

Productivity Commission Inquiry into Childcare and Early Childhood Learning

Submission - Response to Draft Report

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Contents Page

Executive summary	3
Children with Disability Australia	4
Introduction	4
General Comments	5
Rights, legislative and policy framework	5
Social Inclusion	5
Specific Considerations	6
Families using mainstream services	6
Additional needs children and services	7
Outside school hours care	12
Workforce Participation	13
Quality assurance processes and regulation of ECEC	14
Ongoing support for evaluation and program assessment	14
Conclusion	17
References	18

Executive Summary

This submission responds to the Productivity Commission's Draft Report on Childcare and Early Childhood Learning. It focuses on recommendations, findings and information requests that are of specific relevance to children with disability and their families. This submission also highlights some general areas for comment regarding the key issues and barriers faced by children with disability and their families regarding accessing childcare and early childhood learning.

Children with Disability Australia

Children with Disability Australia (CDA) is the national peak body that represents children and young people with disability, aged 0-25 years. The organisation is primarily funded through the Department of Social Services (DSS) and is a not for profit organisation. Additional project funding is also currently received by the Australian Government Department of Education. CDA has a national membership of 5000 with the majority being families.

CDA's vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met.

CDA's purpose is to advocate systemically at the national level for the rights and interests of all children and young people with disability living in Australia and it undertakes the following to achieve its purpose:

- **Education** of national public policy-makers and the broader community about the needs of children and young people with disability.
- **Advocacy** on behalf of children and young people with disability to ensure the best possible support and services are available from government and the community.
- **Inform** children and young people with disability, families and care givers about their rights and entitlements to services and support.
- **Celebrate** the successes and achievements of children and young people with disability.

Introduction

CDA welcomes the opportunity to further contribute to the Productivity Commission's Inquiry into Childcare and Early Childhood Learning. This submission follows our written submission of February, 2014.

This submission in reply to the Productivity Commission's (herewith referred to as the Commission) draft report of July 2014 considers the report's draft recommendations, findings and information requests that are most relevant to children with disability and their families.

Children with disability are currently accessing childcare at a significantly lower rate than other children, with families commonly reporting that accessing childcare and early education is exceedingly difficult or impossible. CDA refers the Commission to our initial submission to this inquiry for a more detailed discussion of the experiences of children with disability and their families in relation to the accessing of Early Childhood Education and Care (ECEC) in Australia. (Appendix 1). It is the opinion of CDA that the present

system is unreliable at best and does not adequately meet the needs of many children with disability.

CDA welcomes some of the proposed changes of the Commission's draft report to the early childhood learning system. However, CDA has ongoing concerns about the accessibility, flexibility and affordability of the early childhood learning system for children with disability and their families under the proposed changes.

General Comments

Rights, legislative and policy framework

CDA believes that it is important to acknowledge the rights, legislative and policy framework relevant to children, and areas specifically pertaining to children with disability, within this review. These reflect the high value Australia places on children in our community and their early childhood learning.

The international framework includes the United Nations *Convention on the Rights of the Child*¹ and the *Convention on the Rights of Persons with Disabilities*². Domestically, the primary instruments for promoting the rights, entitlements and participation of people with disability in Australia are the *Disability Discrimination Act 1992 (DDA)*³; the *Disability Standards for Education 2005*⁴; and the *National Disability Strategy*⁵. For greater detail on these instruments and their relevance to this inquiry please refer to CDA's initial submission of February, 2014 (Appendix 1).

CDA is of the opinion that a greater acknowledgement of the rights of children within this review would contribute to an ECEC system that is better positioned to foster increased participation and inclusion of all children, including children with disability.

Social Inclusion

CDA considers inclusion fundamental to the creation of a culture and society that welcomes diversity in all its forms. This involves actively including children with disability as equal members and participants of our society and our education system. CDA

¹ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, viewed 14 February 2014, <http://www.refworld.org/docid/3ae6b38f0.html>.

² UN General Assembly, *Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly*, 24 January 2007, A/RES/61/106, viewed 14 February 2014, <http://www.refworld.org/docid/45f973632.html>.

³ Disability Discrimination Act (Cth) 1992, viewed 14 February 2014, <http://www.comlaw.gov.au/Details/C2012C00110>.

⁴ Disability Standards for Education (Cth) 2005, viewed 14 February 2014, <http://www.comlaw.gov.au/Details/F2005L00767>.

⁵ COAG 2011, *National Disability Strategy 2010-2020*, Commonwealth of Australia, Canberra.

believes that it is through inclusive practices and attitudes that many of the barriers experienced by children with disability and their families will be broken down.

It is noted that the report does not include any reference to inclusion beyond the Inclusion and Professional Support Program. Inclusive education practices enable greater participation and access to ECEC services and contribute to improved learning and development outcomes for all children⁶. A specific focus on inclusion as relevant to ECEC would support improved workforce participation, one of the core aims of this inquiry.

Specific Considerations

The recommendations seen to be of key relevance to children with disability are discussed below.

Families using mainstream services – improving the accessibility, flexibility and affordability

INFORMATION REQUEST 12.5

The Commission seeks information on the impact that removing the current free access of up to 50 hours a week to ECEC services for eligible grandparents will have on them and the children for whom they care.

- ❖ Consideration of these changes upon children with a disability who are cared for by their grandparents is required.

Official data regarding the numbers of grandparents who are primary carers for their grandchildren with disability is difficult to ascertain. It is not uncommon for CDA to hear of situations where grandparents are the primary carers for their grandchild with disability.

DRAFT RECOMMENDATION 8.4

The Australian Government should remove caps on the number of occasional care places.

