

Clearing the Roadblocks:

Promoting equitable pathways and opportunities

CYDA's 2022 election platform



Children and Young People
with Disability Australia (CYDA)
March 2022

cyda.org.au

Authorised by: Mary Sayers, Chief Executive Officer

Contact details: Children and Young People

with Disability Australia

E. marysayers@cyda.org.au

P. 03 9417 1025

W. www.cyda.org.au

Authors

Miranda Cross, Policy Officer

Dr Liz Hudson, Policy and Research Manager

Acknowledgements

Children and Young People with Disability Australia would like to acknowledge the traditional custodians of the lands on which this report has been written, reviewed and produced, whose cultures and customs have nurtured and continue to nurture this land since the Dreamtime. We pay our respects to their Elders past, present and future. This is, was and always will be Aboriginal land.

We would also like to acknowledge the important contributions of our community to our work. This platform draws on the insights and lived expertise of young people and families/caregivers who participated in our survey work, the National Youth Disability Summit 2020 and our 2021 LivedX focus group series.



Contents

Summary of recommendations	2
Introduction	5
Ensure equity in education	6
Transform to an inclusive education system	7
Make early childhood education and care the first step of an inclusive life	10
Protect the educational rights of children and young people	12
Create equity in employment and economic participation	14
Support young people to find quality and secure employment	15
Significantly reform the Disability Support Pension to ensure fair access to a financial safety net	17
Support young people to gain post-school qualifications	22
Lead equity through accountability and opportunity	24
Ensure accountability across all levels of government and defend the rights of children and young people	25
Create equity for children and young people in the NDIS by providing early support pathways and proportionate access to support	28
Protect children and young people from the developmental, social and economic scarring effects of the COVID-19 pandemic	30



Summary of recommendations



Ensure equity in education

1 Transform to an inclusive education system

Children and Young People with Disability Australia (CYDA) calls on the incoming Australian Government to:

- Develop a National Inclusive Education Plan aligned to the Australia's Disability Strategy
- Legislate for inclusive education and prevention of violence, abuse and neglect
- Ensure the Commonwealth funding model supports, incentivises, and holds states and territories accountable to deliver inclusive education and the full inclusion of all students in mainstream school settings. This is necessary to meet Australia's obligations under the United Nations (UN) Convention on the Rights of Persons with Disabilities and realise Australia's Disability Strategy.

2 Make early childhood education and care the first step of an inclusive life

CYDA joins calls by [The Parenthood](#), [Thrive by Five](#), [Every Child](#) and the [Centre for Policy Development](#) for the incoming government to ensure:

- Universal access to education and care – affordable, high quality, inclusive and easy to access
- Simplification and coordination of the currently confusing and expensive array of services and schemes
- Data are collected and shared at all levels of government to improve evidence of the range and quality of early childhood services.

3 Protect the educational rights of children and young people

CYDA urges the incoming government to fund and implement an independent oversight body to ensure that education providers – in early childhood, school, post-school and adult education settings – are meeting their legal obligations and complaints can be independently investigated, monitored and resolved.



Create equity in employment and economic participation

4 Support young people to find quality and secure employment

CYDA calls on the incoming government to invest in research and co-design to improve and streamline the current employment system. The current service system is fragmented, ineffective and pockets of good practice are being lost. While the barriers young people with disability experience entering the workforce – as both a young person and person with disability – are complex, the evidence on what is needed to secure sustainable outcomes and change, remains scarce.

5 Significantly reform the Disability Support Pension to ensure fair access to a financial safety net

The Disability Support Pension (DSP) in its current form is failing young people with disability. This can be addressed by abolishing unnecessary barriers to access. This includes removing the Program of Support and the ‘fully diagnosed, treated and stabilised condition’ requirements, reintroducing the Treating Doctor’s Report, increasing funding for advocacy and community legal services, and removing punitive compliance measures in the employment service system.

6 Support young people to gain post-school qualifications

We request that the incoming Australian Government does significantly more to support young people with disability to undertake post-school education.

To increase participation in higher education, there must be greater investment in the Higher Education Disability Support Program to at least match what is spent on average per student in the mainstream school system.

For Vocational Education and Training (VET), we recommend that the Australian Government play a leadership role in setting a minimum standard for states and territories to direct funding to educational institutions, with this support matched by Commonwealth funds.

Summary of recommendations



Lead equity through accountability and opportunity

7 Ensure accountability across all levels of government to uphold and defend the rights of children and young people

CYDA urges the incoming Australian Government to establish an Office for Children and Young People with a dedicated Minister within the Department of Prime Minister and Cabinet to ensure the rights of children and young people are promoted and upheld across government. This Office should have a strong oversight role across portfolios, ensuring each department reports on how they are supporting and including children and young people in their services and initiatives.

This Office should have a targeted focus on groups of children and young people who are especially neglected by our systems, including those with disability. It should also ensure children and young people have a seat at the table and their voice heard in designing the solutions across all the systems and services involved in their lives.

8 Create equity for children and young people in the NDIS by providing early support pathways and proportionate access to support

Without the NDIS, many children and young people's quality of life will be impacted, and they will be left without the supports they need to flourish in their education,

employment and social lives. The incoming government must guarantee ongoing and sufficient funding of the NDIS to ensure equitable life opportunities for children and young people with disability. There must also be an increased focus on supporting equitable access for new entrants to not undermine its insurance principle of investing early to enhance lifelong outcomes.

9 Protect children and young people from the developmental, social and economic scarring effects of the COVID-19 pandemic

CYDA urges the incoming government to prioritise the development of a National Children and Young People Recovery Plan to mitigate the long-term consequences of the COVID-19 crisis on their life trajectory. CYDA endorses the policy recommendations in *ARACY* and *UNICEF's collaborative Kids at the Crossroads: Evidence and Policy to Mitigate the Effects of COVID-19*¹ report. Additionally, CYDA calls for the development of a recovery plan to include a targeted focus on groups of children and young people, including those with disability, who are routinely excluded from government policy, before and during COVID-19.

Introduction

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability aged 0 to 25 years. CYDA has an extensive national membership of more than 5,000 young people with disability, families and caregivers of children with disability, and advocacy and community organisations.

Our vision is that children and young people with disability are valued and living empowered lives with equality of opportunity.

Our purpose is to ensure governments, communities, and families, are empowering children and young people with disability to fully exercise their rights and aspirations.

CYDA welcomes the opportunity to provide our 2022 election platform to inform all parties and their commitments and specific actions for children and young people with disability, who make up nearly one in 10 of all children and young people².

CYDA calls on all parties in the upcoming election commit to:

- Ensuring election commitments recognise the need for children and young people with disability to have a seat at the table, have their voice heard, and co-create the solutions with them
- Creating policy frameworks and support systems that tailor efforts specific to children and young people, and;
- Funding initiatives that will lead to vast improvements in the lives of children and young people with disability.

By investing in initiatives and strategies that will protect and empower this cohort, the incoming Australian Government can support children and young people to thrive – both now and as they transition into adulthood.

