

The quality and safety of Australia's early childhood education and care system for children with disability.

Children and Young People with Disability Australia (CYDA's) submission to the Senate Standing Committees on Education and Employment

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Children and Young People
with Disability Australia

**Authorised by:**

Skye Kakoschke-Moore (she/her), Chief Executive Officer

Contact details:

Children and Young People with Disability Australia (CYDA)

E. skye@cyda.org.au

P. 03 9417 1025

W. www.cyda.org.au

Author:

Dr Liz Hudson (she/her), Policy and Research Manager, CYDA

A note on terminology:

Throughout this submission, Children and Young People with Disability Australia (CYDA) uses person-first language, e.g., person with disability. However, CYDA recognises many people with disability choose to use identity-first language, e.g., disabled person.



Content warning: This submission references discrimination, child abuse and neglect.

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 and present. This is, was, and always will be Aboriginal Land.



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Summary of recommendations

Recommendation 1: Embed disability-inclusive child safety in the National Quality Standard (NQS) by:

- mandating that every ECEC service demonstrate how it keeps children with disability safe, heard and included.
- ensuring accessible communication, proactive adjustments and staff training on recognising and responding to abuse, neglect and exclusion.

Recommendation 2: Resource and upskill regulators to assess disability-inclusive quality consistently across jurisdictions by:

- including specialist training for educators and authorised officers
- development of national “inclusive quality” indicators for assessment and rating and;
- public reporting of performance on inclusion outcomes.

Recommendation 3: Implement a mandatory “Inclusive Quality Improvement Framework” for all ECEC providers, requiring:

- a co-designed Disability Inclusion Plan developed with families
- documented use of the Inclusion Support Program (ISP) or other reasonable adjustments; and
- compliance with the expanded Disability Standards for Education once extended to ECEC.

Recommendation 4: Invest in a skilled, stable and disability-competent ECEC workforce by funding paid professional development on inclusion including:

- mentoring and coaching for educators and
- minimum workforce stability standards to reduce reliance on untrained casual staff

Recommendation 5: Establish a public “Inclusive ECEC Data Dashboard” reporting enrolment and participation rates of children with disability including:

- use of inclusion supports and
- quality ratings on inclusive practice, to drive transparency and accountability across the system.

Recommendation 6: Create a universal, disability-informed tier of foundational safety and inclusion supports within the ECEC system—available to every approved service, not only those with NDIS participants—so ECEC providers can fund:

- active supervision and high-risk routines safeguards (e.g., line-of-sight design, second-adult visibility practices for intimate care, documented handovers)
- specialist coaching and mandatory training on recognising grooming, responding to disclosures, and communicating with non-verbal children; and
- communication access (AAC, interpreters, Easy Read) so children with disability can be heard and can report concerns.

Recommendation 7: Guarantee genuine, safe choice for families of children with disability by:

- prohibiting discriminatory enrolment caps and hours limits that push families into unregulated or unsuitable care
- making reasonable adjustments and child-safe capability (accessible complaints, disability-informed practice, supervision plans for high-risk routines) a condition of service approval; and
- funding independent support navigation so families can find—and remain in—local services that meet child-safe standards for disability, including visible information about a service’s child-safe compliance and disability inclusion record.

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 extensive national networks of 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 in Australia will fully exercise their rights, realise their aspirations and thrive in all communities. We do this by:

- Raising community attitudes and expectations
- Championing initiatives that promote the best start in the early years for children with disability, and their families and caregivers
- Leading social change to transform education systems to be inclusive at all points across life stages
- Advocating for systems that facilitate successful life transitions to adulthood
- Leading innovative initiatives to ensure the sustainability and impact of the organisation and the broader sector

Children and Young People with Disability Australia (CYDA) welcomes the opportunity to contribute to the Senate Standing Committee on Education and Employment's Inquiry into the quality and safety of Australia's early childhood education and care system. Our recommendations are grounded in the lived experience of children and young people with disability and their families, and in CYDA's evidence base and submissions on early childhood policy and practice.

Our submission builds on CYDA's extensive experience with, and work into, child safety and the prevention of child sexual abuse for children and young people with disability. This work has highlighted the need for more information, safeguards and resources for organisations to ensure child safety for children and young people with disability.

The submission draws on evidence from a range of sources including:

- [CYDA's submission on a Child Safety Annual Reporting Framework](#) (2025)
- CYDA's submission [on Changes to the Disability Standards of Education to cover the whole Early Childhood Education and Care sector](#). (2025)
- [CYDA's submission on the Draft Report of the Productivity Commission's Inquiry into Early Childhood Education and Care](#) (2024)
- CYDA's role leading the multi-year Child Safe Organisations project, funded by the National Office of Child Safety. Through this project, CYDA facilitated consultations with young people with disability, parents, caregivers and organisations to co-design resources for organisations to implement the

National Principles and promote the safety of children and young people with disability.

