Starting together on the same path

CYDA's submission on the Draft Report of the Productivity Commission's Inquiry into Early Childhood Education and Care

"Those ordinary experiences of childhood - the dirt, sandpit time, finger painting - were critical for my child. They set the tone for her being in the same places and experiencing the same fun as all the other kids."

Parent of a child with disability

Children and Young People with Disability Australia February 2024



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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 and present. This is, was, and always will be First Nations lands.



Children and Young People with Disability Australia

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Summary of recommendations

As a representative organisation for children and young people with disability across Australia, CYDA supports the Draft Report of the Productivity Commission's Inquiry into Early Childhood Education and Care (The Draft Report) as a critical component of delivering an enduring vision of what Australia wants to achieve for children and families in the early years. The envisioned Inquiry into ECEC also supports fulfilling our own purpose to ensure governments, communities and families are empowering children and young people with disability to fully exercise their rights and aspirations.

Here, we provide a condensed overview of the recommendations outlined in our submission. Please refer to the complete body of our submission for more detailed information and context.

In the context of evidence demonstrating the additional ways that children and young people with disability are oppressed and marginalised due to their age and legal status, CYDA recommends the following for inclusion in the Productivity Commission's final report:

Recommendations: General

Recommendation 1: Embed an anti-ableism framework in the ECEC sector

We urge the Productivity Commission to include in its final report, the following recommendation:

- Undertake a co-designed, multi-stakeholder process to define a series of antiableist principles for use across ECEC sector and
- Use an external organisation (or coalition of organisations) to undertake a review of each principle to ensure their adherence to anti-ableist principles.

Recommendation 2: Prioritise the voice of children with disability by

- including them in the ordinary places of childhood from the earliest possible opportunity
- providing an alternative to the 'polished pathway'¹, one that is paved in a way that is accessible and inclusive of children with disability and their families.

Specific Recommendations relating to the Draft Report

Recommendation 3:

 Productivity Commission to recommend the removal of any activity requirement for all families of children with disability – whether eligible for the Carer Payment or subsidy.

Recommendation 4:

 Productivity Commission to also recommend that the <u>Carer Recognition Act 2010</u> be amended to include mention of the policies, practices and support services needed to support the combination of work and care, and a process of evaluation or improvement.

¹ The Polished Pathway Speech by Catherine McAlpine, CEO Inclusion Australia to the NDIS Jobs and Skills Summit - 17 August 2022

Recommendation 5:

• Productivity Commission to recommend that all new infrastructure investments must comply with the <u>National Construction Code</u> including D3, E3.6 and F2.4.

Recommendation 6:

• The Productivity Commission to add to this recommendation to include investment in individual advocacy services for the families of children with disability.

Recommendation 7:

 Productivity Commission to recommend that all information must be available in Easy Read formats and Auslan as and when changes are made, and new information is released.

Recommendation 8:

• The Productivity Commission to recommend that there be specific wrap-around supports for students with disability studying to become an ECT to increase representation of people with disability in the workforce and increase completion rates.

Recommendation 9:

• Productivity Commission to recommend that there be investment via the Inclusion Support Program in co-teaching with teachers of the Deaf where children using Auslan are attending.

Recommendation 10:

• The Productivity Commission to recommend that there be investment via the Inclusion Support Program in 'disability mentors' for new teachers.

Recommendation 11:

• The Productivity Commission to include a further detail to this recommendation to include ensuring professional development for more inclusive ECEC is focused on inclusion not intervention or therapy.

Recommendation 12:

The Productivity Commission to recommend the Australian Government ensure the preschool outcomes measures report on:

- mandatory training and professional development offered, delivered, and attended including a focus on inclusion and disability
- investment and utilisation in regional communities of practice amongst early childhood settings including leveraging those with experience of the Inclusion Support Program.

Recommendation 13:

• The Productivity Commission to include in this recommendation that the provision of funding (not Inclusion support Program funding but general funding) to educational authorities be contingent on the establishment of an action plan detailing how education providers will be informed and receive professional development on the responsibilities under the Standards.

Recommendation 14:

• Productivity Commission must recommend the development of a system which records known breaches of disability education standards and informs the relevant authorities of these breaches. There should be a mandatory requirement that action be taken to address identified systemic issues of concern.

Recommendation 15:

• The Inquiry to consider the cost/benefit of collecting and reporting the development domains of the Australian Early Development Census (AEDC) BEFORE the first year of school.

Recommendation 16:

• Productivity Commission to consider making recommendations that also address the changes needed under <u>Australia's Disability Strategy</u> under the 'Community attitudes' outcome. *"Policy Priority 2: An improved understanding of disability by workers in professions people with disability often interact, will increase access to, and the quality of, the services and supports people with disability need."*

Recommendation 17:

• CYDA would also encourage the Productivity Commission to note the role of families and caregivers in this recommendation as the administrative burden is often used to deny enrolment and alternatively the responsibility for drafting wording for documents is requested of families.

Recommendation 18:

 CYDA suggests the Productivity Commission include mention in this recommendation for the need to align the policy priorities of the Early Years Strategy closely to the Early Childhood Targeted Action Plan as outlined in Australia's Disability Strategy 2021-2031.

Recommendation 19:

CYDA urges the Productivity Commission to also recommend urgent action by the Australian Government on the NDIS Review new early childhood pathway:

- Invest in co-designing NDIS Review recommendations and using the expertise of the disability representative organisations.
- Fund, develop and implement a Foundational Supports Strategy that supports children to attend and be included in ECEC.

Recommendation 20:

• The Productivity Commission to recognise and ensure recommendations do not make it harder for families of children with disability to access the ECEC they need.

Recommendation 21:

• CYDA urges the Productivity Commission to recommend additional and flexible funding for inclusive and supportive occasional care for children with disability.

Recommendation 22:

• CYDA asks the Productivity Commission to make a recommendation that requires regulatory authorities to explore how the existing elements of the NQF (Standard 6.2 Collaborative partnerships enhance children's inclusion, learning and well-being) could be assessed and reported on.