When children and young people are given equal opportunities to engage in a quality education, employment, make friends, and enjoy community life, **we all benefit – culturally, socially and economically.**



Ensure equity in education



1

Transform to an inclusive education system



Key messages

- Students with disability generally do not experience quality education on the same basis as their peers. As result, they have poorer experiences of education and education outcomes
- Research has demonstrated that inclusive education – where all students experience equitable and full participation and membership within the school community alongside their peers – has positive benefits for students with and without disability, teachers and the broader school community
- The Australian Government holds integral levers in realising an inclusive education system. Namely, by developing a National Inclusive Education Plan, introducing and amending legislation, and ensuring the Commonwealth funding model increases accountability of states and territories to provide inclusive education

Having a quality education helps set us up for life. On an individual level, quality education and educational attainment are linked with increased employment outcomes, higher wage earnings, and reduced reliance on income support as a main source of income later in life.^{3,4} The skills, attributes and knowledge we gain through getting a good education also support us to be active citizens in our community.

Students with disability do not always experience quality education on the same basis as their peers. Despite academic literature revealing there is a lack of evidence to suggest any benefit of segregated education, enrolment in special schools in Australia is increasing.⁵ For students in mainstream settings, many are separated from their peers in segregated classes and units and/or are not receiving adequate support to foster their learning and participation in their school community.⁶

“I don’t think anyone, regardless of what disability they have, should be seen the same. Teachers viewed us [students with disability] all the same and it was always negative. We weren’t given the opportunity to be individuals and for people to get to know us.” – Young person (2020)

These inequitable opportunities have consequential impacts on students’ experiences of education and educational outcomes. A 2019 national youth survey found that compared with those without disability, twice the proportion of respondents with disability reported that they were either dissatisfied or very dissatisfied with their studies.⁷ Students with disability leave school before the age of 16 at a rate nearly three times higher⁸ than that of their counterparts and are less likely to complete year 12 or attain a tertiary education, such as gaining a bachelor’s degree or higher.⁹

In contrast to the current education system, inclusive education – whereby all students experience equitable and full participation and membership within the school community – “has positive benefits for everyone”¹⁰, including students with and without disability, teachers and the broader school community. For all students, inclusive education facilitates social development, socially inclusive attitudes, improved education outcomes and communication and language development.¹¹

Achieving inclusive education “requires recognising the right of every child – without exception – to be included and adapting the environment and teaching approaches in order to ensure the valued participation of all children.”¹²

“[Inclusive education] lets us decide what we want from our education. It will do anything in its power to achieve that. It would ask me, us, disabled young people, ‘what is it doing wrong?’, and it would listen to our answers. It would act on what we have told it. It would consider me the key stakeholder, not only in my life, but the education system overall. It would like me being viewed as somebody people can learn from.” – Young person (2020)

Transformation of our education system requires the development of an endorsed 10-year National Inclusive Education Plan which outlines a strategy across the whole of the government to provide a universally accessible and fully inclusive education system with clear targets and timetables. This plan should also include the introduction of a National Inclusive Education Act, a proactive safeguard to protect educational rights that complement the existing discrimination-based legislation.

The existing *Disability Discrimination Act* is too limited in its scope to effectively ensure students from disability are protected in the education system. Our community are experiencing restrictive practices¹³ at distressingly high rates.¹⁴ There is no such thing as a low or no risk restrictive practice and the development of a strong and enforceable regulatory regime is required to prevent these harmful practices in education settings.

Further, the National Consistent Collection of Data (NCCD) is a critical tool for determining funding for educational adjustments. However, apart from in Tasmania, this funding does not

follow the student to ensure it can be used for their inclusion. There is a myriad of funding barriers that need to be overcome across the states and territories. These need to be addressed so funding is not used as an excuse for lack of inclusive education in mainstream schools. The funding model should also incentivise inclusive education for students with disability in mainstream schools and disincentivise segregated education. While a dual track education system exists, this will prevent realisation of Australia's obligations under the the Convention on the Rights of Persons with Disabilities (CRPD).¹⁵

Recommendations

The Australian Government sets the structure and tone of our country's education system. It is responsible for legislation and programs that influence how states and territories use the money they are given. To ensure students with disability are fully included in their education, change must happen at a federal level. As such, CYDA calls for the incoming government to:

- Develop a National Inclusive Education Plan aligned to the Australia's Disability Strategy
- Legislate for inclusive education and prevention of violence, abuse and neglect
- Ensure the Commonwealth funding model supports, incentivises, and holds accountable states and territories to deliver inclusive education and the full inclusion of all students in mainstream school settings. This is necessary to meet Australia's obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD)¹⁶ and realise Australia's Disability Strategy¹⁷.



2 Make early childhood education and care the first step of an inclusive life



Key messages

- The early years of a child's development will impact their entire lives
- Not every child has access to high quality, affordable and inclusive Early Childhood Education and Care and Outside School Hours Care. As result, more than one in five Australian children enter primary school 'developmentally vulnerable'
- CYDA calls on the incoming government to give children their best start in life by:
 - Ensuring universal access to quality education and care
 - Simplification and coordination of services
 - Sharing of information and tracking of progress

The early years of a child's development can impact their entire lives. Accessible and inclusive early childhood experiences are one of the surest and most sustainable pathways to an inclusive life and all the benefits that brings to the child and their family.

Dependent on the support, engagement and experiences children and their families/caregivers and communities receive during early years, this life stage can bring both opportunity and risk.¹⁸ Tragically, we know that many children are not able to access equitable or adequate support. Namely, every child does not currently have access to high quality, affordable and inclusive Early Childhood Education and Care and Outside School Hours Care. As result, more than one in five Australian children enter primary school 'developmentally vulnerable'.¹⁹ This is in addition to the children who already have a diagnosed disability.



Therefore the Australian Government should invest in:

Quality: Our federal systems that influence and should support key aspects of early childhood development are underperforming and must improve. For instance, our early learning centres are of inconsistent quality. Too many do not meet National Quality Standard (NQS). According to National Quality Framework Snapshot June 2020, 17.7 per cent of centres did not meet the NQS, rising to 18.4 per cent for long day care (excluding preschools).²⁰

Affordability: Australia's early learning centres are also some of the most expensive in the Organisation for Economic Co-operation and Development (OECD). According to the *Household, Income and Labour Dynamics in Australia (HILDA) Survey*, approximately 27 per cent of household income is absorbed by childcare.²¹ These costs have more than doubled since 2002.²²

Inclusion: The COVID-19 pandemic has exposed the fragilities and inequalities in a range of service systems for children with disability and their families.²³ Australia's Disability Strategy recognises that high quality early childhood education sets children up with the foundations for success and that inclusion must begin from the earliest ages with a focus on access and participation of all children in early childhood education and care.²⁴

Connected services: The service systems that relate to early childhood development – including childcare, preschool, child health, family support, the NDIS early childhood approach and child protection – are disconnected, with policy, process and programs spanning federal and state/territory governments, and between ministries and departments within governments. This complexity is confusing for families and caregivers to navigate and children risk falling between the gaps of a fragmented system.