- CYDA's submission to [The National Strategy to Prevent Child Sexual Abuse Final Development Consultation Paper](#) (2021).
- CYDA's involvement in the Royal Commission into Institutional Responses to Child Sexual Abuse National Redress Scheme from 2018 to 2023. CYDA participated in several internal and external stakeholder groups and communities of practice, as well as providing information and support about the Scheme to our membership of children and young people and [developing resources on child safety and prevention of abuse](#).

Submission structure

In CYDA's submission we respond to the following seven items from the Terms of Reference. For each item we lead with a recommendation and a more detailed response.

1. The health and safety of children in childcare services across the country
2. The effectiveness of Australia's childcare regulatory system, including the performance and resourcing of state and territory regulators and the Australian Children's Education and Care Quality Authority, in maintaining and improving quality.
3. Early learning providers' compliance with quality standards and legislative requirements, including compliance with workplace laws and regulations.
4. The impact of childcare providers' employment practices on quality and safety.
5. Transparency within the early childhood education and care system, including access to information and data.
6. The suitability and flexibility of the funding of early education and care across Australia.
7. The choice of care options available to parents and families.



1. The health and safety of children in childcare services across the country

Recommendation 1: Embed disability-inclusive child safety in the National Quality Standard (NQS).

Recommendation 1

Embed disability-inclusive child safety in the National Quality Standard by;

- mandating that every ECEC service demonstrate how it keeps children with disability safe, heard and included.
- ensuring accessible communication, proactive adjustments and staff training on recognising and responding to abuse, neglect and exclusion.

Children with disability are significantly more likely to experience abuse, neglect, and unsafe treatment in institutional and service environments. The Disability Royal Commission found that children with disability are nearly three times more likely to experience violence and abuse than their non-disabled peers¹. These harms often begin in early childhood settings, where safety risks are not always recognised as discriminatory or systemic.

CYDA's national Education surveys show that children with disability in ECEC are routinely excluded from activities, denied full hours or refused enrolment altogether². These experiences send a harmful message at a formative stage—that their participation and safety are conditional. When staff are not trained to communicate with children using non-verbal methods or to recognise distress in children with complex communication needs, unsafe situations go unnoticed, unaddressed or unreported.

As outlined in the guiding principles of the National Quality Framework, the rights and best interests of the child are paramount, and principles of equity, inclusion and diversity underlie the National Law. Despite these principles, children with disability are not explicitly mentioned in the provisions of the National Law or the National Quality Standard (NQS)³.

Embedding the National Principles for Child Safe Organisations into the NQS—linked to Quality Area 2 (Children's health and safety) and Quality Area 5 (Relationships with children)—would close these gaps. The National Principles explicitly require accessible reporting, cultural safety and active participation of children. Making these

¹ Disability Royal Commission (2023), [Final Report](#) Volume 3, page 101

² CYDA (2023) [Surveys of the learning experiences of children and young people with disability](#)

³ ACEQA (2018) [National Quality Standard](#)

expectations explicit in regulation would help ensure that every child, including those with disability, is protected not only physically but emotionally and socially in their early years.



2: Effectiveness of the childcare regulatory system (regulators & ACECQA)

Recommendation 2: Resource and upskill regulators to assess disability-inclusive quality consistently across jurisdictions

Recommendation 2: Resource and upskill regulators to assess disability-inclusive quality consistently across jurisdictions by;

- including specialist training for educators and authorised officers
- development of national “inclusive quality” indicators for assessment and rating and
- public reporting of performance on inclusion outcomes

The current regulatory system does not consistently recognise or enforce disability inclusion as a quality and safety issue. State and territory regulators vary in their expertise and approach; many authorised officers report feeling underprepared to assess inclusive practice. Families repeatedly tell CYDA that the quality of inclusion depends more on individual educators’ attitudes than on systemic requirements.

A strong regulatory system should ensure that inclusion and accessibility are not optional or dependent on goodwill. ACECQA’s own research has found that while awareness of inclusion has grown under the NQF, the practical implementation of adjustments and inclusive environments remains uneven⁴. However, families of children with disability report to CYDA that inclusive practice depends too much on individual attitudes rather than consistent regulatory expectations⁵. Strengthening regulatory capability would ensure that services are held accountable for upholding children’s rights to access and participation, consistent with Australia’s obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD).