Recommendation 23:

• CYDA urges the Productivity Commission to make a recommendation that ensures the NQF reflects the DSE if enacted for ECEC.

Recommendation 24:

• The Productivity Commission to make a recommendation that requires regulatory authorities to budget for inclusive participation e.g. Easy Read and Auslan translated resources.

Recommendation 25:

• The Productivity Commission to recommend that new service approvals include consideration of the inclusion of children with disability and their planned approach to the DSE if enacted for ECEC.

Recommendation 26:

CYDA proposes the incorporation of the following crucial elements into the Final Report:

- Australia's Disability Strategy
- NDIS reforms
- Infrastructure investment

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; 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 respond to the Productivity Commission's Draft Report into Early Childhood Education and Care.

This submission builds on our previous work and evidence by emphasising what children and families in Australia need in the early years. This submission highlights CYDA's vision for children and young people with disability that they are given a lifetime of choices and opportunities and that they are included from the earliest age, particularly in early learning, education, and care.

Our vision of early childhood for children with disability (the early childhood vision) as outlined in CYDA's earlier submission to the Productivity Commission, proposes to:

1. Activate our children's voices	 activating and collecting input from young children on their experiences and goals families, caregivers, communities and systems have high expectations and aspirations for children
2. Support the workforce	 all stakeholders drive inclusion from the earliest age, focusing on access, engagement and development
3. Calibrate the funding	 investing in inclusive and accessible environments where children are welcomed and valued
4. Enhance support and adjustments	 investing in support and adjustments for children and their families across local communities where they live, play and learn
5. Collaborate	collecting and sharing data to understand outcomes and drive investment and accountability

CYDA also supports the following positions in conjunction with this submission

- <u>Starting together, staying together</u>: CYDA's position statement on ensuring inclusive education and phasing out segregated education, December 2023.
- Disability sector's <u>Position Paper</u> on Segregation In 2020, CYDA and other disability rights and advocacy organisations endorsed a position paper¹ titled '*Segregation of people with disability is discrimination and must* end', calling for action toward the goal of ending the segregation of people with disability in schools, housing, and workplaces.
- The Australian Coalition for Inclusive Education's <u>'Driving change: A roadmap for</u> achieving inclusive education in Australia'.

Our submission is structured as follows;

- Context and evidence for our submission
- Our general response to the Draft Report
- Our response to the recommendations outlined in the Draft Report
- What we believe is missing from the Draft Report
- Our responses to information requested from the Draft Report
- Conclusion asking the Productivity Commissioners to imagine if...

1. Context and evidence for CYDA's submission

From the earliest moments of life, children and young people with disability face intersecting discrimination from the medical and health service sector, educational systems, government support services, and the community. A meta-analysis of 328 studies in 2014 found that the impact of these cumulative instances of perceived discrimination, including ableism, is associated with a higher level of psychological distress and decreased wellbeing, especially in children.² More recently, research has revealed increased likelihood of trauma in people with disability³, something the Disability Royal Commission has also noted in its progress reports⁴.

The fact that these experiences coincide with a significant and once in a lifetime phase of brain development and physical growth, make children particularly vulnerable to experiencing lifelong negative impacts from discrimination and exclusion.

Australian children with disability should feel healthy, safe, connected, supported, challenged, and engaged. This is consistent with the United Nations Convention on the Rights of the Child⁵, and the Charter on the Rights of People with Disability (CRPD).

Systemic change is necessary to ensure children and young people are granted the same opportunities as their non-disabled peers, as they transition through critical developmental and life stages. Across many systems, we are failing to provide equitable and effective support.

Inclusive design

The Productivity Commission's commitment to ensuring that future reforms to ECEC are grounded in the principle that every child deserves the best start in life is commendable. This commitment, which includes ensuring that no child or family is left behind, is a testament to their dedication to inclusivity. The Commission's consideration of the ECEC needs of diverse children and their families as highlighted in the key points of the draft report is particularly noteworthy. By incorporating a universal design approach in the review of the current ECEC landscape, the government is creating policies, products, and services that cater to children's diverse needs. If ECEC services are universally designed from the outset to be accessible and usable, the benefits are universal. In essence, the Productivity Commission's efforts underscore the fact that universal design is simply good design⁶.

Universal design, as applied to ECEC landscape, offers significant benefits. It ensures that the framework, action, and policy priorities are accessible, usable, and meaningful to children and young people across a wide range of diversities. This inclusive strategy facilitates access, participation, and success across all domains of a child's early years, meeting the needs of all who wish to use it. It is not a special requirement for a minority but a fundamental condition of good design for everyone's benefit.

² Schmitt, M.T. Et. Al. (2014). *The Consequences of Perceived Discrimination for Psychological Well-Being: A Meta-Analytic Review*. Psychological Bulletin, Vol 140(4), pp.921-948.

 ³ Ullmann, H. Et Al. (2022). Stressful Life Events Among Children Aged 5-17 Years by Disability Status: United States 2019. NCHS Data Brief No. 431. Available at: <u>https://www.cdc.gov/nchs/products/databriefs/db431.htm</u>
 ⁴ See 'Document Library' for progress reports <u>https://disability.royalcommission.gov.au/document-library</u>

⁵ Convention on the Rights of the Child, United Nations, 1989 entry into force 2 September 1990, in accordance with article 49, <u>https://www.unicef.org/child-rights-convention/convention-text</u>

⁶ <u>https://universaldesign.ie/what-is-universal-design/</u>

However, it's crucial to recognise that experiences and impacts of disability can vary greatly⁷. Therefore, CYDA urges the Productivity Commission to incorporate a targeted approach to engage with children and young people with disability and their families who face intersectional barriers. This includes those from First Nations communities, Culturally and Linguistically Diverse communities, the LGBTQIA+ community, those living in rural/remote Australia, and disadvantaged socio-economic areas.