Recommendations

CYDA calls on the incoming government to give children their best start in life. Specifically, CYDA joins calls by The Parenthood, Thrive by Five, Every Child and the Centre for Policy Development for the incoming government to ensure:

- Universal access to education and care – affordable, high quality, inclusive and easy to access
- Simplification and coordination of the currently confusing and expensive array of services and schemes
- Data are collected and shared at all levels of government to improve evidence of the range and quality of early childhood services.²⁵



3 Protect the educational rights of children and young people

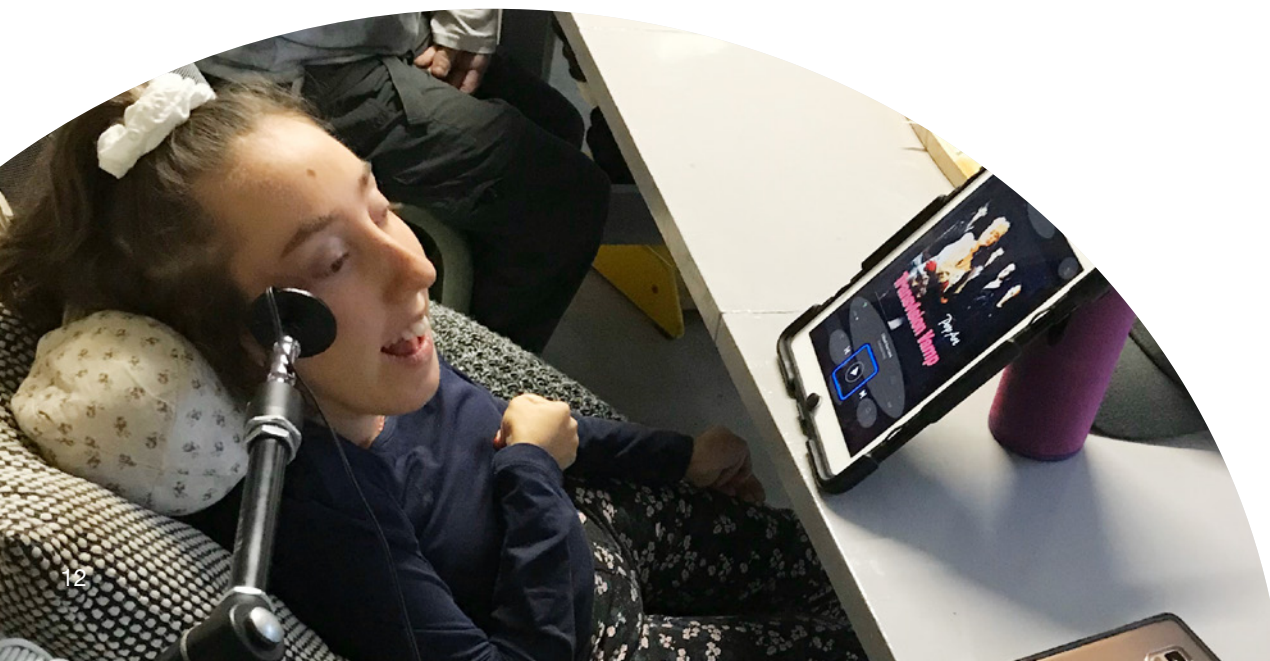


Key messages

- The *Disability Discrimination Act* (DDA) and the *Disability Standards of Education* (DSE) are intended to protect the educational rights of students with disability
- Education providers and institutions are not consistently meeting their obligations under the DDA and DSE
- The incoming government should develop an independent oversight mechanism to ensure student's educational rights are being upheld and that education providers are held to account. This mechanism must include an accessible and independent complaints system for students and their families and caregivers

Applying to each jurisdiction, the *Disability Discrimination Act* (DDA) and the *Disability Standards for Education* (DSE) are intended to protect students with disability from discrimination in education settings. More specifically, the DSE clarify and set out the obligations of educational authorities, institutions and providers under the DDA.²⁶ These obligations include, but are not limited to, enrolment, participation, curriculum development and student support services.²⁷

Despite the presence of these protections, we know from our community that too often providers and institutions are not meeting their obligations and students' education rights are unlawfully withheld. Students are being denied enrolment and not being provided necessary and reasonable adjustments that support them to participate in their education on an equal basis as their peers.



“Basically, I got told I could take extra time in an assignment, and that’s the only accommodation ... Extra time seemed like such a Band-Aid measure, to say, ‘OK, we’re not prepared to do anything to make this less inaccessible for you. So, we’re going to keep it being inaccessible, but give you more time to try and account for that.’ When, obviously, the damage that inaccessibility causes is untold, and that cannot possibly be done if they gave me all the time in the world.”
– Young person (2021)

In October 2020, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) held a public hearing on the barriers experienced by students with disability ‘in accessing and obtaining a safe, quality and inclusive school education and consequent life course impacts’. Many children and young people, families and caregivers, organisations and advocates –

including CYDA – gave evidence of instances where student’s rights were not upheld. In the subsequent Commissioner’s report, it was concluded that:

“Existing laws and policies governing enrolment of students with disability, reasonable adjustments, the use of exclusionary discipline and restraints do not impose sufficient oversight of the practices employed in schools. As a consequence it can be difficult to hold educators accountable for their decisions and ensure they meet the obligations set out under the DDA.”²⁸

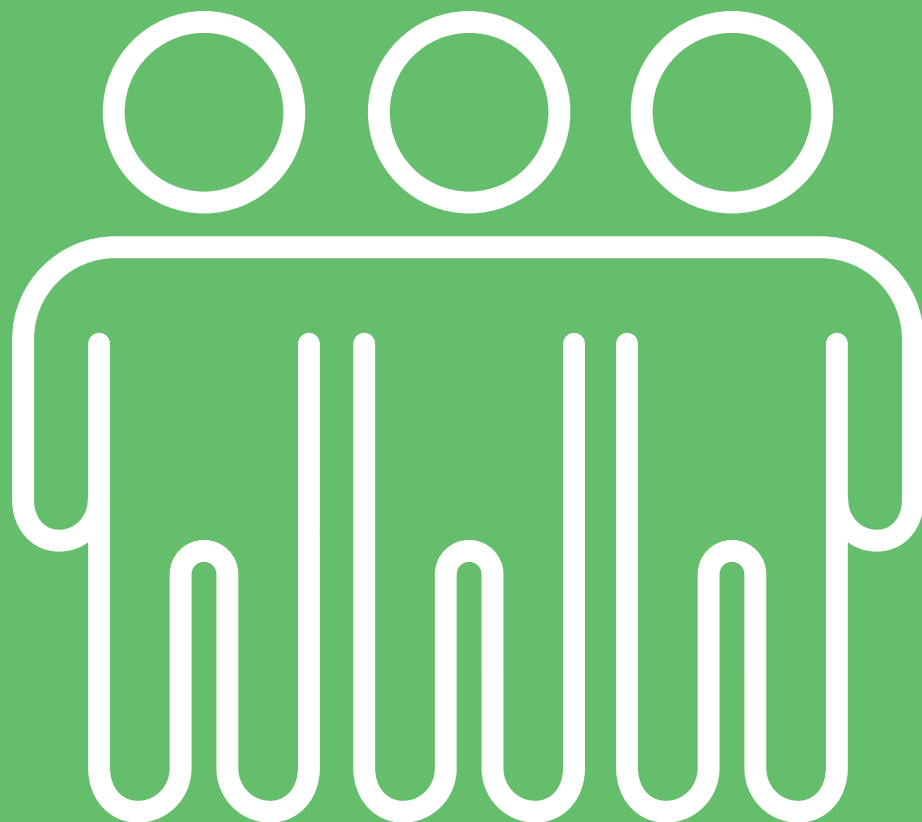
Further, the Commissioner’s report commented that “Regulations must be accompanied by oversight mechanisms if they are to be effective. These mechanisms include independent complaints processes and data collection and analysis.”²⁹

Recommendations

CYDA urges the incoming government to fund and implement an independent oversight body to ensure that education providers – in early childhood, school, post-school and adult education settings – are meeting their legal obligations and complaints can be independently investigated, monitored and resolved.



