

Review of the WA School Education Act 1999 - WACOSS 2024 Submission

The Western Australian Council of Social Service Inc. (WACOSS) welcomes the opportunity to make a submission to The Minister for Education, Hon Dr Tony Buti MLA on the Review of the School Education Act.

WACOSS is the peak body for the community services sector in Western Australia and works to create an inclusive, just and equitable society. We advocate for social and economic change to improve the wellbeing of Western Australians, and to strengthen the community services sector that supports them. WACOSS is part of a network consisting of National, State and Territory Councils of Social Service, who advance the interests of people on low incomes and those made vulnerable by the systems that have been put in place.

The major concern of our members is the wellbeing and future prospects of disadvantaged and vulnerable children, young people and their families – how we can best work with them, the frontline services that support them, and their local public schools to overcome barriers to reach their full potential and thrive. This is particularly important when it comes to children and young people living with a disability, their families and the community services that support them.

WACOSS has recently conducted regional consultations with frontline services to inform our state budget submission – to be published on 25th October 2024. We also recently held a roundtable with principals from public schools in disadvantaged areas, frontline community services and researchers, co-convened with the State School teachers Union of WA which has informed both this submission and our state budget submission.

Purpose of the Review

Introducing the discussion paper on the SE Act Review, the Hon. Toni Buti, Minister for Education stated ...

“I believe every child and young person with a disability has the right to a quality education where they feel valued, included and supported to reach their full potential.”

He went on to say ...

“In order to have an inclusive society where all people can reach their potential – and to support the growth of children and young people - we need an education system that fosters respect, values diversity, and embraces and accommodates difference.”

These are strong values that we support and believe are shared by the vast majority of Western Australian citizens as applying to all our children (particularly, but not exclusively, those living with a disability). We think that in reviewing and updating the Act it would then make sense to make this aspiration explicit as the underlying purpose of the Act. That is, the Objects of the Act should include the words:

“Every child and young person in Western Australia has the right to a quality education where they feel valued, included and supported to reach their full potential.”

We note that this *should* mean every Western Australian child can access a *free public* quality education where they feel valued, included and supported to reach their full potential. As outlined in our recent submission on the Regional Education Strategy (which should be read alongside this submission) we have some concerns that we are not yet achieving a level of equity in providing quality education to all our children. In particular, those living in disadvantaged areas, including rural and remote communities and low socio-economic areas could do with more resources and better support to level the playing field and give them an equal start and the best chance in life.

As it stands the existing Act is very utilitarian and gives little recognition to the purpose of public education and the broader regulation of educational activities (including private schools) in delivering positive educational outcomes that lift or realise the potential of our growing citizens, contribute to the nature of our community, and strengthen our economy and society and our position in the world in a way that invests in delivering a stronger and brighter future. Object 1(a) merely states:

“To recognize the right of every child in the State to receive a school education during the child’s compulsory education period.”

Western Australia needs to be doing more than the bare minimum. We need to recognise both our current transitory advantages and emerging future challenges to think more proactively about how we are building the capability of our people as a strategy to diversify our economy and strengthen our future resilience.

An education system that fosters respect, values diversity and accommodates and embraces difference is also a very important aspiration, and we support these outcomes also being included within the Objects of the Act. We also believe that the Objects should include that fundamental tenant of a child’s rights approach to child development – that is, that it should explicitly state that the best interests of the child should have primacy in all decision making and activities under the Act.

We also note some positive inclusions within the purpose of the [NZ Education and Training Act 2020](#), in that it recognises the purpose of public education as providing citizens with “...the skills, knowledge, and capabilities that they need to fully participate in the labour market, society, and their communities.” It also recognised education plays a critical role in supporting “health, safety, and well-being” and plays a critical role in civil and cultural life by recognising and valuing the culture and knowledge of their first peoples (framed as honouring the Waitangi treaty and supporting Māori-Crown relationships).

Section 34 of the NZ Act also states that students with special educational needs have same rights to rights to enrol, attend, and receive education at State schools as students who do not. We support this principle, but feel that we can do better with the way it is expressed by drawing on some of the language recently used within the UN and Australia in relation to how we describe the rights of people living with a disability and their inclusion. We note that there is currently a [Reforming Western Australia’s disability legislation](#) being undertaken by the Department for Communities but that it is not yet clear what the findings are or when legislative reforms will be put before the Parliament. We recommend the Ministers for Disabilities and Education work together to align both pieces of legislation, and consult with disability advocacy organisations including PwDWA, DDWA, NDS WA, CYDA and others on the framing of language on inclusive outcomes.