While several national strategies⁸ and policies have adopted mechanisms to include these priority groups, the effectiveness of these segmented approaches remains to be seen. The Australian Early Development Census (AEDC) report⁹ also highlights the high levels of vulnerability among certain groups, emphasising the need for a universally designed ECEC services. By ensuring universal design, the Australian government can address these gaps and increase accountability for the wellbeing, education, health, safety, and development of Australia's children with disability.

CYDA's Early Childhood Education and Care (ECEC) Survey 2022

Research evidence consistently demonstrates that children and young people with disability fare less well than their peers in education. School aged students with disability are segregated, suspended, and expelled at higher rates. Over the last fifteen years, the highest level of educational attainment for people with disability has improved, but this level still remains lower than children and young people without disability. These inequities can have lifelong implications.

CYDA has been gathering feedback on educational experiences from its members via formal surveys since 2010. These surveys have consistently found that students with disability are excluded in their education. CYDA introduced an ECEC-specific survey (as part of a suite of education surveys undertaken in 2022) to understand whether the same kinds of issues are experienced in early childhood education and care settings.

The results of CYDA's ECEC Survey 2022 are shared in the <u>report</u>: "*Taking the first step in an inclusive life - experiences of Australian early childhood education and care*".¹⁰ This survey (which included majority responses from family members of children and young people with disability) provides vital information on children and families experiences including;

- Early childhood education settings accessed,
- supports received by young children, and;
- outlines areas of concern.

Despite the majority of respondents (83%) indicating that their child was welcomed in ECEC settings, such positive experiences are overshadowed by concerning reports of bullying, exclusion and limitations to engagement activities as the following results indicate:

- https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf
- ⁸ The Australian Disability Strategy acknowledges the intersectionality and diversity of children and young people with disability, the Early Childhood Targeted Action Plan sets out actions to ensure these children are supported to reach their full potential, the <u>NDIS First Nations Strategy</u>, and the <u>NDIS CaLD Strategy</u> ⁹ <u>2021 Australian Early Development Census - Department of Education, Australian Government</u>

⁷ Australia's Disability Strategy 2021-2031. Available at

¹⁰ Dickinson, H., Smith, C., Yates, S., Faulkner, A. (2022) Taking the first step in an inclusive life – experiences of Australian early childhood education and care. Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne.

- Nearly 30% reported exclusion from excursions, events or activities and about the same number reported bullying from other children or staff
- One in five reported that their child had been refused enrolment
- Nearly a quarter said their child had been limited in the number of hours they were allowed to attend.

According to the above findings and in the context of the Draft Report, it is evident that a qualified, fairly paid and supported workforce is critical to the experience of children with disability and their families in early childhood settings. The workforce also needs reform to the ECEC policy framework to support their efforts including Inclusion Support Program (ISP). Current ECEC workforce is under day-to-day pressure (both time and financially) and there are significant barriers to professional development and training (in many cases training is completed outside standard working hours)¹¹. To overcome these barriers, collaborative models for professional learning, staff development and career progression underpinned by better pay and recognition are critical¹².

The state of the current path

Young people with disability and the families of children with disability have made significant and important contributions to a swathe of inquiries and reviews that have occurred over the last four years, in particular.

Strategies, agreements and reports have been delivered ready for action:

- 1. Reform agenda of the Preschool Reform Agreement
- 2. <u>Release</u> of the 2021 Australian Early Development Census Data in 2023
- 3. Disability Royal Commission (DRC) Final Report has been released and the Commonwealth, state and territory governments' responses are being drafted
- 4. Review of the Inclusion Support Program Final Report
- 5. Independent National Disability Insurance Scheme (NDIS) Review Report
- 6. Negotiations for the next National School Reform Agreement (NSRA)
- 7. National Cabinet agreed to jointly design additional 'Foundational Supports'
- 8. ACCC final report for the inquiry into childcare services
- 9. Productivity Commission's Review of the National Agreement on Closing the Gap, <u>Study report</u>

The people, places and systems that support children with disability in their early childhood, their development and their education and lifelong learning are disconnected. These systems span federal and state/territory governments and separate ministries and departments within governments. This complexity confuses families and caregivers, and children and young people risk falling between the gaps of fragmented systems.

We are at a critical point where CYDA believes the strategies, agreements and reports, as listed above but not limited to that list, must be leveraged to have lasting, substantive and positive impact. For a comprehensive impact, these strategies must be aligned, adequately funded, and support accessible and inclusive initiatives.

¹¹ Deloitte Access Economics, (2023) <u>Review of the Inclusion Support Program</u>

¹² CYDA's submission on the Draft National ECEC Vision (2023) <u>The first step of an inclusive life for children with</u> <u>a disability</u>.

CYDA's previous work

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. Our previous work, including policy submissions, reports, webinars, collaborative work with other organisations, the development of fact sheets and early childhood resources are detailed in the Appendices.

2. CYDA's general response to the Draft Report

CYDA acknowledges the diversity of frameworks, reports, principles and standards that have been considered by the Productivity Commission to ensure a holistic and thriving ECEC sector. However, we are compelled, by our mandate to represent the needs and interests of children and young people with disability, to re-frame the discussion to drive more effective change. Therefore, before responding directly to the recommendations in The Draft Report, we wish to discuss the conceptual framing of The Inquiry as a whole. To ensure that the Early Childhood Education and Care (ECEC) sector supports ALL children's learning and development, including children with disability, the following discussion is presented in two sections. First, we present an anti-ableist framing to foreground the proposed Inquiry. This is followed by our recommendation to centre the child voice in ECEC and beyond.

Foreground the Draft Report with anti-ableism framing

Recommendation 1: Embed an anti-ableism framework in the ECEC sector

We urge the Productivity Commission to include in its final report, the following recommendation:

- Undertake a co-designed, multi-stakeholder process to define a series of antiableist principles for use across ECEC sector; and
- Use an external organisation (or coalition of organisations) to undertake a review of each principle to ensure their adherence to anti-ableist principles.