Create equity in employment and economic participation



4

Support young people to find quality and secure employment

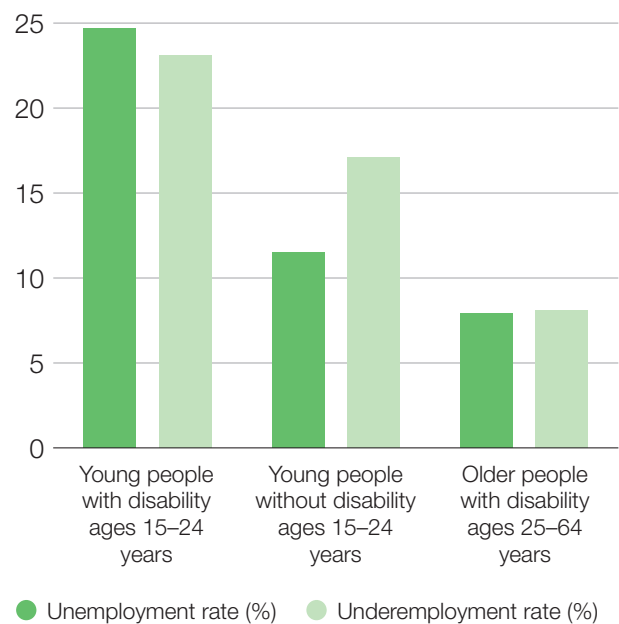


Key messages

- Young people with disability are one of the most disadvantaged cohorts in the labour market because of the complex and multi-layered barriers they experience
- Australia lacks a national comprehensive, consistent and evidence-based approach to support young people find employment and overcome these barriers
- To see sustainable employment rates and outcomes, the incoming government must invest in developing an evidence-base to understand how to effectively support young people with disability

Young people with disability are one of the most disadvantaged cohorts in the labour market and the barriers they experience in finding quality and stable work are complex and multi-faceted. The group are more than twice as likely to be unemployed than older adults³⁰ with disability (24.7 per cent compared to 7.9 per cent).³¹ Young people with disability are also more than twice as likely to be underemployed³² – meaning they have the capacity and desire to work more hours than what they are currently employed.

Figure 1: Unemployment and underemployment rates in Australia by age and disability status 2018



Source: Australian Institute of Health and Welfare (2020)

Despite this, there lacks a national comprehensive, consistent and evidence-based approach to support young people find employment and overcome barriers in the labour force. At a national level, young people can find themselves in a range of employment programs coordinated by Department of Social Services, the Department of Education, Skills and Employment or under the National Disability Insurance Scheme. To add to this fragmentation, all states and territories have their own programs which support a portion of young people.

The myriad of national programs largely differs in how they understand the ‘problem’ of unemployment, and as such, provide different problem solutions. This means that some young people are exposed to programs that incorporate punitive measures to ‘push’ them into employment, irrespective of suitability or fit. Alternatively, others are included in programs that recognises the increased structural barriers young people with disability face in the labour market and are designed to ‘pull’ them into employment opportunities.

This lack of coordinated approach also means that programs are operating in silos and good pockets of practice are being lost or underutilised. Fundamentally, each year – across departments and portfolios – the Australian Government spends billions of

dollars, yet the underemployment and unemployment rates of young people with disability remain stubbornly and disproportionality high.

CYDA is deeply concerned that year after year young people with disability are subjected to services and programs that does not understand or attend to the complex employment barriers they experience as both a young person and a person with disability.

“They [disability employment service providers] say that I’m lazy. Yeah, they do they say, ‘Oh, you just don’t want to find work, you’re just lying. You’re just making things up’, and I’m there proving that I do want to find work I’m actually really motivated to find work. And then, I feel that they’re actually not helping me find the work and I feel they’re the ones who are getting the benefits financially and they’re getting all of this money from the government to do their job, and I don’t feel they’re doing it well and it puts the burden and the pressure on me and other people around me and yeah, that’s very difficult.”

– Young person (2021)

“In my experience the [employment service] operators acquired a list and are just trying to fill a box without seeing me as a person with interests, needs, and passions.”

– Young person (2021)

Recommendations

To see sustainable change in the employment rates of young people with disability, the Australian Government must invest in developing an evidence-base to understand how to effectively support cohort. More specifically, CYDA calls on the incoming government to build an evidence-base-through:

- Further consultation and co-design with young people themselves and;
- Investing in research to determine what service model best supports young people with disability to secure and maintain meaningful employment.



5

Significantly reform the Disability Support Pension to ensure fair access to a financial safety net



Key messages

- Young people with partial capacity to work are increasingly being denied access to the Disability Support Pension (DSP)
- The current access process is overly complex and burdensome and is creating an unfair divide of who and who is not 'deserving' of receiving the DSP
- The incoming government must fix these access issues, including by reinstating the Treating Doctor's Report; removing the 'full treated and stabilised' and Program of Support requirements; increasing funding to advocacy and community legal services; and abandoning punitive compliance measures in the employment services system

The Disability Support Pension (DSP) is intended to provide financial support for people living with serious medical conditions and disability who are unable to work. However, over the last decade there has been an increasing divide between those considered to be 'deserving' of receiving the DSP and those who are not. In 2020–21, only 39,000 of 96,000 claims were granted – meaning 59 per cent of all claims were rejected.³³ This was the highest rate of rejection for any major federal welfare payment last financial year.

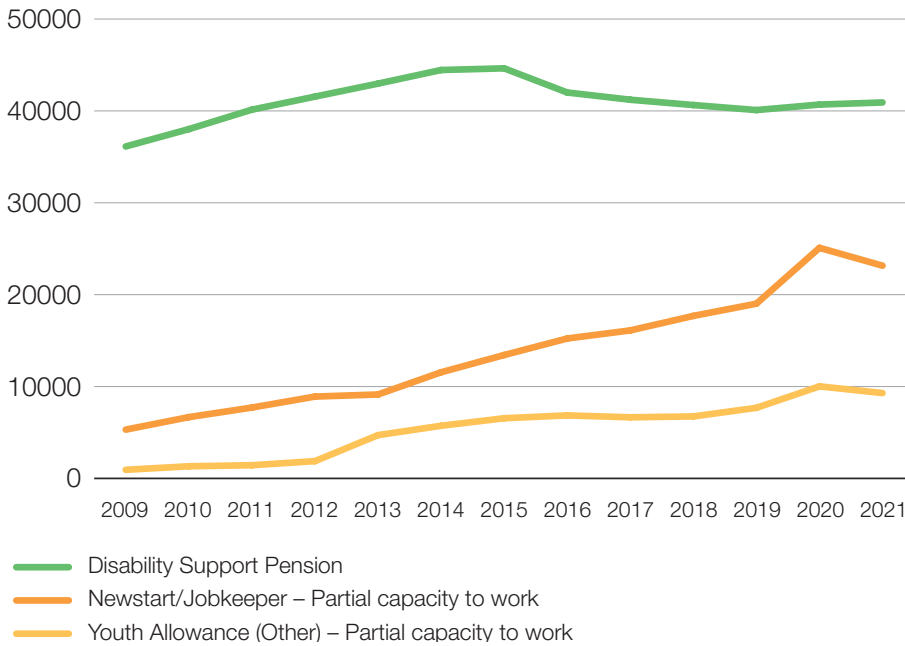


Young people with disability struggle to secure access to the DSP when they need it and are forced onto the lower funding level of Jobseeker or Youth Allowance with partial capacity to work.