Our key message is that the Objects of the Act should give it a clear purpose that evokes a vision of education as a means of uplifting our citizens, investing in our future, and strengthening the values and broader nature of our society – with inclusion, equity and opportunity as key elements of how we do this. The Minister might consider recalling the words of Gough Whitlam’s 1969 Election Campaign speech on [Education and the Public Good](#) as a means of reflecting core Labour values and building on the manner in which our subsequent commitment to public education (it included uplifting public schooling, the abolition of tertiary tuition fees, as well as an aspiration for universal early education care now on the verge of being delivered fifty-five years later). Whitlam said:

“We are *all* diminished as citizens when *any* of us are poor. Poverty is a national waste as well as an individual waste. We are *all* diminished when *any* of us are denied proper education. The nation is the poorer—a poorer economy, a poorer civilisation, because of this human and national waste.”

He also said:

“The chief duty of modern governments is to create opportunities for all its citizens, in the availability, use and development of the nation’s resources. The chief resource of the nation is its human resources, and the most important of those human resources is the nation’s children.”

The way we create those opportunities for our children, in Whitlam’s view and ours, is through quality public education.

The Pathway to Fully Inclusive Public Schooling

How we practically accommodate and foster the education, work and life outcomes of children and young people living with a disability is a critical question.

[We note the concerns raised in the SSTU WA submission that public educators are underfunded and overworked – and hence their capacity to deliver a quality education that is responsive to the varying needs of children and young people growing up with a disability in WA may be constrained.

We also note that the scope of the review is constrained to considering the rights and conditions of children living with a disability within the public school system – whereas the scope of the Act covers all schools within WA including private, for-profit and religious ones. Our view is that children’s rights are universal and it is critical to ensure the welfare of children living with a disability across all settings. On the one hand, we feel it makes sense for the public school system in WA to aspire to lead in the provision of quality education for children living with a disability that is inclusive and responsive to their needs and strive for excellence. On the other hand, there are equity considerations for children living with a disability and their parents, and for teachers and school administrators to also need to be upheld. It would be unfair for the standards demanded and the additional costs incurred in delivering a quality inclusive response to fall disproportionately on our under-funded public school system.

To this end we are particularly concerned that key enabling conditions including funding and teacher development are considered out of scope for the review of the Act. While it is true to say that the ongoing year-to-year administration of these activities is outside the XXX of the Act, it is also

important for schools, families and communities to be reassured that the WA Government is making provision for the cost and staffing implications of changes to the Act. Hence in our view it would be appropriate for the Minister to be making a commitment to resource and support effective implementation at the time the proposed changes to the act are announced or introduced to Parliament. This is likely to include considerations relating to the capability school leaders, as well as resources including staffing numbers and roles, training, equipment, transport, and facilities, as well as the provision of planning, advice and support services from the Department of Education to help schools to respond to this need as it presents in a timely and effective fashion.

It is clear that our aim should be to work toward a fully inclusive society, and in doing so we should ensure all children with a disability in WA have access to the support they need and the quality education they deserve. Hence our ultimate aim needs to be to lift the capability and inclusiveness of all schools throughout our state. Furthermore, we should be seeking to do this in a way that supports easy access and offers reasonable choice. Wherever possible we want to see families able to access their local public school and included within their local community, without bearing additional burdens of travel and in a way that does not feel like segregation into a “special-needs school.”

The concern about how we can best achieve these outcomes is how we should best balance limited capability and resources during this transition. What is the most effective pathway to achieve this end that ensures children growing up with a disability or other disadvantaged children do not fall through the cracks, and each get the best possible quality education along the way. The feedback we have received from the frontline – from parents, teachers and principals in under-resourced schools in disadvantaged areas, as well as from young people with lived experience of growing up with a disability and the services that support them – is that educational processes can be disrupted and the quality of teaching and learning diminished where multiple disadvantages are compounded – unless they are properly resourced and have access to the knowledge, expertise and support they need.

