

**IEU RESPONSE**  
**TO**  
**DISCUSSION PAPER**

**Disability Discrimination Act**  
**Disability Standards in Education**

**July 1997**

## **A. THE NON-GOVERNMENT EDUCATION SECTOR AND THE ROLE OF THE UNION**

- 1.1 The Independent Education Union of Australia appreciates the opportunity to put its views concerning the desirability and feasibility of developing education standards for the Disability Discrimination Act.
- 1.2 The IEU is the federally registered organisation which represents the industrial and professional interests of teachers, trainers and support staff in all non-government education institutions across Australia. This includes early childhood centres, schools and post secondary private training and ELICOS institutions. It has a current membership of approximately 44,000 members nationally.
- 1.3 There are 54 special schools in the non-government sector nationally and 765 teaching and support staff work within these schools. Students with disabilities also attend mainstream non-government schools, and the state and territory branches of the union have developed policy to support the successful integration of these students into the educational programs and social life of the school.
- 1.4 At both the national and state/territory levels, the IEU has lobbied governments and schooling authorities for increased levels of funding and resources for special education services.
- 1.5 The IEU strongly supports the existence of a legislative framework under the auspices of the Human Rights and Equal Opportunity Commission, the objectives of which are to eliminate discrimination against people on the grounds of disability and to ensure that people with disabilities have the same rights before the law as the rest of the community.
- 1.6 The IEU supports the development of education standards for the DDA and believes that this task should be proceeded with as soon as possible. There should be a process inviting input and consultation from education and community stakeholders on what constitute the standards and it should occur within a timeframe which gives confidence to all parties concerned that the rights and obligations as set out in the DDA are clarified and strengthened within a reasonable time.

## **B. DISCUSSION PAPER**

The following points are made in response to questions posed in the discussion paper.

1. *The DDA defines an educational authority as “a body or person administering an educational institution” and defines educational institution as “a school, college university or other institution at which education and training is provided”. Do these definitions need to be explained further ?*

The IEU believes that the definition should be strengthened to cover early childhood education including pre-school, transition, kindergarten etc (different states have different nomenclatures). It should also include the private training context which might take place within an autonomous institution or college or may be within the operations of an enterprise, such as BHP or Coles Myer. Disabled employees within such organisations as well as those within the education industry should have equal access to the accredited training and professional development opportunities offered by their employers to ensure their career opportunities are protected and clarified by standards in the Act and are not the subject of discriminatory practices.

2. *Should there be DDA education standards ? If yes, why ? If no, why ?*
  - 2.1 The IEU supports the development and implementation of education standards for the DDA. The union believes that such standards can clarify and make transparent the rights and obligations of parties under the DDA and can assist compliance and enforceability.
  - 2.2 The existence of such standards would assist the union to develop policy frameworks to guide its negotiations with employing authorities on such issues, to lobby funding authorities and to educate and raise the awareness of its members with regard to the requirements and applicability of the Act.
  - 2.3 The existence of standards within the Act would make clear the resourcing benchmarks required by an education authority to ensure that such standards were met. Standards would make very clear the connection between obligations under the Act and the need to provide appropriate school facilities and equipment, and appropriate access to curriculum and support services.
  - 2.4 The capacity of education authorities to lobby for appropriate levels of government funding to resource the requirements as provided by the standards should be strengthened by the existence of standards within the legislative framework. The standards will have implications for organisational and budgetary planning, and the training and professional development of staff and must therefore have a consequent impact on the implementation strategy developed in conjunction with the standards.
  - 2.5 What is clear from the above is that while the IEU strongly supports the development of education standards, issues of equal importance are the

implementation and resourcing strategies. The union has supported policies of integration but it must be said that the failure on the part of policy makers and school authorities to provide proper resource and support systems has led to increased workloads for teachers and support staff in trying to meet the legitimate educational needs of disabled students. It will be unacceptable if standards are developed and introduced in a similar way – without additional time, money and support.

3. *In what areas or sectors of education could DDA Education Standards set down in more detail the rights and responsibilities of people with a disability and education providers ?*

As set out in point 1 the IEU believes that the standards should be relevant to all educational and training contexts in both the public and private sectors. They should apply not only to access to education programs and services on a non-discriminatory basis for all but also to protect the industrial and professional rights of employees who are disabled. Disabled education employees working in schools should have equal access to the professional development and training undertaken by their colleagues.