What is ableism?

Ableism has been described from a number of perspectives. A commonly cited definition from a disability studies perspective describes it as follows:

"A network of beliefs, processes and practices that produce a particular kind of self and body (the corporeal standard) that is projected as the perfect, species-typical and therefore essential and fully human. Disability, then, is cast as a diminished state of being human."¹³

¹³ Campbell, F. (2001) *Inciting legal fictions: 'disability's' date with ontology and the Ableist body of the law*. Griffith Law Review 2: 42–62. Available at: <u>https://research-repository.griffith.edu.au/handle/10072/3714</u>

In practice, ableism is being perpetuated when, based on your understanding of someone's disability, you:

- incorrectly make assumptions about someone's abilities or desires
- have low expectations of children with disability
- treat someone in a patronising manner or infantilise them, assuming they are younger and/or less capable than they actually are
- make decisions on behalf of someone after assuming they can't
- assume something about one person based on what you experienced about someone else
- treat someone as 'inspirational'¹⁴ for doing things they consider to be normal
- tease or ridicule someone, even when you consider it to be 'harmless fun', or create a slur against someone that impacts their reputation with others
- overlook someone for an opportunity based on assumptions about their abilities
- ask intrusive questions about people's lives or bodies
- refer to, or talk to the carer that is accompanying someone
- fail to include someone because you didn't think of it, it felt too hard, or you were too awkward to ask them about their accommodations and access needs
- notice someone else doing or saying something ableist and decide not to say or do something about it.

Fundamentally, dominant socio-cultural understandings and attitudes – both historical and current – are the root of violence and abuse against children and young people with disability. The way we colloquially speak about disability, and how it is considered and represented in policy and law making, operates alongside the cultural norm of children and young people being expected to yield to powerful others. From this emerges a unique and dangerous dynamic that supports the cultural acceptance of the abuse, neglect and mistreatment of children and young people with disability. As such, approaches that disrupt the mechanisms of ableism, create long-term community attitude change, and promote understanding and respect for people with disability are critically important.

How ableism perpetuates harmful policies and practices

Investment by the government in the ECEC sector, along with developing and monitoring strategic reform in other areas such as Australia's Disability Strategy and the NDIS Review proposed Early Childhood foundational supports¹⁵, must model an anti-ableist approach in order to avoid inadvertently perpetuating harmful ideas of normative personhood, especially in the context of children.

Fiona Kumari Campbell, disability studies scholar, explains:

"The norm produces violence by not allowing people to be what they desire to be at the most fundamental aspects of life; hence it is violence by restriction and negation".¹⁶

A culture of ableism, and other forms of discrimination, endure where individual and organisational discrimination goes unchallenged. For instance, segregated delivery of public

¹⁴ See Stella Young's TED talk for more detail. <u>https://www.youtube.com/watch?v=SxrS7-1_sMQ</u>

¹⁵ https://www.ndisreview.gov.au/resources/reports/working-together-deliver-ndis/part-one-unified-system-support-people-disability-0

¹⁶ Campbell, F. K. (2013). *Problematizing Vulnerability: Engaging Studies in Ableism and Disability Jurisprudence*, Keynote presentation. Available at:

https://documents.uow.edu.au/content/groups/public/@web/@law/@lirc/documents/doc/uow166211.pdf

services perpetuates the belief that people with disability are not worthy of being accommodated alongside everyone else in the community, creating an 'othering' effect. The Disability Royal Commission demonstrated that within these segregated environments, which children and young people are more commonly funnelled into, people with disability experience more exposure to violence, abuse, neglect and exploitation. This finding prompted CYDA to join with 41 other organisations to call for an end to segregated environments¹⁷.

Improving policies and practices through an anti-ableist approach

Truly innovative and effective early childhood approaches need to begin with anti-ableism¹⁸. Using this ideology to underpin the development of the recommendations for the ECEC Inquiry will highlight the core beliefs, practices and processes that steer the sector's conceptual inclusion framework and all the activities that flow from it.

Barriers to inclusive education prevent children and young people who experience disability from learning and participating fully, with far-reaching and lifelong implications. Major barriers include negative attitudes and stigma around 'difference' and 'disability', inadequate education and professional development for teachers and specialist support staff, and systemic barriers, such as inadequate funding and support from education authorities. Underpinning these barriers is ongoing ableism.

There continues to be considerable discussion of the potential of education to bring about social change, with emphasis placed on the importance of working with children, from an early age onwards, to break the cycle of entrenched ableism. However, if adults have not examined their own attitudes and practices, they are likely to perpetuate that cycle and ultimately prevent inclusive education being realised.

Children and young people's attitudes and choices are shaped significantly by the attitudes of their family and community. There is also a growing body of research demonstrating the importance of teacher attitudes. Research finds that positive teacher attitudes are a key to inclusive practice, creating the necessary conditions for engaging in inclusive education.

We are heartened by the anti-ableist sentiment outlined in The Draft Report, which are respectful and inclusive of diversity: "*ECEC services should be inclusive of all children, including those with disability and those from diverse cultural backgrounds. But current government supports fail to reach many children who require them. The Australian Government should significantly increase funding for the Inclusion Support Program and streamline the requirements of the program to expand its reach". (p.2), but we also highlight that a more holistic approach is required to eradicate the long-term detrimental effects of ableism for children with disability.*

The following section discusses centering of the child voice as one remedy for top-down policy approaches that fail to consider the problematic, ableist assumptions and biases that are built-in.

 ¹⁷ https://ourroyalcommission.com.au/endsegregation-joint-media-release/
 ¹⁸ See Cheri Byrne-Haber's (disability expert and activist) nine steps to being anti-ableist <u>https://sheribyrnehaber.medium.com/are-you-ready-to-be-anti-ableist-in-2021-239103637949</u>

Prioritising the child voice

Recommendation 2: Prioritise the voice of children with disability by;

- including them in the ordinary places of childhood from the earliest possible opportunity
- providing an alternative to the 'polished pathway'¹⁹, one that is paved in a way that is accessible and inclusive of children with disability and their families

A path to universal ECEC and the 'polished pathway'

Failing to include children from the earliest possible chance can set them on what disability advocates, led by Inclusion Australia, described as 'the polished pathway'.²⁰ A path to universal ECEC that is accessible and inclusive of children with disability and their families, is critical to avoiding the segregation and exclusion experienced on the 'polished pathway'.