By developing national “inclusive quality” indicators—covering enrolment practices, communication access, environmental adjustments and family engagement—regulators could drive improvement while ensuring consistency. Transparency in reporting on these indicators would build public confidence that the system actively protects and includes children with disability.

⁴ ACEQA (2021) [Report Summary consultation Disability Standards for Education \(DSE\) for ECEC OSHC](#)

⁵ CYDA (2024) [Submission on the Draft Report of the Productivity Commission’s Inquiry into Early Childhood Education and Care](#)



3: Compliance with quality standards and legislative requirements

Recommendation 3: Implement a mandatory “Inclusive Quality Improvement Framework” for all ECEC providers

Recommendation 3: Implement a mandatory “Inclusive Quality Improvement Framework” for all ECEC providers requiring:

- a co-designed Disability Inclusion Plan developed with families
- documented use of the Inclusion Support Program (ISP) or other reasonable adjustments; and
- compliance with the expanded Disability Standards for Education once extended to ECEC

ECEC services play a vital educational role in the early development of children with disability yet are not currently bound by the Disability Standards for Education (DSE) 2005. CYDA strongly supports the Government’s commitment to extend these Standards to early childhood providers, as recommended by the 2020 Review. This reform is critical to closing the gap between aspiration and practice.

CYDA’s submission to the DSE Review highlighted that, without enforceable standards, many young children with disability are denied reasonable adjustments or excluded altogether⁶. Families are often told their child’s needs are “too complex,” or that there are “no staff available.” These are not resource issues alone—they are failures of compliance and accountability.

A mandatory inclusion framework would operationalise legal obligations by requiring services to demonstrate practical actions: co-designing inclusion plans, using the ISP to fund adjustments and recording outcomes at Assessment and Rating. Linking these to compliance would transform inclusion from an optional extra into a core quality requirement. This is also an equity issue—without structured accountability, children with disability remain more likely to experience exclusion at the very start of their education journey.

⁶ CYDA (2025) [Submission on Changes to the Disability Standards of Education](#)



4: Impact of providers' employment practices on quality and safety

Recommendation 4: Invest in a skilled, stable and disability-competent ECEC workforce by funding paid professional development on inclusion

Recommendation 4: Invest in a skilled, stable, and disability-competent ECEC workforce by funding paid professional development on inclusion including:

- mentoring and coaching for educators and;
- minimum workforce stability standards to reduce reliance on untrained casual staff

The quality and safety of ECEC environments are inseparable from the quality of the workforce. Children with disability rely on consistent, trusting relationships with educators who understand their communication, behaviour, and support needs. High staff turnover or reliance on untrained casuals undermines this trust and can make environments unsafe.

CYDA's child safety stakeholder consultations show that when educators lack time, support or training, they can misinterpret a child's distress or behaviour, leading to exclusionary practices such as time-outs, reduced hours or early pick-up calls. Conversely, when educators receive training in inclusive practice and behaviour support, outcomes for all children improve⁷.

A national workforce strategy that recognises inclusion as a necessary capability is essential. This includes paid time for educators to plan collaboratively with families and allied health professionals and clear incentives for long-term retention. When staff are supported to build meaningful relationships and confidence, children with disability experience stability, predictability, and belonging—the foundations of safety and learning.

⁷ CYDA (2022) [Child Safe Organisations Project Report](#)



5: Transparency within the early childhood education and care system

Recommendation 5: Establish a public “Inclusive ECEC Data Dashboard” reporting enrolment and participation rates of children with disability

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- use of inclusion supports and
- quality ratings on inclusive practice, to drive transparency and accountability across the system.

Families of children with disability cannot make informed choices about care if data on inclusion, safety and quality are hidden. CYDA’s work consistently highlights the absence of disaggregated data on disability across ECEC systems—making it challenging to measure progress, identify inequities or hold providers accountable⁸.

Currently, there is no national reporting on how many children with disability are refused enrolment or supported through the Inclusion Support Program. This invisibility masks systemic exclusion and undermines the government’s commitments under Safe and Supported: The National Framework for Protecting Australia’s Children and Australia’s Disability Strategy 2021–2031.

A transparent, inclusive accessible data dashboard—similar to the [ECEC 2024 National Workforce Census Report](#), but with a focus on disability inclusion—would illuminate both successes and gaps. Public reporting drives improvement—when inclusion outcomes are visible, providers are motivated to strengthen practice. This would also support policy alignment with the new Early Years Strategy and NDIS early-childhood reforms by providing a clear evidence base to guide investment and measure equity of access.