4. *What should be included in DDA Education Standards ?*

- 4.1
- requirements regarding schools facilities and equipment. These should be based on existing effective practice.
  - access to negotiated curriculum and support services.
  - Appropriate levels of resourcing – at government, system and school levels
  - Systemic and strategic approach (rather than local and ad hoc responses) to improve education access and outcomes for students with disabilities. Review and monitoring strategies should be included.
  - Ongoing training and professional development for teachers, trainers and support staff, and access to community health services expertise such as speech therapists, psychologists, etc. This should also include information about the obligations under the Act.
  - Nationally consistent framework for the defining of disability which attracts government funding.
  - Consistent standards from early childhood to post secondary levels of education.
  - Dispute resolution procedures, with access to independent expertise.
  - Recognition of the industrial and professional interests of education workers, both able and disabled.
  - Pre-enrolment and placement procedures.
  - A partnership approach with parents.
- 4.2 It is important that the development of the standards involves a process of research of current effective practice in educational settings and consultation with the major stakeholders in the industry and the community. This consultation process must include the education unions which represent the employees who are the practitioners and who have developed considerable knowledge and expertise in the education of students with disabilities.

5. *How will industry-based and workplace training be considered ?*

As stated above, the standards should be applicable in this education setting. Consultation with key industry organisations (employers and unions) will be very important in the development of standards for this context and for the overall support of employers. It is highly likely that the issue of cost will be a significant inhibitor to employer support, and negotiation on this issue is important.

6. *What would be the benefits or advantages of DDA Education Standards ?*

6.1 Generally, this has been outlined above. The IEU believes this will provide for a systematic and systemic approach to the provision of non-discriminatory access to education and training for people with a disability.

6.1 Education Standards will give clarity in terms of both the rights and responsibilities of the parties, and provide processes for redress when these are not met.

6.2 The development of standards and of an appropriate implementation strategy has the capacity to provide for an orderly and planned approach to the resourcing of enhanced educational services over time. The inclusion of the relevant stakeholders in the consultation and development process will engage support.

7. *What would be the disadvantages of DDA Education Standards ? What kind of provisions in DDA Education Standards would be likely to increase costs ?*

The IEU believes that the introduction of education standards without appropriate resourcing will be unsatisfactory. It will simply place a burden on the providers of education and training services, or their employees, and is likely to result in a cost shifting exercise whereby resources are withdrawn from some educational programs in order to meet the standards which will be prescribed within the law.

8. *Are there other approaches such as improved promotion of the DDA, professional training and development for teaching and other staff, guidelines or increases in funding for particular services already in operation which could achieve the objectives of the DDA ?*

The union does not accept the either/or approach implied in this question. The development and implementation of education standards should occur in tandem with improved promotion of the DDA, professional training and development of education staff and improved funding for services already in existence.

9. *If there are DDA Education Standards, what should be the timeframe for implementation ?*

- 9.1 The IEU believes there should be a timeframe for development and implementation.
- 9.2 The IEU recognises that the standards may have a varying impact upon the provision of educational services. Some may require very little change to existing practice, while others may require the substantial commitment of resources, organisational changes and planning over time.
- 9.3 For this reason, the union believes that the development of the standards must go hand in hand with a policy commitment to an implementation strategy which sets out a progressive timeframe over time (perhaps 3 years) for the full implementation of the standards. The strategy should include an ongoing review process to determine progress and identify problems. The implementation strategy should be the subject of negotiation with the key stakeholders.
10. *Where there are links between educational services and other agencies in providing support and services to enable students with a disability to access and participate in education and training, how can DDA Education Standards clarify the role of non-educational service providers ?*
- 10.1 The IEU believes that the standards should be framed to encourage both education and non-education providers to take a collaborative, team approach to their work, with each recognising the value of the other's professional work and judgement.
- 10.2 In very recent years, work has been done to connect the work of schools with that of other service providers in the community (Full service schools) – health and welfare services, employment services, etc. The IEU supports such a collaborative and interconnection approach to the provision of education services.
- 10.3 The development of strategic plans to address the standards can be inclusive and take account of the work of other service professionals.
11. *How, if DDA Education Standards are developed, will information about the DDA Education Standards be communicated to service providers, especially small ones, teachers, lecturers, students and their families and care givers and industry providers ?*

The IEU believes that the consultation process on the development and implementation of standards should include advice on the development of a communication strategy. The IEU would be committed to publishing the standards to its members and to educating teachers and support staff about the implications of the standards. Similar commitments should be sought from employing authorities, parent organisations, governments, etc.