

# **CYDA's submission to the *Review of the impact of COVID-19 on school students with disability***

**Children and Young People with Disability Australia**

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**A note on terminology:***Children and young people with disability*

Using inclusive language and terminology has been recognised by the disability community for decades. Children and Young People with Disability Australia (CYDA) uses person-first language, e.g., person with disability. However, CYDA recognise many people with disability choose to use identity-first language, e.g., disabled person.

*Families and caregivers*

CYDA refers to children and young people with disability and their families and caregivers. We use the term 'families' as recognition of the different structures and arrangements and 'caregivers' to acknowledge not all children live in family environments. For the purposes of this submission, CYDA are detailing the experiences of children and young people with disability who are cared for by their families and caregivers.

**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.

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## Recommendations

The inequalities that drive the exclusion of children and young people from accessing quality education and ultimately an inclusive life, are complex and multi-dimensional. CYDA's community (families, caregivers, children and young people with disability) have told us about the inadequacy of targeted responses for children and young people spanning vaccinations, education, support services and a range of other Covid-19 impacts. Children and young people with disability should, therefore, be protected from the developmental, social and economic scarring effects of both; a) entrenched inequities in education and b) the consequences of COVID-19. To ensure that the depth and breadth of the experiences of Covid-19 and the impacts is fully understood, we argue that the Review should take a multi-dimensional approach by considering the broader social and educational context alongside addressing the particular impacts of the pandemic.

Specifically, CYDA calls for the Department of Education to implement the following seven recommendations:

**Recommendation 1:** Ensure the [National School Reform Agreement](#) and Commonwealth funding model supports, incentivises, by holding states and territories accountable to deliver the full inclusion of all students in mainstream school settings. Schools and staff should be effectively supported to facilitate:

- Adequate time for planning and direct consultation with students and families to;  
explore *engagement* as an alternative to *attendance* as a more effective outcome measure and;  
the development of resources which focus on providing reasonable adjustments to lift attendance, experience and outcomes
- Consistency in the use of data and documentation.

**Recommendation 2:** Develop a National Inclusive Education Act, that is proactive and strengths-based. This should be complemented by a national accreditation framework for inclusive education (along the lines of the National Quality Framework for Early Childhood Education).

**Recommendation 3:** Protect the educational rights of children and young people by funding and implementing 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;
- that complaints may be independently investigated, monitored and resolved.

**Recommendation 4:** Invest in greater accountability and enforcement of the Disability Standards for Education by:

- Introducing compulsory, comprehensive, and ongoing inclusion training for educators
- Compelling education providers to supply a copy of the Standards—in accessible language to all students (both disabled and non-disabled) and their family/caregiver—upon enrolment
- Improving outcomes reporting and measurement
- Ensuring alignment with Australia's Disability Strategy.

**Recommendation 5:** Drive engagement in policy and service development with children and young people with disability through co-design to develop and ultimately implement;

- A National Child and Young Person with Disability Engagement Framework and;
- As a priority, an effective COVID recovery plan to mitigate ongoing impacts.

**Recommendation 6:** Fund outcomes monitoring for children and young people with disability to improve the education data and outcomes reporting as outlined under the [National School Reform Agreement](#).

**Recommendation 7:** Invest in further funding for independent disability advocacy for families and young people with disability, to ensure students can have their rights to inclusive education upheld.

## Key messages

CYDA is committed to ensuring that children and young people with disability are afforded equitable opportunities to succeed and we advocate that this cannot be achieved until they feel fully included across all systems and community life. Throughout this pandemic, children and young people with disability have consistently been left behind, despite being at high risk of contracting COVID-19.

- [The Disability Standards for Education](#) (DSE) and the [Disability Discrimination Act](#) (DDA) having been in place for 18 and 31 years, respectively. However, neither the DDA, the DSE (or any state or territory based polices) guarantee an equitable and quality education for students with disability before, during or after a pandemic or natural disaster.
- 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. Children and young people have, and continue to, experience complex barriers during COVID-19. It is, therefore, important that their voices and needs are at the centre of policy planning and COVID recovery measures.
- As the pandemic is still not over and the threat of future COVID variants persist, there should be continuous efforts by all levels of government to protect against the social/emotional/health impacts for children and young people with disability.
- Throughout this pandemic, children and young people with disability have consistently been left behind, despite being at high risk of contracting COVID-19, and their right to equal treatment, to ensure their lives are valued, should be upheld.
- The current approach to emergency/disaster/pandemic planning and recovery fails to adequately consider children and young people with a disability. CYDA urges the Review to make strong recommendations to include children and young people with disability as a distinct cohort, rather than adopting a generalised response that does not consider this cohort's distinct challenges and needs.