- The number of Jobseeker (known as Newstart prior to 2020) recipients aged between 20 and 25 years with partial capacity to work has increased by **336.2 per cent** in the decade from 2009, growing from 5,308 in 2009 to 23,153 in 2021
- The number of Youth Allowance recipients under 19 years old with partial capacity to work has increased by **124.8 per cent**, from 2,299 in 2009 to 5,167 in 2021
- The number of Youth Allowance recipients aged between 20 and 25 years with partial capacity to work has increased by **892.4 per cent**, from 936 in 2009 to 9,289 in 2021
- The number of DSP recipients under 19 years old has decreased by **20 per cent**, from 18,414 in 2009 to 14,729 in 2021
- The number of DSP recipients aged between 20 and 25 years has increased by **13.3 per cent**, from 36,128 in 2009 compared to 40,919 in 2021.

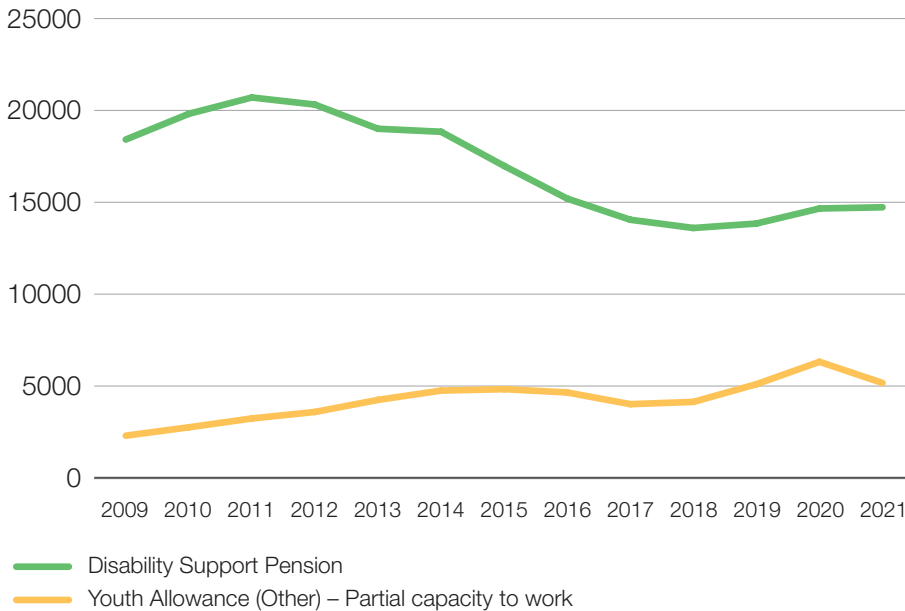


Figure 2: Trends from 2009 to 2020 of Newstart/Jobseeker Allowance, Youth Allowance with partial capacity to work and Disability Support Pension recipients aged 20 to 25 years



Source: Department of Social Services data provided to CYDA

Figure 3: Trends from 2009 to 2020 of Youth Allowance with partial capacity to work and Disability Support Pension recipients aged 19 years and under



Source: Department of Social Services data provided to CYDA

At the core of the decline in people with disability being able to access the DSP is the overly complex, burdensome and unfair access requirements that have been introduced during the last decade.

Young people in our community have told us that the DSP access process is overwhelming, and they are not confident on how, or if, to start the process. In applying, individuals are required to navigate and complete complex forms and impairment guides, as well as source and provide supporting medical evidence. This heavy administrative burden creates disproportionate impacts and has implications for who meets access – with those equipped with more personal resources, such as money, literacy and English skills, access to medical professionals and people to support them, more likely to succeed.

Our community, particularly young people with psychosocial disability, have also raised concerns around the rigidity of the requirement to demonstrate that their disability is a “fully diagnosed, treated and stabilised condition.” Young people have expressed that they feel influenced to take medications or undertake medical treatments against their will in order to ‘prove’ their disability. The costs associated with obtaining proof to demonstrate that the disability has been ‘fully treated’ also create a barrier to access. The burden of proof is further exacerbated for people with psychosocial disability, as mental health is often episodic, making it difficult to demonstrate a ‘stabilised condition’.

Beyond the onerous process pushing people out of eligibility to the DSP, it also is putting avoidable strain on the mental health and wellbeing of people with disability. Recent research surveying and interviewing a cohort

of 518 DSP applicants and recipients found that the majority experience high or very high information, compliance and psychological costs associated with applying for the DSP and interacting with the national social security agency Centrelink.³⁴

“... [T]he Disability Support Pension is ridiculous to get on. I’ve submitted my application now that I’ve been diagnosed but I’m just waiting now. But they’re making it harder for people on JobSeeker to even live because they’re going to force us to do 20 [job applications] a month just for an increase of \$50 a fortnight, which is still below the poverty line. And I’m already panicking about that. And I think the government really needs to take a step back and see what they’re doing to disabled people and how it affects people with different disabilities, because it’s ruining us. I’ve told my employment providers that before and they don’t listen. So that’s my biggest barrier at the moment.”
– Young person (2021)

These access barriers were also affirmed in the final report from the Senate inquiry into the Purpose, intent and adequacy of the Disability Support Pension (2022):

“At the heart of this inquiry is the inaccessibility of the Disability Support Pension (DSP). People have difficulty demonstrating that their disability, or chronic illness, is permanent and sufficiently severe, and that they have a continuing inability to work. For those unable to demonstrate that their level of impairment is ‘severe’, the program of support (POS) requirement can also be an insurmountable hurdle.”³⁵

Recommendations

It is clear that our current social security system is broken and is creating unavoidable hardship and distress for people with disability. CYDA urges the incoming government to remove unnecessary obstacles in the DSP access process.

Specifically, the incoming government should:

- Reinstating the Treating Doctor's Report (TDR) that was abolished in 2015.³⁶ The TDR was an important mechanism that helped applicants and treating professionals understand what evidence supported DSP claims. These TDRs should be billable under Medicare.
- Remove the rigid requirement that to meet access disability must be "fully treated, diagnosed, and stabilised". This criterion creates unfair barriers for different disability cohorts, those who can afford the evidence to 'prove' they have exhausted all avenues, and fundamentally, is not appropriate for assessing the complexity of disability.
- Remove the Program of Support (POS) access criterion from the access process entirely. The 18-month POS requirement is an excessive and arduous requirement. There is no evidence to support that the POS improves people's ability to find and maintain work.³⁷
- Provide additional funding to advocacy groups and community legal services to support DSP claimants.
- Abandon punitive compliance measures in the employment services system and provide genuine support for young jobseekers.