The 'polished pathway' is a seemingly organised, warm and welcoming pathway that starts with small decisions in early childhood. Families are directed to, sent to or expected to deviate to 'special' and 'safe' places designed (and funded) specifically for children with disability. Often, this is at a time when families are trying to navigate multiple systems – health, social services, disability supports, etc. - and the experience of raising children feels overwhelming and tiring.

Before many families realise, they have started down a path that takes them away from the ordinary places of childhood, and the focus would shift largely or entirely to therapy and clinical settings, segregated or 'special' activities and places, and primarily interacting only with other children with disability and their families. This polished pathway leaves children with disability mainly invisible to their peers (non-disabled and same-age children) from early childhood. The pathway directs and guides children and young people from therapeutic segregation to segregated schools to segregated employment, housing, and further life options.

"Before you know it, you've gone on a different journey than what you expected and ended up in a place miles away from your dreams." Catherine McAlpine, CEO, Inclusion Australia

Children's voices

The path to an ordinary childhood and the everyday experience of life is more bumpy, often less welcoming and very rarely connected and straightforward. Rather than a 'polished pathway', children with disability and their families deserve a path that is connected, cultivated and community based. Imagine more of a paved path than a polished pathway. For children with disability, this also means making and promoting the time, space and support to explore all the things along the path and to be able to embrace and experience the ordinary parts of childhood.

¹⁹ <u>The Polished Pathway Speech by Catherine McAlpine, CEO Inclusion Australia to the NDIS Jobs and Skills</u> <u>Summit - 17 August 2022</u>

²⁰ The Polished Pathway Speech by Catherine McAlpine, CEO Inclusion Australia to the NDIS Jobs and Skills Summit - 17 August 2022

From a child's perspective:

"Being included means I'm having lots of fun! I play and explore with my friends. We try new things and take big steps. I can lie down, sit, stand, or stomp along the path!

Being on the same path tells everyone that all children, should have fun and play together. We all should get to have awesome and easy adventures when we're little.

When we're tiny, what we do and learn stays with us always! This is super-duper important. Having experiences that everyone can join in and be part of is a big deal. It makes our lives awesome and brings good things to our family, friends, and the people around us. We want a path that makes everything better for everyone!"

3. CYDA's response to the recommendations outlined in The Draft Report

In the following section, we respond to select Recommendations from the Draft Report relevant to our expertise, and the needs of the CYDA community, children and young people with disability. (See Table 1)

CYDA Response to The Draft Report Recommendations

Draft Report Key Areas & Recommendation #	CYDA's Response	CYDA's recommendation	
Key Area; Affordability and ava	Key Area; Affordability and availability gaps need to be addressed to achieve universal access		
Give all children an entitlement to up to 30 hours or 3 days a week of subsidised care without an activity requirement (DR 6.2)	CYDA agrees the Australian Government should modify the Childcare Subsidy and the activity requirements as outlined in the Draft Report. CYDA supports calls for the abolition of the Activity Test	 3. CYDA calls on the Productivity Commission to recommend the removal of any activity requirement for all families of children with disability – whether eligible for the Carer Payment or subsidy. Most families of children with 	
	to address the vast disparities in accessibility and affordability of early childhood education and care.	disability will have one partner exempt from the activity test, where they receive the Carer Payment or provide constant care for a child with disability. However, the system looks at	
		both parents'/carers' activity levels.	
Lift subsidy to 100% of the hourly rate cap if annual family income up to \$80,000 (DR 6.2)	Agreed but this recommendation needs to go further to action 'carer- friendly workplaces' as flagged in Working Future: The Australian Government's White Paper on Jobs and Opportunities (2023)	4. CYDA urges the Productivity Commission to also recommend that the <u>Carer Recognition Act</u> 2010 be amended to include mention of the policies, practices and support services needed to support the combination of work and care, and a process of evaluation or improvement.	
Provide additional support for persistently thin markets (DR 5.1)	Agreed	5. CYDA also asks the Productivity Commission to recommend that all new infrastructure investments must comply with the <u>National</u> <u>Construction Code</u> including D3, E3.6 and F2.4.	

Draft Report Key Areas & Recommendation #	CYDA's Response	CYDA's recommendation
Improve information about CCS for families (DR 6.3 – 6.6)	Agreed but also needs to be accessible information and support investment in individual advocacy supports	6. CYDA would urge the Productivity Commission to add to this recommendation to include investment in individual advocacy services for the families of children with disability.
		The current national network (NDIS and Carer Gateway) that provides information to families and caregivers does not have the mandate or remit to support individuals in advocating for changes with employers and are not supported to advocate for changes to systems across the Australian Government or state and territory-based health or early childhood education places.
		7. CYDA also urges the Productivity Commission to recommend that all information must be available in Easy Read formats and Auslan as and when changes are made, and new information is released.
Key Area; Availability can only	improve if workforce challen	ges are resolved
Fair Work Act processes addressing pay and conditions (DF 3.1)	Agreed	No additional recommendations
Reduce barriers to upskilling (DR 3.1)	Agreed	8. CYDA would also urge the Productivity Commission to recommend that there be specific wrap-around supports for students with disability studying to become an ECT to increase representation of people with disability in the workforce and increase completion rates.
Support innovative delivery of teaching qualifications (DR 3.2)	Agreed	9. CYDA would also urge the Productivity Commission to recommend that there be investment via the Inclusion Support Program in co-teaching with teachers of the Deaf where children using Auslan are attending.