⁸ CYDA’s (2024) submission to the [Draft Report of the Productivity Commission’s Inquiry into Early Childhood Education and Care](#) and CYDA’s (2023) submission to the [Review to Inform a Better and Fairer Education System](#)



6: Suitability and flexibility of funding across Australia

Recommendation 6: Create a universal, disability-informed tier of foundational safety and inclusion supports within the ECEC system—available to every approved service, not only those with NDIS participants

Recommendation 6: Create a universal, disability-informed tier of foundational safety and inclusion supports within the ECEC system—available to every approved service, not only those with NDIS participants—so ECEC providers can fund:

- active supervision and high-risk routines safeguards (e.g., line-of-sight design, second-adult visibility practices for intimate care, documented handovers)
- specialist coaching and mandatory training on recognising grooming, responding to disclosures, and communicating with non-verbal children; and
- communication access (AAC, interpreters, Easy Read) so children with disability can be heard and can report concerns

Children with disability face elevated risk of sexual abuse and other harm in institutional contexts due to dependence on adults for intimate care, barriers to communication and societal attitudes that can silence or disbelieve them. When funding is thin or inflexible, services cut corners on the very measures that reduce risk—adequate supervision, two-person visibility in high-risk routines, tailored communication supports and staff time for proactive planning.

The Royal Commission into Institutional Responses to Child Sexual Abuse documented increased risks for children with disability and the practical safeguards organisations must embed. The National Principles for Child Safe Organisations set clear expectations for minimising opportunities for abuse, empowering children to participate and speak up and making complaints processes accessible for all children—requirements that are especially critical for children who use Augmentative and Alternative Communication (AAC) or have complex communication needs. Funding settings should enable services to do these things as standard practice, not as optional extras.

Universal foundational supports—recommended by the NDIS Review, currently delayed and not yet formally implemented—would provide the mechanism to embed those safeguards across every ECEC setting, irrespective of NDIS status. This would allow for the purchase of specialist coaching (e.g., grooming awareness in early

childhood contexts; disability-informed responding to disclosures) and ensure children have communication tools to express discomfort or report harm.

Where the Inclusion Support Program⁹ is stretched or administratively complex, indexation and integration with proposed foundational supports would ensure services in rural and smaller centres can still meet child-safe obligations.

The goal is straightforward: no child's safety should depend on a diagnosis, a postcode or whether a service can navigate a funding grant form.

⁹ <https://www.education.gov.au/early-childhood/providers/extra-support/inclusion-support-program>



7: Choice of care options available to parents and families

Recommendation 7: Guarantee genuine, safe choice for families of children with disability

Recommendation 7: Guarantee genuine, safe choice for families of children with disability by:

- prohibiting discriminatory enrolment caps and hours limits that push families into unregulated or unsuitable care
- making reasonable adjustments and child-safe capability (accessible complaints, disability-informed practice, supervision plans for high-risk routines) a condition of service approval; and
- funding independent support navigation so families can find—and remain in—local services that meet child-safe standards for disability, including visible information about a service’s child-safe compliance and disability inclusion record.

When services refuse enrolment, reduce hours, or require families to pay privately for ECEC support, families are often forced into ad-hoc arrangements or long travel to distant providers. This erodes safety by fragmenting relationships, reducing oversight and increasing the chance that intimate care and transitions occur in spaces or times that are harder to supervise. CYDA’s early-childhood survey¹⁰ documents widespread gatekeeping and exclusion—including enrolment refusals and exclusion from activities—which undermines both inclusion and child safety. A system that tolerates gatekeeping effectively channels children into higher-risk situations and silences them when they try to speak up. Embedding a positive duty to make adjustments and to demonstrate child-safe capability—consistent with the National Principles—would flip the default from “*prove you deserve a place*” to “*we will make this safe and work for your child*”.

Safe choice also means informed choice. Families need transparent, comparable information about inclusion and child-safe practice to select a local service with confidence. Regulators already provide guidance on Child Safe Standards (e.g., NSW and Victoria), including requirements for staff training, risk assessment of physical

¹⁰ CYDA (2022) [Report Taking the first step in an inclusive life – Experiences of Australian early childhood education and care](#)

spaces and minimising opportunities for harm. Making these expectations visible at point of enrolment—and funding support staff and educators to help families assess a service’s child-safe capability, understand supervision plans for intimate and at-risk settings and know how to raise concerns—will reduce risk and strengthen trust. Where a child uses AAC or needs sensory adjustments to feel safe, support should ensure those adjustments are in place on day one and included in the child’s plan, with review points and clear escalation pathways.

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

ABN 42 140 529 273

Facebook: www.facebook.com/CydaAu

Instagram: cydaaus

www.cyda.org.au



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