSHC sector in the same way as it does early childhood services due to the design of the guidelines better targeting a long day care environment and context. Unfortunately the ISP guidelines and application process has been considerably disadvantaging for OSHC and there has been no reduction in barriers as a result of these restrictive guidelines and complicated application process.

The definition of inclusion under the ISP is problematic as inclusion is only supported in 'mainstream' education settings. Children with disabilities that attend special schools do not have the same access or equal opportunity to access OSHC as providers cannot access ISP funding when all (or the majority) of the children attending have disabilities. This results in higher costs of care which may be unaffordable for some families.

Reasonable adjustments to the environment can be difficult for OSHC services as they do not own the facilities that they operate from and are subject to a lease agreement with the school as the landlord. The sharing of spaces and facilities can be problematic due to the time required for an OSHC provider to set up the space for program overlapping the time the space and facilities are still required to be used by the school. Often schools do have specific spaces for children with disabilities to access during the school day for example quiet spaces with soft furnishings for children with sensory related disabilities who can become overwhelmed by noisy and busy environments. Unfortunately these spaces are typically not made available to the OSHC provider. Access to these spaces would be a significant advantage for children and OSHC providers.

The strategic inclusion plan is too broad and generic to adequately support services to identify what reasonable adjustments they need to make to their programs and curriculum for individual children. In saying this, services work in partnership with families to plan the supports, however the limited access to resources often makes participation more difficult.

NOSHSAs recommend a review of these guidelines to improve accessibility of the program for the OSHC sector.

Supporting children

OSHC providers offer significant support to children with disabilities, often at their own expense e.g. employing additional educators or modifying environments. This is due to the problematic ISP guidelines not meeting the genuine needs of services so they may identify and apply reasonable adjustments to enable participation with financial support.

Support for children with disabilities in OSHC should be planned holistically taking into account the experiences of families, the school and the service as well as other specialist support professionals. To implement the disability standards with fidelity, the sector would need investment and support to coordinate a holistic approach to planning.

Compliance

Services have ongoing concerns about allegations of discrimination should they not be able to meet family's requests for care though the vast majority of services want to provide high quality inclusive environments for children with disabilities. The application of unjustifiable hardship in the Disability Discrimination Act is not well understood within the OSHC sector.

Challenges with compliance arise when the standards for education settings (schools) are significantly different than those for an OSHC service hosted by a school as the Education and Care Services National Law Act (2010) and Regulations (2011) only apply to the OSHC service. This creates tension between schools and services that is often difficult to negotiate.

Transition

The best practice would be for the service to work with the school, the family, specialists and the early childhood service in planning children's transition to school and OSHC. Unfortunately, OSHC is frequently excluded from these conversations and families are sometimes reluctant to share information about the supports their child may require. This is more frequent for children who are yet to be diagnosed.

Aboriginal and Torres Strait Islander children with disability

The OSHC sector have been working to improve cultural competency for engaging with Aboriginal and Torres Strait Islander children and families though these children and families are likely under-represented in the sector. Support to build cultural competency within the sector would be welcome.

Specific experiences

Access and participation in OSHC for children with disability may be affected by other circumstances such as their or their parent or carer's age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin or race, and culturally and linguistically diverse background. The sector would welcome support to understand the impacts of other circumstances and to develop competence and confidence to better support complex needs of families.

COVID-19

COVID-19 has particularly impacted children with disability being able to access OSHC given the often increased health vulnerabilities they experience. However during period of COVID 19 lockdown when fewer children attended school and OSHC, the sector reported an increase to their capacity to meet the needs of children with disabilities. This was often due to the reduced overall attendances meaning that OSHC was a less busy and calmer environment generally. Most services had additional staff hours during lockdown while able to access JobKeeper which improved the ratios enabling educators to develop stronger, supportive and more responsive relationships with children. Reasonable adjustments were also easier to make with the improved ratios and few competing demands in the care environment.

Disability Discrimination Act 1992 (DDA)

The majority of services would have some awareness of the Disability Discrimination Act 1992 through their service's policies and procedures though educators may not have a full appreciation of what the DDA does. There would be limited access to specific training on the DDA across the sector resulting in educators having a limited understanding of their obligations. The sector would welcome training and support to develop their understanding and confidence to meet their obligations and to negotiate and implement reasonable adjustments.

NOSHSAs are supportive of the Disability Standards for Education 2005 extending application to the OSHC sector within the National Quality Framework and its components including the National Quality Standard. However, for this to be effective and achieve the intended outcomes for children with disabilities, the sector would need additional resourcing and support that includes:

1. Review of the ISP and guidelines to enable the OSHC sector to successfully adopt and work within the Disability Standards;
2. Additional training and resources for educators to understand their obligations under the DDA and to be upskilled in making and implementing reasonable adjustments;
3. Improved alignment between school and OSHC expectations and requirements regarding facilities, infrastructure and programs;
4. The coordination of multi-disciplinary teams inclusive of the OSHC service to plan together to support the individual needs of children with disabilities.

NOSHSAs appreciate the opportunity to contribute to this review of the Disability Standards for Education 2005.

Yours sincerely



Kylie Brannelly
Chairperson
National Outside School Hours Services Alliance
0432 808 620