Draft Report Key Areas & Recommendation #	CYDA's Response	CYDA's recommendation
Improve registration arrangements for early childhood teachers (DR 3.3)	Agreed	No additional recommendations
Lift support and mentoring for new early childhood teachers (DR 3.4)	Agreed	10. CYDA would also urge the Productivity Commission to recommend that there be investment via the Inclusion Support Program in 'disability mentors' for new teachers. The employment of those with lived experience would increase representation in the workforce and provide development and support for new placements.
Improve pathways and support for Aboriginal and Torres Strait Islander people to obtain ECEC qualifications (DR 3.5)	Agreed	No additional recommendations
Provide greater support for professional development (DR 3.6)	Agreed	11. CYDA also encourages the Productivity Commission to include a further detail to this recommendation to include ensuring professional development for more inclusive ECEC is focused on inclusion not intervention or therapy.
Improved ECEC Workforce Strategy (DR 3.7)	Agreed	 12. CYDA would also urge the Productivity Commission to recommend the Australian Government ensure the preschool outcomes measures report on: mandatory training and professional development offered, delivered, and attended including a focus on inclusion and disability investment and utilisation in regional communities of practice amongst early childhood settings including leveraging those with experience of the Inclusion Support Program.

Draft Report Key Areas & Recommendation #	CYDA's Response	CYDA's recommendation
Key Area; A universal ECEC system has to be inclusive of all children		
Amend the Disability Standards for Education (DR 2.2)	Agreed but also the recommendation needs to avoid the current and known shortfalls of the enactment of the DSE (Disability Standards for Education) in schools	13. CYDA implores the Productivity Commission to include in this recommendation that the provision of funding (not Inclusion Support Program funding but general funding) to educational authorities be contingent on the establishment of an action plan detailing how education providers will be informed and receive professional development on the responsibilities under the Standards.
		14. CYDA also asks the Productivity Commission to recommend the development of a system which records known breaches of disability education standards and informs the relevant authorities of these breaches. There should be a mandatory requirement that action be taken to address identified systemic issues of concern.
		15. CYDA also encourages the Inquiry to consider the cost/benefit of collecting and reporting the development domains of the Australian Early Development Census (AEDC) BEFORE the first year of school.
Amend eligibility requirements for inclusion funding (DR 2.3)	Agreed CYDA supports the draft recommendations for change to the Inclusion Support Program (ISP), however, wishes to note that the ISP, in its current form, is almost entirely focused on supporting services and educators with the practical elements of inclusion –	16. CYDA urges the Productivity Commission to consider making recommendations that also address the changes needed under <u>Australia's Disability</u> <u>Strategy</u> under the 'Community attitudes' outcome. <i>"Policy Priority 2: An improved understanding of disability by workers in professions people</i>

Draft Report Key Areas & Recommendation #	CYDA's Response	CYDA's recommendation
	subsiding workforce hours, loaning equipment and instigating planning for inclusion. CYDA is yet to see how the Australian Government plans to respond to the ISP Review report and the other changes suggested by the Productivity Commission.	with disability often interact, will increase access to, and the quality of, the services and supports people with disability need."
Review and amend additional educator subsidies (DR 2.4)	Agreed	No additional recommendations
Reduce administrative burden of ISP applications (DR 2.5)	Agreed	17. CYDA would also encourage the Productivity Commission to note the role of families and caregivers in this recommendation as the administrative burden is often used to deny enrolment and alternatively the responsibility for drafting wording for documents is requested of families. This includes requests for copies of NDIS plans to copy wording.
Improve coordination of inclusion funding (DR 2.6)	Agreed	No additional recommendations
Key area; ECEC services do no	ot consistently respond to fan	nily needs
Ensure integrated services are available where needed (DR 7.1)	Agreed but also needs to reference the NDIS and Australia's Disability Strategy	18. CYDA suggests the Productivity Commission include mention in this recommendation for the need to align the policy priorities of the <u>Early Years</u> <u>Strategy</u> closely to the <u>Early</u> <u>Childhood Targeted Action Plan</u> as outlined in <u>Australia's</u> <u>Disability Strategy 2021-2031</u> . In particular to "Integrate services and supports into one system, including how universal early childhood services provided by the education, health and community service agencies link with specialist services, including Allied Health Services, and the

Draft Report Key Areas & Recommendation #	CYDA's Response	CYDA's recommendation
		National Disability Insurance Scheme."
		 19. CYDA urges the Productivity Commission to also recommend urgent action by the Australian Government on the NDIS Review new early childhood pathway: Invest in co-designing NDIS Review recommendations and using the expertise of the disability representative organisations. Fund, develop and implement a Foundational Supports Strategy that supports children to attend and be included in ECEC.
Support connections between ECEC and child and family services (DR 7.2)	Agreed	No additional recommendations
Introduce a higher hourly rate cap for non-standard hours (DR 7.3)	CYDA agrees with the intent of the recommendation but does not agree that families of children with disability who receive the Carer payment be required to provide evidence that both parents work non-standard hours to access the higher rate cap	20. CYDA urges the Productivity Commission to recognise and ensure recommendations do not make it harder for families of children with disability to access the ECEC they need.
Examine planning restrictions related to operating hours (DR 7.4)	Agreed	No additional recommendations
Ensure occasional care is available where needed (DR 7.5)	Agreed and CYDA also urges the Productivity Commission to ensure that families are not restricted from accessing occasional care due to the administrative constraints of the Inclusion Support Program already noted in the Draft Report	21. CYDA also urges the Productivity Commission to recommend additional and flexible funding for inclusive and supportive occasional care for children with disability.
Ensure OSHC is available where required (DR 9.1)	Agreed	No additional recommendations