These recommendations are in line with the recommendations from the recent Senate inquiry into the purpose, intent and adequacy of the Disability Support Pension.³⁸



6

Support young people to gain post-school qualifications

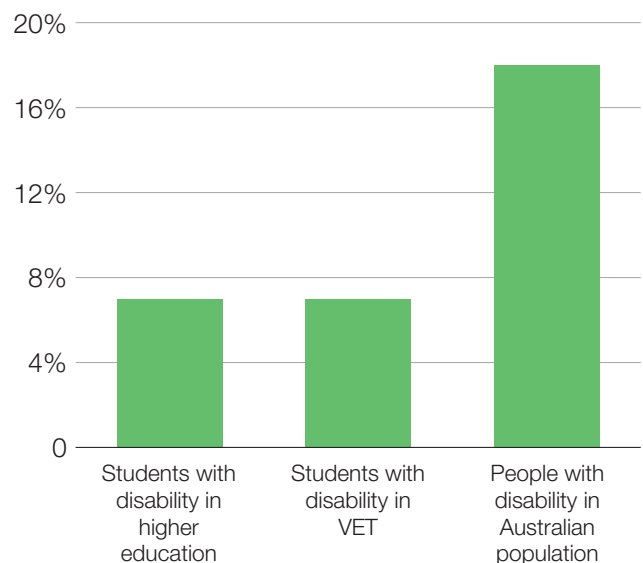


Key messages

- Young people with disability are not accessing post-school education on an equal basis
- A major barrier for students with disability is accessing educational supports and reasonable adjustments
- The incoming government must do more to support students with disability by increasing funding of the Higher Education Disability Support Program and taking a leadership role in supporting the Vocational Education and Training sector

Young people with disability are not accessing post-school education, including university and Vocational Education and Training (VET), on an equal basis. While it is encouraging to see that the enrolment rates of students with disability in post-school education have increased³⁹, the group remains grossly underrepresented when compared with the proportion of people with disability in the general population (18 per cent) (Figure 4).⁴⁰

Figure 4: Proportion of people with disability in post-school education settings and the proportion of people with disability in the general population



Sources: Department of Education, Skills and Employment 2018; ADCET VET Statistics 2018; NCCD 2018; Australian Bureau of Statistics 2018

A major barrier for students with disability participating in post-school education is the inadequate funding and effort on providing educational supports and reasonable adjustments. Despite the *Disability Discrimination Act* and the accompanying Disability Standards of Education requiring providers to take reasonable steps to enable the student with disability to participate in education on the same basis as a student without disability, we know that many students' rights are not being upheld. Frequently, young people tell us that the system puts the onus on students to understand their rights, fund the cost of required assessments for supports, self-advocate for their supports and challenge their institution when being treated unfairly.

Comments from young people within the CYDA community (2021)

“One thing myself and other friends with disabilities find at my university is things like disability supports or psychology services are incredibly difficult to access. It’s not as easy as just calling up. Often times ... you won’t get through, or there are massive backlogs. ... [I]t is very disheartening, and I think because of that a lot of people who need that support are not getting it, not because they’re not making an effort to reach out and get it, it’s just not available – although they advertise as such. Even when you’re in the system it’s incredibly hard to get that support.”

“The accessibility of materials that were handed to students in class was typically non-existent to me. I found that I missed out on a lot of information because it wasn’t made in a format that I could read in a timely manner, so I was always behind. This meant the other students had an unfair advantage over me and I needed to work double harder to catch up.”

A common defence education providers use when failing to provide adjustments for students with disability is that they do not have adequate funding to do so (which then

the student must take the burden on to challenge or complain the claim). While the national Higher Education Disability Support Program exists to provide ‘funding to eligible higher education providers, to assist with supporting students with disability to access, participate and succeed in higher education’⁴¹, the amount of funding allocated to this program is insufficient.

In 2020, only \$7.78 million of federal funding was spent through the program to support reasonable adjustments in higher education (generally universities) – which equates to an average of \$110 per student.⁴² Not only is the funding for reasonable adjustments per student is grossly inadequate, but it has also more than halved⁴³ in real terms since 2008.⁴⁴

The situation is even more bleak for students in the VET sector. Beyond the national Disabled Australian Apprenticeship Wage program which funds employers to hire trainees and apprentices with disability – which has had very limited impact on increasing participation rates – there is no nationally consistent approach, focus or commitment to supporting access by students with disability. While some states and territories do fund their own programs, there are only a handful around the country with varied approaches and limited and inconsistent funding.

Recommendations

The incoming government must do significantly more to support the education sector. For higher education, there must be increased investment in the Higher Education Disability Education Support Program to at least match what is spent in the school system.

In the VET sector, the Australian Government must also take a stronger role in convening a nationally consistent approach to supporting students. This role should include a coherent funding mechanism to incentivise and support states and territories to deliver inclusive education.



Lead equity through accountability and opportunity



7 Ensure accountability across all levels of government and defend the rights of children and young people



Key messages

- Children and young people with disability's needs and strengths are often overlooked in policy and service development
- This was particularly evident during initial responses in the COVID-19 crisis, where existing systematic inequalities were further entrenched
- The incoming government should develop an Office for Children and Young people with a dedicated Minister to ensure there is a consistent focus on children and young people's needs across government, including those with disability. This Office should also be responsible for ensuring children and young have ongoing and accessible opportunities to express their views on the issues and systems that impact their lives

Children and young people with disability are often overlooked in policy and service development. In child and youth-specific policies, the distinct needs and strengths of children and young people with disability are unrecognised. Similarly, the cohort's rights and developmental and social needs are also commonly absent from disability-specific policies.

At its root, our community's needs are missing from policy because their voices are not being considered in policy development. Across departments and portfolios, there are few mechanisms that support children and young people with disability to express their views and be heard. Without genuinely including them, the Australian Government ultimately risks investing in initiatives and strategies that will not be effective for the almost one in 10 Australian children and young people⁴⁵ and/or failing to provide targeted supports when and where it's most necessary.

Comments from young people within the CYDA community (2020):

“Politicians don’t have lived experience of the systems they are designing. So, they don’t necessarily know the ways of enacting systems change that are going to best benefit the people that exist within the system.”

“Young people in particular ... are not part of the conversation about what should be in those supports or plans or policies [that affect young people]. ... People very much think, ‘I know all about young people so I can put this policy together without talking to them’, but when you do that, there are so many stories, narratives, bits of information that you miss because you are not talking to the affected person.”

The lack of representation of children and young people in policy development is further compounded by the lack of any oversight of the departments and portfolios whose work directly impacts their lives. CYDA argues that readily available data for this cohort is either non-existent or misrepresented. There should be a focus on transparency of information across systems and jurisdictions to ensure the experiences and outcomes of children and young people are adequately recognised.

Sadly, we saw the consequences of not including children and young people in policy development and the absence of authoritative body within government representing their interests play out in Australia's COVID-19 crisis responses.

In early 2020, CYDA ran a national survey⁴⁶ of children, young people and their families and caregivers on their experiences during the COVID-19 pandemic. The survey found that existing inequalities were exacerbated during the crisis for the community, and that systems failed to respond to their needs.⁴⁷ This includes:

- Children and young people left without essential goods that are necessary because of their conditions
- Lack of appropriate and targeted information about COVID-19
- Barriers to accessing crucial supports and services, including in health and education.



Researchers have also analysed the development of a COVID-19 policy response for people with disability in Australia, including the failures of the Australian Government to include the community's needs in initial actions and rapid policy responses.⁴⁸ Identified barriers to developing disability-inclusive policy included:

- The lack of a joined up government
 - Challenges linking up across departments and portfolios
 - Lack of clarity of responsibility for planning and actioning policies to protect people with disability
- Absence of a whole of government disability advisory process or structure that spanned across systems.

Our government must do better to support children and young people in our systems. As such, CYDA calls for the incoming government to develop an Office for Children

and Young People within the Department of Prime Minister and Cabinet. This Office should work across government, monitor portfolio's obligations of meeting the rights of children and young people, and provide expert advice and guidance in improving systems. Within this Office there should also be targeted focus and understanding of different intersectional needs and strengths of children and young people – including, but not limited to, disability.

Further, a fundamental component of this Office should be developing a formal and ongoing engagement framework to amplify the voices of children and young people across government. This framework must incorporate different activities and approaches to ensure children and young people from all different backgrounds, with different communication access needs and strengths can participate in a way that is safe and empowering.