### Levers for change

- [Australia's Disability Strategy 2021-2031](#)
- [Disability Standards for Education](#)
- [Independent Review of the NDIS 2022-23](#)
- [National School Reform Agreement](#)
- [Disability Royal Commission](#)
- [National Disability Data Asset](#)
- [National Disability Research Partnership](#)
- [The Australian Institute Disaster Resilience](#)

## About this submission

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; and our purpose is to ensure governments, communities and families are empowering children and young people with disability to fully exercise their rights and aspirations. We do this by:

- Driving inclusion
- Creating equitable life pathways and opportunities
- Leading change in community attitudes and aspirations
- Supporting young people to take control
- Calling out discrimination, abuse, and neglect

CYDA welcomes the opportunity to provide a response to the Department of Education's *Review of the impact of COVID-19 on school students with disability*.

This submission does not specifically address each of the questions from the discussion paper in detail, rather it builds on our previous submissions and evidence provided to the Disability Royal Commission and other reviews and inquiries into the experience during the COVID-19 pandemic. CYDA's previous work highlights the systemic neglect of children and young people with disability throughout the pandemic. (See page 9).

In this submission, we also provide a summary of the key points provided by CYDA at the Review webinar held in March 2023 (See page 7).

A joint report authored by UNICEF and the Australian Research Alliance for Children and Youth (ARACY) found that not only have existing inequities for some groups of children and young people been further entrenched throughout the COVID-19 disruptions, but without intervention, children and young people will feel the impacts for their lifetime as disadvantages will continue to be widened.<sup>1</sup>

However, these inequities will not simply be solved by providing more evidence or better targeted evidence. Additional urgent action is needed to attend to the many inequities that children and young people with disability, their families and caregivers face on a daily basis. Without movement on these issues, any future widespread disasters will again produce substantial destabilisation for these communities with similarly detrimental impacts.

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<sup>1</sup> 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 [Kids-at-The-Crossroads-UNICEF-Australia-ARACY.pdf](#)

## Summary of CYDA's Input to the Review webinar held 2 March 2023

CYDA was invited to engage two young people with disability to share their experiences as part of a webinar panel that outlined the Review and possible areas that submissions may cover. CYDA staff member, Sue Tape, also joined the panel to share more detail on CYDA's work in this area.

Below are the key points made by CYDA during the webinar.

### **The experience of students with disability during COVID-19**

The reality of lockdowns, remote learning and staff's personal circumstances meant people were situated in unfamiliar environments. For students, experiences of these situations were mixed, with some highlighting positive outcomes, whilst others encountered detrimental and debilitating effects.

The COVID-19 pandemic has shone a light on just how poorly some children and young people with disability are supported in their education before and during the pandemic. This spans all states and territories and all educational settings. For parents and caregivers, the pandemic period provided a unique insight into the level at which their child was working—drawing to their attention that:

- Schools either provided limited or no support for students in their education during lockdowns and;
- Despite the well-known inequities they face in their education, there was a lack of assertive and proactive support for students with disability.

While these two findings come from CYDA's 2020 research regarding the impact of lockdowns, subsequent CYDA work and engagement has shown that even for those places without lockdowns in place, students with disability faced the challenges of:

- Disruption to routines and staff with no or minimal communication
- Changes to school and classroom set ups including drop offs, extra curricula, routines
- Adjustments or supports curtailed or not delivered.

Social and emotional supports for students were also significantly impacted. Students and families shared stories of not being included in online catch ups, unable to access materials and feedback ignored. Significantly, it became clear how planned and intentional support for students with disability is paramount.

### **What worked well?**

Students and families reported that communication to the wider school community (e.g. via email or social media), gave them insights into school activities, that was above and beyond the usual flow of communication. The downside of this was students and families noticed that this type of communication ceased once schools and/or teachers deemed "COVID was over" in their local community.

### **What could have been done better?**

Staff who checked in with students and shared modified materials by dropping them off directly to the residence were publicly praised by families. System wide or school wide initiatives that focused on wellbeing were often not accessible or adjusted for student needs. Students also shared their concern



about having to meet and brief yet another educational professional on their Individual Education Plan (IEP) or adjustments.

Students with intellectual disability and/or complex communication needs received little or no learning tasks and were therefore completely dependent on their family to support their participation. There was an increase in unschooling and home-schooling rates for this cohort.

During any disaster (floods, fire or pandemic), with careful planning and effort by education systems and educators, students with disability can thrive by:

- Ensuring they are made to feel part of a learning community through connecting them with their peers
- Ensuring education materials and curricula are accessible and customised to the different needs of students, and that reasonable adjustments are provided by the educators in partnership with children and families – this should not be left to families or students themselves to negotiate
- Providing timely and well-planned support
- Breaking down the barriers between the NDIS and educational support to ensure both systems are complementary by consulting families, children and young people.

Notably, many of these strategies were achieved by individual teachers or teams despite the fundamental lack of planning and effort by the broader education system.