Draft Report Key Areas	CYDA's Response	CYDA's recommendation
& Recommendation #		
Support out of preschool hours ECEC (DR 7.6)	Agreed	No additional recommendations
Key area; Quality is paramoun	t to achieving the benefits of I	ECEC
Improve regulatory authorities' performance reporting (DR 8.1)	Agreed but needs to include specific reference to National Quality Framework (NQF) area 6.2 to highlight accountability for inclusion	22. CYDA urges the Productivity Commission to make a recommendation that encourages regulatory authorities to explore how the existing elements of the NQF (Standard 6.2 Collaborative partnerships enhance children's inclusion, learning and well- being) could be assessed and reported on.
Review how services are assessed against NQF (DR 8.2)	Agreed but also needs to reference DR2.2 to ensure any updates to the NQF for the DSE are considered and enacted	23. CYDA urges the Productivity Commission to make a recommendation that ensures the NQF reflects the DSE if enacted for ECEC.
Ensure regulatory authorities are adequately resourced (DR 8.3)	Agreed	24. CYDA urges the Productivity Commission to make a recommendation that encourages regulatory authorities to budget for inclusive participation e.g. Easy Read and Auslan translated resources.
Incentivise quality provision in new ECEC services (DR 8.4)	Agreed but needs to include specific reference to National Quality Framework (NQF) area 6.2 to highlight accountability for inclusion	25. CYDA urges the Productivity Commission to recommend that new service approvals include consideration of the inclusion of children with disability and their planned approach to the DSE if enacted for ECEC.
Key area; New coordination mechanisms will support universal access		
Form a National Partnership Agreement for ECEC (DR 9.1)	Agreed	No additional recommendations
Establish an independent ECEC Commission (DR 9.2)	Agreed	No additional recommendations
Form a National Partnership Agreement for ECEC (DR 9.1)	Agreed	No additional recommendations

What's missing from the Draft Report

Recommendation 26: We propose the incorporation of the following crucial elements into the Final Report:

Australian Disability Strategy (ADS) :

• Emphasise the important role of the ADS in its final report to ensure the Australian Government continues to align its work in the early years to the existing frameworks and strategies.

NDIS Reforms:

• Advocate for the implementation of NDIS reforms as outlined in the NDIS Review final report. These reforms should support a seamless continuum and pathway for children, ensuring a smooth transition to new arrangements, including Early Childhood Education and Care (ECEC).

Infrastructure Investment:

• Stress the importance of investing in infrastructure to guarantee the accessibility of all Early Childhood places, creating an inclusive environment for children with disability.

In our review of the Draft Report, we have identified a number of gaps in areas that are critical to the scope of this Inquiry – specifically regarding the accessibility and equity of the ECEC for children with disability. The following list highlights these gaps and presents recommendations for their incorporation.

Australia's Disability Strategy

Australia's Disability Strategy 2021-2031 (ADS) sets out a plan to change the lives of people with disability over ten years and includes under 'Education and Learning' Policy Priority 1: *Children with disability can access and participate in high-quality early childhood education and care*". CYDA was encouraged to see that the Draft Report made several important references in relation to the Closing the Gap agreement but failed to mention Australia's Disability Strategy nor the <u>Early Childhood Targeted Action Plan</u>. The Early childhood Targeted Action Plan (TAP) focuses on children from infancy to school age with disability or developmental concerns, their families and carers. This TAP sets out key actions to strengthen early identification, information, supports and pathways, as well as collaboration between programs and services, all of which contribute to the development and wellbeing of children to help them thrive across and between life stages. CYDA is hopeful that the Productivity Commission will reference the important role of the ADS in its final report to ensure the Australian Government continues to align its work in the early years to the existing frameworks and strategies.

NDIS

As outlined in the Draft Report, (p.56) the ECEC Commission (once established) "should start planning the transition towards universal access to ECEC, including considering changes . . . emerging from the review of the National Disability Insurance Scheme (NDIS)". Now that the Final Report of the NDIS Review is finalised, and changes to the Early Childhood Approach is recommended, we urge that NDIS reforms be implemented to support the continuum and pathway for children to ensure a smooth transition to the new arrangements, including ECEC.

Investment in accessible infrastructure

Investment in infrastructure is crucial to ensure the accessibility of Early Education Services for children with disability. It is necessary to allocate resources for the development of physical structures that facilitate the inclusion of children with disability CYDA recommends strict adherence to "The National Construction Code (NCC)," which serves as the guiding document for all building work. Specifically, attention should be given to the requirements outlined in AS 1428.1 for general access in new building work, AS/NZS 1428.4.1 for assisting the orientation of people with vision impairment through tactile ground surface indicators, and AS/NZS 2890.6 for off-street parking facilities catering to individuals with disability.

3. Information Requested from the Draft Report; CYDA response

Below are the three information request areas that CYDA is able to comment upon. We have included commentary and information as available and appropriate to the community we represent, children and young people with disability.

1. Functioning of the Inclusion Support Program (ISP) in family day care (2.3) CYDA cannot specifically address the request for the functioning of the ISP in family daycare. Still, we have provided available data from our 2022 survey of families in Appendix A that speaks to the experience of children with disability and their families who have accessed family daycare.

2. Transition to school statements (2.4)

As noted in recent Australian research, effective transitions require schools to engage with children and families in ways that connect and empower them in the transition process.²¹ Families share with CYDA that the more open and timely the transfer of information to and from family – school – community (early childhood education and care), the more collaborative the relationship and the more effective the experience.

CYDA supports an approach to starting school that looks beyond transition statements and emphasises the need for all parties to be ready. As depicted in Figure 1 below, "*Ready families* + *Ready early childhood services* + *Ready communities* + *Ready schools* = *Ready children*".²²



Figure 1

CYDA recommends that the Commission include transition research in its final report detailing the possible research agenda for the proposed new independent Early Childhood Education and Care Commission.