Recommendations

We urge the incoming government to:

- Establish an Office for Children and Young People with a dedicated Minister within the Department of Prime Minister and Cabinet to work across government, monitor portfolio's obligations of meeting the rights of children and young people, and provide expert advice and guidance in improving systems
- Develop and implement an engagement framework to amplify the voices of children and young people, including those with disability, across government.



8

Create equity for children and young people in the NDIS by providing early support pathways and proportionate access to support



Key messages

- The NDIS has positively transformed the lives of many children and young people
- The disability community hold deep concern that there is intention to cut the NDIS and reduce personalised supports. This is particularly worrying considering the current inadequacy of mainstream services in supporting children and young people with disability
- The incoming government must guarantee ongoing and sufficient funding of the NDIS to ensure equitable life opportunities for children and young people with disability

Children and young people make up more than half (57 per cent) of all National Disability Insurance Scheme (NDIS) participants.⁴⁹ While acknowledging that the world-first and still relatively new Scheme has many areas for ongoing development improvement, we hear from our community that when the NDIS is good – it’s great. It has allowed many children and young people to access supports they need to participate in activities and communities in line with their interests and aspirations.

Comments from young people within the CYDA community (2020):

“Having easy access to supports and the technology and equipment you need is really important. I think things have improved with the NDIS and I hope they improve further.”

“I also found that since I joined the NDIS, having support workers is really healthy. My parents wouldn’t always listen to me ... so having support workers helped me gain independence.”

Knowing the immense value of the NDIS, the public and political debate around its ongoing funding has been incredibly distressing for the disability community. Leaked documents from the NDIA, establishment of cost-cutting taskforces, forceful attempts to introduce discriminatory and inappropriate access requirements, and cases of reducing individual's plans without notice or explanation have all contributed to a feeling of distrust and unease around the government's intentions for the future of the NDIS.

CYDA share these concerns. We are particularly concerned that access to the NDIS will be restricted, and children and young people's plans will be slashed during crucial development and life stages. Mainstream services do not currently provide inclusive, safe and adequate support for people with disability. Without the NDIS,

many children and young people's quality of life will be impacted, and they be left without the supports they need to flourish in their education, employment and social lives.

The NDIS has reached a critical juncture in meeting the needs of children and young people. Since first being legislated in 2013, many adults with disability have now had opportunity to access the NDIS. It is time for the focus to shift toward new entrants into the scheme and fully establish an early childhood approach with clear and simplified access to the NDIS. It is integral that children have access to timely support during early development stages.

Fundamentally, our systems should be based on need – not cost-cutting agendas and rigid estimates and projections of who 'should' and 'shouldn't be' receiving NDIS funds.

Recommendations

CYDA calls on the incoming government to guarantee ongoing and sufficient funding to the NDIS so children and young people have equitable opportunities and the insurance principle of investing early to enhance lifelong outcomes will not be undermined.



9

Protect children and young people from the developmental, social and economic scarring effects of the COVID-19 pandemic



Key messages

- Children and young people with disability have been more at-risk during the global pandemic, not because of their impairment, but because of discriminatory, limited, or inappropriate policy strategies
- Without intervention, children and young people will continue to feel the social and economic impacts of COVID for a lifetime
- The incoming government must implement a COVID recovery plan for children and young people to mitigate these ongoing impacts

As the COVID pandemic advanced, children and young people's lives were turned upside down during pivotal developmental and life stages. Their learning and education was interrupted, they were socially isolated from their peers, incurred the stress of household economic pressures and were pushed out of employment.

As COVID restrictions were implemented, children and young people with disability, and other marginalised young people, faced additional challenges because of an inadequate government response. A recent research report⁵⁰ prepared for CYDA demonstrated how children and young people with disability are more at-risk during the global pandemic, not because of their impairment, but because of discriminatory, limited, or inappropriate policy strategies.



Comments from CYDA's community during early stages of the COVID-19 crisis (2020):

"I am a disabled young person with no family support. I work as a freelancer because traditional employment is inaccessible. My work is being cancelled, but there's no support for dealing with this lost income because freelancers don't have anywhere to get sick pay, and we're falling through the cracks."⁵¹

"As a student with a highly modified program there has been no attempt by the school to make learning accessible. While I am capable of developing a suitable program the majority of parents at our school with students requiring adjustments are not. I worry about the effect the break in these students learning that this will cause."⁵²

A joint report authored by UNICEF and the Australian Research Alliance for Children and Youth (ARACY) has found that not only have existing inequities for some groups of children and young people been further entrenched throughout COVID-19 disruptions, but without intervention, children and young people will feel the impacts for their lifetime and disadvantages will continue be widened.⁵³

Recommendations

CYDA calls on the incoming government to develop and deliver a Child and Youth COVID-19 Recovery Plan to mitigate adverse social and economic impacts. Specifically, CYDA endorses UNICEF AND ARACY's Kids at the Crossroads: Evidence and Policy to Mitigate the Effects of COVID-19 report that provides immediate and longer-term recommendations across six wellbeing domains.⁵⁴