## **The future**

So many of the school-based systems of support or adjustments are based on the premise that students/families and caregivers are required to; a) prove they need assistance before they can access supports, adjustments or equipment and b) wait for someone to provide them with that support, rather than it being immediately available.

The outcome or the impact of that support is often only assessed or examined as part of a formal process rather than asking the student about their experience.

These restrictions, points of discrimination or simply put, locked gates mean that support or adjustments are delayed or absent. We need school systems across Australia to mobilise student voice and be proactive in what is needed BEFORE these emergencies/disasters occur.

Ask students what they need to be successful, ask them regularly, listen and act.

## CYDA's Education and COVID-19 policy work

Children and young people with disability have been largely forgotten in government responses during the height of the COVID-19 pandemic in Australia. In our policy work we have highlighted how Australia lacked a coherent national information strategy and response for children and young people with disability, creating and exacerbating feelings of uncertainty and distress.

Our policy work also demonstrates the inadequacy of targeted responses for children and young people with disability spanning vaccinations, education, support services and a range of other impacts. CYDA's work is rights-based and led by the direct experiences and diverse voices and visions of children and young people with disability across Australia. CYDA grounds its work in evidence and a human rights approach.

### CYDA's work on education

1. Disability Royal Commission - Education of children and young people with disability, [Submission 1](#)
2. Disability Royal Commission - [Response](#) to Restrictive Practices issues paper
3. Education Council, The review of senior secondary pathways into work, further education and training, [CYDA Submission](#)
4. National Framework for Protecting Australia's Children 2009-2020, [CYDA Submission](#)
5. National Strategy to Prevent Child Sexual Abuse Final Development Consultation Paper [Response](#)
6. NDS & NDIS Outcomes Framework Introductory Paper, [CYDA Submission](#)
7. New South Wales, Restrictive Practices Authorisation in New South Wales, CYDA [submission](#) 2019
8. [Pre-Budget submission](#): Drive inclusion and equity for children and young people with disability 2021-22
9. [Pre-Budget submission](#): Invest in children and young people with disability: their voices and their future 2023-24
10. Quality Initial Teacher Education Review, [CYDA Submission](#)
11. [Report](#): Taking the first step in an inclusive life Experiences of Australian early childhood education and care
12. Review of the Disability Standards for Education 2005, [CYDA Submission](#) 2020
13. Senate Inquiry into on the national trend of school refusal, CYDA [submission](#)
14. Senate Select Committee on Autism inquiry, [CYDA Submission](#)
15. Senate Select Committee on Job Security Young people with disability and job insecurity, [CYDA Submission](#)
16. Standing Committee on Employment, Education and Training, education in remote and complex environments, [CYDA Submission](#) (2) and [CYDA Submission](#) (1)
17. Tasmania's Child and Youth Wellbeing Strategy, [CYDA Submission](#)

### CYDA's COVID-19 work:

18. [Report](#) "How did COVID-19 impact post-school transitions for young people with disability and how can these be better supported?"
19. [Report](#) "Locked out: Vaccination discrimination for children and young people with disability"
20. [Report](#) "Not even remotely fair: Experiences of students with disability during COVID-19"

21. [Report](#) “More than isolated: The experience of children and young people with disability and their families during the COVID-19 pandemic”
22. [Response](#) to the Disability Royal Commission’s Omicron issues paper
23. Victorian consultation on lessons from remote learning, [CYDA Submission](#)
24. Co-signatories on the Disability sector Omicron [statement of concern](#)
25. [Concern](#) about the DRC not making recommendations following the neglect of students with disability during the COVID pandemic
26. Senate Select Committee on COVID-19, [CYDA Submission](#)
27. [Submission](#) to the Disability Royal Commission: Emergency Planning and Response during COVID-19
28. Victorian Parliament, Public Accounts and Estimates Committee, Inquiry into the response to COVID-19, [CYDA Submission](#)
29. CYDA former CEO, Mary Sayers Disability Royal Commission [witness statement](#)
30. Co-signatories on [Open letter](#) to National Cabinet Immediate Actions Required for Australians with Disability in Response to Coronavirus (COVID19)
31. [Submission](#) to Inquiry into Long COVID and Repeated COVID infections

**CYDA supports the following positions in conjunction with this submission**

- [Position Paper](#) on Segregation
- The Australian Coalition for Inclusive Education’s [‘Driving change: A roadmap for achieving inclusive education in Australia’](#)
- How to make education better - [Easy English version](#) of the ACIE Roadmap achieving inclusive education in Australia
- Australian Research Alliance for Children and Youth (ARACY)’s [The Nest](#) child wellbeing framework
- The Australian Coalition for Inclusive Education’s [‘Providing inclusive education at a time of crisis: Principles and recommendations’](#)