3. 'System navigator' roles in the ECEC sector (7.2)

CYDA hears from families that the service systems related to early childhood development – including childcare, preschool, child health, family support, the NDIS early childhood approach and child protection – are disconnected. Policy, processes and programs for these systems span federal and state/territory governments and a mix of ministries and departments within governments. This

²¹ Fiona Boylan, Lennie Barblett, Leanne Lavina & Amelia Ruscoe (2023) Transforming transitions to primary school: using children's funds of knowledge and identity, European Early Childhood Education Research Journal, DOI: 10.1080/1350293X.2023.2291354

²² Adapted from ECIA, (2017), *Community wide approach*, Accessed via <u>https://www.transitiontoschoolresource.org.au/tts-content/children/</u>

complexity is confusing for families and caregivers, and children risk falling between the gaps of a fragmented system. CYDA recommends fostering collaboration and information sharing between the NDIS and early education and care sector for consistent and clear support in local communities by establishing effective channels of communication, regular meetings, joint planning sessions, and shared data to ensure a coordinated approach in supporting children with disability. CYDA is encouraged by the recommendations detailed in the Independent NDIS Review Report, including funding for roles to help families who may feel isolated by the scheme's complexity to navigate it effectively.²³

The NDIS Review Report solution:

- Navigators will help people find and coordinate the support they need in their community and achieve what is important to them. Navigators are run locally but are accountable to nationally consistent training and oversight. Navigators and the NDIA will help people with disability understand the NDIS, who it is for and how to make an access request if required. Navigators will support NDIS participants in developing a plan of action to use their budget in a way that meets their needs.
- Lead Practitioners could be available for all NDIS participants and some children who are not eligible for the NDIS but need this assistance.

In a survey closing on 18 February 2024, CYDA has asked families of children under 12 their preferred characteristics for navigators/lead practitioners, including:

- Person from our local community
- Available online for formal meetings and ad hoc advice
- Available for home, Early Childhood Education and Care, school or playgroups
- A disability mentor e.g. a person with the same lived experience as my child or other lived experience
- Person who can support multiple children in our family regardless of disability or NDIS status.

A summary of the findings from the survey may be shared with the Productivity Commission, if requested.

CYDA supports the proposal that a Lead Practitioner could be an allied health, developmental or early childhood educator, who is the main professional working with the family and would help families find best practice supports to support their child and/or children to build their skills and participate in everyday activities.

CYDA also agrees that the Lead Practitioner should provide families with information about child development, help coordinate the team around the child, provide information and advice, emotional support, identify and address needs and support the family to develop self-advocacy skills.

²³ Working together to deliver the NDIS Independent Review into the National Disability Insurance Scheme Final Report October 2023

4. Imagine if...

CYDA believes the future for children with disability should include:

✓ From birth or when disability is first identified, families are encouraged and supported to strive for inclusion in their local community and to make early childhood education and care the first step of an inclusive education alongside their nondisabled peers

Non-disabled peers playing and learning alongside children with disability understand that disability is something to be welcomed as part of our society

The presence of language and cultural adjustments, along with supportive mentors, enabling all children to access language and literacy including, through Auslan, Braille, or augmentative and alternative communication

Children with disability are not seen as a problem, and all community places, including early childhood education and care settings, have the right funding, support, training, and cultures for inclusion

The voice and views of children with disability are sought after by educators, professionals, clinicians, and stakeholders, encouraged by families, and routinely included in location and system feedback processes and evaluations

Families, educators, professionals, clinicians, and stakeholders have high expectations and believe all children can flourish with universal access, adjustments that support engagement, attendance, and participation, such as sensory supports and spaces

Children with disability and their families experience a collaborative and focused transition to their school education, supported before, during and after by skilled, local professionals.

Imagine if children were supported in their local communities to enjoy and fully participate in the everyday – embracing new life, playing with friends, developing new skills, starting school....

Imagine if when a baby is born, their family opens a *welcome baby box* that includes a story book about inclusion and diversity, a roadmap to supports in their local community, a message of support... **AND** a pre-populated NDIS access form based on their health record....

> Imagine if all children and families could access high quality, inclusive and wellresourced early childhood education and care... **AND** it is delivered in local places with community, with supports and specialist advice to develop...

Imagine if when a child begins school, day 1 starts with a warm welcome, supports in place, a connection to children they know from local places – pool, park, pre-school, shops etc... **AND** an agreed approach to balancing learning, inclusion, and intervention/therapy...

Appendices

CYDA's work on early childhood

- 1. <u>Report:</u> Taking the first step in an inclusive life Experiences of Australian early childhood education and care
- 2. South Australian Royal Commission into Early Childhood Education and Care submission
- 3. Productivity Commission into Early Childhood Education and Care submission
- 4. National Framework for Protecting Australia's Children 2009-2020, <u>CYDA</u> <u>Submission</u>
- 5. Australian Government's Early Years Strategy Discussion Paper response
- 6. Education Department's National vision for early childhood education and care <u>submission</u>
- 7. National Strategy to Prevent Child Sexual Abuse Final Development Consultation Paper <u>Response</u>
- 8. NDS & NDIS Outcomes Framework Introductory Paper, CYDA Submission
- 9. <u>Pre-Budget submission</u>: Invest in children and young people with disability: their voices and their future 2023-24
- 10. Senate Select Committee on Autism inquiry, CYDA Submission
- 11. Submission to the National Disability Strategy beyond 2020
- 12. <u>Response to the DRC's Rights and Attitudes issues paper</u>
- 13. <u>Submission</u> to the Supporting young children and their families early, to reach their full potential consultation paper

Inclusion in early childhood

- 1. Webinar series Each webinar includes young people with disability presenting and facilitating the webinars, about their experiences growing up <u>link</u>:
 - Webinar recordings 'Inclusion in early childhood playlist' on CYDA's YouTube link
 - Materials for participants <u>link</u> (slides for each webinar, handouts and worksheets)
- 2. *Look! It's me!* Reviews of children's picture books on inclusion by young people with disability <u>link</u>

CYDA fact sheets

- Understanding ECI language
- Supporting the development of children and young people with disability
- Services and supports in the early years
- About family-centred practice
- Building strong families
- Tips for early intervention from CYDA Webinar on Early Childhood
- What is inclusive education?
- Addressing ableism in education