This means that for us to ensure that every child can receive the quality education that is their right, we need to ensure that diversity is being properly accommodated and supported along the way. That there is sufficient knowledge, experience and expertise at hand to provide effective inclusion support in a manner that can support and enhance the role of the teacher and the learning of all students. Currently we face challenges in teacher recruitment and retention within Western Australia that are exacerbated in regional, remote and disadvantaged areas. It is unclear that we can get timely access to appropriately skilled and experience staff in education support roles across all schools across our state to ensure effective participation support. Hence, we may need a strategy to build capacity and practical expertise in strategically located key schools that give us good geographic coverage and accessibility – then extend from there. This might be like a hub and spoke model where they can function as regional centres of excellence, play a key role in staff training or upskilling, then help promulgate staff and practice out through their regions to ultimately achieve universal coverage.

From the point of view of children with additional support needs and their parents, it may not be sufficient to be merely present within the classroom for them to be actively included in learning, if their additional support needs are not properly met. Hence their needs to be a commitment to ensure public schools can be effectively resourced, plus a process to enable them to respond in a

timely manner to meet this demand as new children enrol. For any children within a class when there are multiple children with additional support needs or behavioural challenges, beyond a certain point there is the risk that it may become disruptive, and that too much of the teacher's time and capacity is taken providing additional support or managing challenging behaviours to deliver effective tuition – if effective additional support is not available, such as specialist education assistance roles.

To be clear, there are many children living with a disability who can be fairly easily and effectively included within the classroom without requiring much in the way of additional ongoing support. For example, ensuring physical access for those with restricted mobility and the provision of communication support devices require one-off investment. At times there may be challenges with some classrooms in older schools that pre-date the implementation of adaptive design criteria, but we would expect most schools to have a choice of some newer classrooms that have been designed appropriately or can easily be adapted. Similarly, one-off expertise for purchase and set-up then occasional ongoing technical support may be needed for communication support devices to ensure inclusion.

One major area of concern is how issues of inclusion are handled in regional and remote areas. The feedback we have received – which is consistent with the findings of the Disability Royal Commission – is that there is a high level of unrecognised, undiagnosed and unsupported disability present in remote regions such as the Kimberley, particularly among First Nations populations. This can mean that the first years of school (or preschool) may be the point at which developmental disabilities or neurodiversity first manifest. Hence schools need additional training and support along with strong contacts and referral networks with local diagnostic and support services. It is critical that the teaching and support provided is inclusive of this diversity and that additional support can be provided to students based on need that is not reliant on diagnosis. This is particularly of concern where that diagnosis is not readily available or affordable, and where families can face wait times of months or even years.

We recommend that the Minister and Education Department consider the findings and respond to the relevant recommendations of the recent [WA Parliamentary Inquiry into Child Development Services](#) [link] and the [WACOSS](#) and [AHCWA](#) Submissions. We have been advised that the current funding model for access to additional support within the education system is dependant on diagnosis, and hence disadvantages students unable to access or afford diagnosis. We are particularly concerned by the risk that there are higher rates of undiagnosed developmental and other disabilities within disadvantaged communities, and hence schools in these areas may face a compounding of disadvantage that they are not resourced to cope with that ultimately becomes disruptive for all their students and increases the risk of teacher burn-out.

We note that Western Australia has recently taken on and/or had clarified its' responsibilities for the delivery of [foundational services](#) to children and young people growing up with a disability as part of the renegotiation by National Cabinet of the [National Disability Agreement](#) in December 2023.¹ To this end we believe there is a pressing need for a coordinated whole of government response including the Ministers for Disability, Education and Health with a view to ensuring system

¹ NDIS Review (2023) [Fact sheet: Foundational supports for all people with a disability](#).

architecture and service user navigational support to ensure children young people and families of those living with a disability are able to access the services and support they need.

Building on the Full Service Schools model,² existing Child and Parent Centre models in WA, and the learnings on best practice being promulgated by the national network of Integrated Child and Family Hubs³ – there is an opportunity to build stronger links between local disability support services, child and family and youth services with schools to provide more effective wrap-around support and referral and to develop and share best practice on inclusion support. WACOSS and our members support expansion of the existing Child and Parent Centre model in line with national best practice service integration and navigation, as outlined in our recent Election Platform.⁴ This should also be informed by the findings of the current valuation of CPCs in WA by The Kids Research Institute (formerly Telethon Kids Institute). It also makes sense to have some independent expertise that is sitting outside of the school system that can be called upon during planning, design and implementation, and access to regular external evaluation and advice.