- 1 Harris, D., Seriamlu, S. Dakin, P. and Sollis, K. (2021). *Kids at the Crossroads: Evidence and Policy to Mitigate the Effects of COVID-19*, ARACY.
- 2 AIHW. (2020). *Table PREV1: Prevalence of disability, by age group, disability status and sex, 2018*. Available at <https://www.aihw.gov.au/getmedia/9e8d4142-6bda-4b09-a0d9-63852729f386/aihw-dis-72-prevalence-of-disability.xlsx.aspx>
- 3 Department of Education. (2019). *Benefits of Educational Attainment: Employment and income support*. Available at <https://www.dese.gov.au/data-and-research-schooling/resources/employment-and-income-support>
- 4 Deloitte Access Economics. (2016). *The economic impact of improving schooling quality*. Department of Education and Training: Canberra.
- 5 Cologon, K. (2010). *Towards inclusive education: A necessary process of transformation*. Available at https://www.cyda.org.au/images/pdf/towards_inclusive_education_a_necessary_transformation.pdf
- 6 CYDA's 2019 national survey found that approximately half of respondents disagreed or strongly disagreed that students with disability received adequate support in their education; Children and Young People with Disability. (2019). *Time for change: The state of play for inclusion of students with disability: Results from the 2019 CYDA National Education Survey*. Available at https://www.cyda.org.au/images/pdf/time_for_change_2019_education_survey_results.pdf
- 7 16.1 per cent compared with 6.9 per cent of participants without disability; Mission Australia. (2019). *Young, willing and able: Youth Survey Disability Report 2019*. Available at <https://www.missionaustralia.com.au/publications/youth-survey/1610-young-willing-and-able-youth-survey-disability-report-2019/file>
- 8 10.9 per cent of young people aged 15 to 24 have left school before the age of 16 compared to 3.6 per cent of young people without disability; AIHW. (2020). *People with disability in Australia*. Available at <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/education-and-skills/educational-attainment>
- 9 AIHW. (2020). *People with disability in Australia*. Available at <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/education-and-skills/educational-attainment>
- 10 Cologon, K. (2019). *Towards inclusive education: A necessary process of transformation*, for CYDA, p.5.
- 11 *ibid.*
- 12 Cologon, K. (2013) *Inclusion in Education: Towards Equality for Students with Disability*, Children with Disability Australia, Melbourne, p.3.
- 13 Restrictive practices encompasses a range of interventions intended to manage student behaviour. These can include physical restraint and mechanical restraint, chemical restraint, psychological restraint and seclusion.
- 14 CYDA. (2019). *Time for change: The state of play for inclusion of students with disability Results from the 2019 CYDA National Education Survey*. Available at https://www.cyda.org.au/images/pdf/time_for_change_2019_education_survey_results.pdf
- 15 Lassig, C., Poed, S., Mann, G., Sagers, B., Carrington, S., & Mavropoulou, S. (2022): The future of special schools in Australia: complying with the Convention on the Rights of Persons with Disabilities, *International Journal of Inclusive Education*, DOI: 10.1080/13603116.2021.2020344
- 16 Convention on the Rights of Persons with Disabilities: Article 24, General Comment 4
- 17 Department of Social Service. (2021). *Australia's Disability Strategy 2021–2031*. Commonwealth of Australia. Available at <https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf>, p. 23
- 18 Thrive by Five & The Minderoo Foundation. (2017). *Time to Act: Investing in our children and our future*. Available at https://cdn.minderoo.org/content/uploads/2019/02/06102007/TB5_Time2Act_20170119_FNL_Digital-p.pdf
- 19 Australian Early Development Census. *Australian Early Development Census National Report 2018: A Snapshot of Early Childhood Development in Australia*. Department of Education and Training. Available at <https://www.aedc.gov.au/resources/detail/2018-aedc-national-report>
- 20 Australian Children's Education and Care Quality Authority. (2020). *NQF Snapshot: Q2 2020*. Available at https://www.acecqa.gov.au/sites/default/files/2021-10/NQF_Snapshot_Q2_2020.pdf
- 21 Ruppner, L. (2019). HILDA findings on Australian families' experience of childcare should be a call-to-arms for government. Available at <https://findanexpert.unimelb.edu.au/news/2810-hilda-findings-on-australian-families'-experience-of-childcare-should-be-a-call-to-arms-for-government>
- 22 *ibid.*
- 23 Dickinson, H., Yates, S. (2020) *More than isolated: The experience of children and young people with disability and their families during the COVID-19 pandemic*. Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne
- 24 Commonwealth of Australia. (2021). *Australia's Disability Strategy 2021–2031*
- 25 Centre for Policy Development. (2021). *Starting better: A guarantee for young children and families*. Available at <https://cpd.org.au/wp-content/uploads/2021/11/CPD-Starting-Better-Report.pdf>
- 26 Murray, S. (2021). *Legislation and Regulation in Australia: Children and young people with disability in primary and secondary education settings*. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

- 27 *ibid.*
- 28 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2021). *Barriers experienced by students with disability in accessing and obtaining a safe, quality and inclusive school education and consequent life course impacts*. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, p. 34.
- 29 *ibid.*, p. 44.
- 30 Aged 26–64 years old
- 31 AIHW. (2020). *People with disability*. Available at <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/employment/unemployment>
- 32 23.1% per cent rate of underemployment compared to 8.3 per cent of older adults with disability; AIHW (2020).
- 33 Services Australia. (2021). *Annual Report 2020–21*. Available at <https://www.servicesaustralia.gov.au/sites/default/files/annual-report-2020-21.pdf>
- 34 Collie, A., Sheehan, L., McAllister, A., & Grant, G. (2021). The learning, compliance, and psychological costs of applying for the Disability Support Pension. *Aust J Public Admin*, 1– 18. <https://doi.org/10.1111/1467-8500.12518>
- 35 Community Affairs References Committee. (2022). *Purpose, intent and adequacy of the Disability Support Pension*. Commonwealth of Australia. Available at https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024728/toc_pdf/Purpose.intentandadequacyoftheDisabilitySupportPension.pdf;fileType=application%2Fpdf, p. 15.
- 36 The Treating Doctor's Report is a standardised form used to elicit medical information from treating doctors relevant to DSP eligibility.
- 37 Community Affairs References Committee. (2022). *Purpose, intent and adequacy of the Disability Support Pension*. Available at https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024728/toc_pdf/Purpose.intentandadequacyoftheDisabilitySupportPension.pdf;fileType=application%2Fpdf, p. 89.
- 38 *ibid.*
- 39 Koshy, P. (2020). *Equity Student Participation in Australian Higher Education: 2014–2019*. National Centre for Student Equity in Higher Education (NCSEHE), Perth: Curtin University; Australian Disability Clearinghouse on Education and Training. (2020). *Vocational Education and Training (VET) Statistics*. Available at <https://www.adcet.edu.au/inclusive-teaching/understanding-disability/vet-statistics>
- 40 Department of Education, Skills and Employment 2018; ADCET VET Statistics 2018; NCCD 2018; Australian Bureau of Statistics 2018; Adapted from Ford, E., & Swain, D. (2021). *National Disability Coordination Officer Program: DRAFT tertiary education policy advocacy paper*.
- 41 Department of Education, Skills and Employment. (2020). *Higher Education Disability Support Program*. Available at <https://www.dese.gov.au/higher-education-disability-support-program>
- 42 Ford, E., & Swain, D. (2021). *National Disability Coordination Officer Program: DRAFT tertiary education policy advocacy paper*.
- 43 Down from \$265 per student in 2008.
- 44 Universities Australia (2020). *Higher Education Facts and Figures 2020*. Available at <https://www.universitiesaustralia.edu.au/wp-content/uploads/2020/11/200917-HE-Facts-and-Figures-2020.pdf>
- 45 7.6% of children aged 0–14 years and 9.3% of young people aged 15–24 years have disability; 14.8% of people with disability are aged 0–24 years. AIHW. (2020). *People with disability in Australia*. Available at <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/people-with-disability/prevalence-of-disability>
- 46 The survey was conducted from 16 March to 23 April 2020 and had 697 responses. The majority (93 per cent) of respondents were a family member of a child or young person with disability.
- 47 Dickinson, H., Yates, S. (2020) *More than isolated: The experience of children and young people with disability and their families during the COVID-19 pandemic*. Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne
- 48 Green, C., Carey, G., & Dickinson, H. (2021). *Barriers and enablers in the development of a COVID-19 policy response for people with disability in Australia*. Melbourne: Centre of Research Excellence in Disability and Health.
- 49 As at December 2021; NDIA. (2022). *Explore data*. Available at <https://data.ndis.gov.au/explore-data>
- 50 Dickinson, H., & Yates, S. (2020). *More than isolated: The experience of children and young people with disability and their families during the COVID-19 pandemic*. Available at https://www.cyda.org.au/images/pdf/covid_report_compressed_1.pdf
- 51 *ibid.*
- 52 *ibid.*
- 53 Harris, D., Seriamlu, S. Dakin, P. & Sollis, K. (2021). *Kids at the Crossroads: Evidence and Policy to Mitigate the Effects of COVID-19*. ARACY. Available at <https://www.unicef.org.au/Upload/UNICEF/Media/AboutUs/Publications/Kids-at-The-Crossroads-UNICEF-Australia-ARACY.pdf>
- 54 *ibid.*

**Children and Young People
with Disability Australia**

Suite 8, 134 Cambridge Street
Collingwood Vic 3066

PO Box 172, Clifton Hill VIC 3068

Phone 03 9417 1025 or
1800 222 660 (regional or interstate)

Email info@cyda.org.au

Web www.cyda.org.au

ABN 42 140 529 273

 www.facebook.com/CydaAu

 [@CydaAu](https://twitter.com/CydaAu)

 [cydaaus](https://www.instagram.com/cydaaus)

cyda.org.au