WACOSS and our members support the recommendations of [Facing the Facts: A Review of Public Education in Western Australia \(2023\)](#), noting that a number of the key issues of this review were addressed within that report. In particular we endorse implementation of the following:

Recommendation 6: The WA DoE should redesign support services to ensure they are more accessible, more responsive to local needs and better resourced to support schools' administrative and educational needs.

Recommendation 7: In conjunction with education authorities, the WA Government should design and fund dedicated, cross-portfolio services to support the learning of children with special needs.

Recommendation 8: In the context of the WA Government's disability strategy, the WA DoE should, after consultation with teachers and parents, provide clear system-wide guidelines and a process for making decisions on the optimum placement of students with special needs.

Recommendation 15: The WA DoE should clearly define the criteria for documented plans, including for whom they are intended and how to manage an equitable distribution of the additional workload entailed. The Department should ensure that schools fully understand the requirements of the plans and consider the impact on teacher's workloads.

Recommendation 16: Where a student with complex needs requires a Documented Plan, that student should 'count' for 2 or 3 students when determining class size, thus reducing the numbers in the class.

Recommendation 20: A program to provide for additional capital works in public schools should be agreed between the Commonwealth and State and Territory governments, particularly for high needs areas.

² WA Labor (2017) [State Election Platform](#).

³ Murdoch Children's Research Institute (2024) [National Child and Family Hubs Network](#).
SVA (2023) [Enhancing the impact of integrated early years supports in Australia](#).

⁴ WACOSS (2024) [Make WA Fair: Leaving no-one behind](#).

Recommendation 22: Funds provided under the funding formula for children with disabilities should be quarantined and used for their education and support.

Recommendation 33: The WA DoE should provide adequate levels of local support to address the workload implications of the growing student complexity as a high priority strategy.

School-to-Work transitions

One of the most critical transition points in the lives of all of our young people is the pathway from school to work (including that to further and higher education). Recent research suggests that this transition is doubly critical for young people living with a disability.

On the one hand, there is evidence that further education can deliver a double boost to the employment outcomes of young people living with a disability – further lifting their likelihood of securing employment. The recent BCEC Report [Employment and disability in Australia: Improving employment outcomes for people with disability](#) (2024) found that having a university degree is associated with an 18.2 per cent increase in the chance of a young person being in work compared to a person who did not complete school. For young people with disability, having a university degree however is associated with an *additional* 16.2 per cent higher probability of being in work (i.e. 34.4 per cent in total).⁵ Hence schools can play a critical role in supporting outcomes for their disabled students by ensuring they actively support appropriate pathways to further education.

On the other hand, the evidence also suggests that very few young people living with a disability receive adequate and meaningful career planning advice and support at school – increasing the risk that they will spend long periods in unemployment and potentially never secure meaningful employment that makes the most of their true talent and capability.

[Employ My Ability](#) the National Disability Employment Strategy 2021-31 identifies building the employment skills, experience and confidence of young people with a disability as a priority area for action. Surveys of young people with a disability show they have strong positive attitudes to future employment and 90 per cent actively want to work. However, in practice 18 per cent of school leavers with a disability have not entered the workforce seven years after leaving school (compared to 5 per cent of all school leavers).⁶ This is a critical point in their lives that makes a fundamental difference to their career outcomes and life-long wellbeing – and it is clear we are failing them.

The 2015 CYDA report [Post School Transition: The experiences of students with disability](#) has been recognised for providing a detailed account of the barriers faced by school leavers. The report found that ...

“... many young people with disability have extremely poor post school transition experiences. This is impacting negatively on life outcomes where there is low participation in employment and tertiary study and social exclusion remains high. While there are pockets of good post school transition practice, generally programs and preparation for this transition

⁵ BCEC (2024) [Employment and disability in Australia](#). Noting that WACOSS Leader of Policy and Research, Chris Twomey was a co-author for this research.

⁶ Year 13 (2021) [Disability and Career Advice Survey](#). The South Australian Centre for Economic Studies (2021) [Disability Employment Landscape Research Report](#).

are fragmented with minimal coordination and guidance regarding what should occur during this time.

It concluded there was an urgent need for education reform. Its key messages were that we need to change attitudes and address misconceptions, create opportunities and improve access, recognise the importance of planning and ongoing resources, and streamline coordination, partnerships and accountability.

The CYDA report recommended a quality post school transition process that includes person-centred transition planning, beginning early (by year 9), with high expectations embedded throughout the process. Work experience opportunities and part-time work should be facilitated via connections with local businesses and employers, with a focus on foundational skills and career development planning with the young person, including a follow up with them post school.

Recommendation: A quality post-school transition process that includes: person-centred transition planning that begins by year 9; meaningful work experience opportunities and active support for part-time work; a focus on foundational skills; and career development planning.

In Conclusion

Review of the WA School Education Act to ensure that it delivers quality inclusive education to children and young people growing up with a disability in Western Australia is an important initiative. It provides a great opportunity for us to ensure that all of our children have the education and support they deserve to thrive and reach their full potential – particularly those who we know are currently missing out on the opportunity to be included and be an active part of our community and contribute to our future prosperity and wellbeing.

The issues of inclusion and equity are critical challenges that require an effective whole-of-government approach. This is also a place where WA's public school system has the opportunity to shine. Our challenge however is to ensure that it is properly and effectively resourced, supported and advised. We need to find a pathway to build our collective capability, sharing our learnings along the way to ensure that all public schools in WA are able to deliver a quality inclusive education – and that all our young people meet their full potential to lead fulfilling lives and build fulfilling careers.

Please do not hesitate to get in touch with us if you would like to discuss any on the issues raised in this submission.

Yours sincerely,



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References

- Australian Education Union (2024) [*A Decade of Inequity: How Australian governments have funded private schools above public schools since 2013.*](#)
- Australian Senate, Standing Committee on Education and Employment (2024) [*The national trend of school refusal and related matters.*](#)
- Bankwest Curtin Economics Centre (2017) [*Educate Australia fair? Education Inequality in Australia.*](#)
- Bankwest Curtin Economics Centre (2021) [*Stronger together: Loneliness and social connectedness in Australia.*](#) (BCEC)
- Bankwest Curtin Economics Centre (2024) [*Employment and Disability in Australia: Improving employment outcomes for people with a disability.*](#)
- Commissioner for Children and Young People WA (2021) [*Girls' Wellbeing Report.*](#) See also Wellbeing Monitoring Framework.
- Deloitte Economics (2023) [*Exploring need and funding models for a national approach to integrated child and family hubs.*](#)
- Gonski (2011) [*Review of Funding for Schooling*](#)
- Gonski (2018) [*Through Growth to Achievement: Achieving Educational Excellence in Australian Schools*](#)
- Honisett S, Loftus H, Hall T, Sahle B, Hiscock H, Goldfeld S.(2022). [*Do Integrated Hub Models of Care Improve Mental Health Outcomes for Children Experiencing Adversity? A Systematic Review.*](#) International Journal of Integrated Care, 2022; 22(2): 24, 1–14.
- Lawrence et.al. (2023) [*Facing the Facts: A Review of Public Education in Western Australia \(SSTUWA\)*](#)
- Murdoch Children's Research Institute (2024) [*National Child and Family Hubs Network*](#) (MCRI)
- Nous Group (2018) [*Evaluation of the Student-Centred Funding Model.*](#) (CIRES)
- OECD (2024) [*Education at a Glance.*](#)
- OECD (2024) [*Policy Paper: Equity in education and on the labour market.*](#)

O'Brien et.al. (2023) [*Improving Outcomes for All: The report of the Independent Expert Panel's Review to Inform a Better and Fairer Education System.*](#)

Productivity Commission (2022) [*Review of the National School Reform Agreement*](#)

SVA (2023) [*Enhancing the impact of integrated early years supports in Australia.*](#)

WA Labor (2017) [*State Election Platform.*](#) (see Educare & Full Service Schools).

WACOSS (2024) [*Make WA Fair: Leaving no-one behind.*](#) 2024 Election Platform.

WACOSS (2024) [*Child Development Services in WA Submission.*](#)

WACOSS (2024) [*Regional Education Strategy Submission.*](#)

WA Parliament, Education and Health Standing Committee (2024) [*A Different Kind of Brilliance: Report of the inquiry into support for autistic children and young people in schools.*](#)

WA Parliament, Select Committee into Child Development Services (2024) [*Child Development Services in Western Australia: Valuing our children and their needs.*](#)