- ❖ CDA welcomes the recommendation to remove caps on occasional care places.
- ❖ It is important that specific consideration is given to enable equal access to occasional care places for children with disability in the event it was more available. ECEC providers will need to, in specific circumstances, ensure the specific supports required for children with disability can be accessed in the event occasional care places are utilized. The capacity and flexibility to enable this will

⁶ Cologon, K 2013, *Inclusion in education: towards equality for students with disability*, Children with Disability Australia, Melbourne

need to be inbuilt into the system.

DRAFT RECOMMENDATION 8.5

Governments should allow approved nannies to become an eligible service for which families can receive ECEC assistance. Those families who do not wish their nanny to meet National Quality Standards would not be eligible for assistance toward the costs of their nanny.

National Quality Framework requirements for nannies should be determined by ACECQA and should include a minimum qualification currently present for family day care services.

Assessments of regulatory compliance should be based on both random and targeted inspections by regulatory authorities.

- ❖ CDA wishes to ensure that children with disability are not discriminated against and excluded in the event there was further availability of nannies. It should not be presumed that the use of a private nanny is an acceptable alternate option for children with disability if centre based care is the preferred mode of delivery. The choice to access centre base care should be available regardless of the complexity of individual needs or level of support required by a child with disability.

Additional needs children and services – improving the accessibility, flexibility and affordability

DRAFT FINDING 8.1

Funding to providers has an important role to play in improving accessibility to ECEC for children with additional needs, or who live in locations without access to ECEC. There is scope to improve current programs which deliver assistance directly to providers:

- *the Community Support Program has not achieved one of its main objectives of improving access to ECEC services in rural and remote areas. Further, it is unclear whether it has been effective in bringing ECEC services to disadvantaged areas where they would otherwise not have been provided*
 - *services funded under the Budget Based Funded Program are not all ECEC focused and there is a lack of transition pathways for services to become viable and be brought within the mainstream ECEC funding arrangements*
 - *the Inclusion and Professional Support Program requires additional resourcing in order to better meet its policy objectives.*
- ❖ CDA welcomes the Commission's acknowledgement of the need for additional resourcing for the Inclusion and Professional Support Program. It has long been recognised that the funding available is inadequate. Furthermore, the restrictions

around how funding can be utilised place limitations on the supports and accommodations delivered by providers to children with disability.

DRAFT RECOMMENDATION 12.6

The Australian Government should establish three capped programs to support access of children with additional needs to ECEC services.

- *The Special Early Care and Learning Subsidy would fund the deemed cost of meeting additional needs for those children who are assessed as eligible for the subsidy. This includes funding a means tested proportion of the deemed cost of mainstream services and the ‘top-up’ deemed cost of delivering services to specific groups of children based on their needs, notably children assessed as at risk, and children with a diagnosed disability.*
- *The Disadvantaged Communities Program would block fund providers, in full or in part, to deliver services to specific highly disadvantaged community groups, most notably Indigenous children. This program is to be designed to transition recipients to child-based funding arrangements wherever possible. This program would also fund coordination activities in integrated services where ECEC is the major element.*
- *The Inclusion Support Program would provide once-off grants to ECEC providers to build the capacity to provide services to additional needs children. This can include modifications to facilities and equipment and training for staff to meet the needs of children with a disability, Indigenous children, and other children from culturally and linguistically diverse backgrounds.*
 - ❖ *CDA supports the recommendation for grants to ECEC providers to build the capacity of facilities and staff to meet the needs of children with additional needs, including children with disability.*
 - ❖ *CDA believes that the Disability Standards for Education should provide the foundation for the realisation of this recommendation. The Standards were formulated in accordance with the Disability Discrimination Act (DDA) which applies to all education providers, including preschools and kindergartens. The DDA makes it unlawful to contravene a disability standard, and compliance with a disability standard is taken to be compliance with the DDA.*

The legal requirements of the Standards include the necessity for education providers to make all reasonable adjustments necessary to assist a student with disability to participate and access on the same basis courses, programs and facilities as their peers without disability.

- ❖ CDA is concerned about the definition of and reliance upon ‘diagnosed disability’, as not all children who require additional support will have a diagnosis. There are many young children who have developmental delays or undiagnosed disability where the long term prognosis is unclear.

Parents and families can often feel pressure to obtain a diagnosis in order for their child to receive funding and support. CDA believes that in order to avoid this pressure on families to obtain a diagnosis, the impact of an impairment and not the diagnosis or cause of the impairment should be considered as the basis of eligibility.

INFORMATION REQUEST 12.7

The Commission seeks views on the best way to allocate a fixed funding pool to support the ECEC access of children with additional needs and deliver the greatest community benefit. This includes views on the best option for allocating the Special Early Care and Learning Subsidy payments for children with disabilities to ensure that the program enables as many children with disabilities as possible to access mainstream ECEC services.

- ❖ CDA welcomes the Commission’s interest in the most effective allocation of funds to support the access of children with additional needs to ECEC services.

A funding system should enable all providers to offer inclusive care and education opportunities for all children. Any funding model therefore must be flexible, to allow the provision of individual supports and adjustments, such as specific care and modifications, and also enable the broader capacity of any ECEC provider to include on the same basis children with disability. An example of the latter may be that funding can be used to provide professional training on inclusion OR funding may enable the employment of additional staff for when occasional care hours are utilised by children with disability.

CDA also notes that it is important and useful to identify (through targeted consultation, with families, advocacy groups and service providers) the barriers which exist for accessing ECEC for children with disability. This could then be a key tool for informing how to best allocate a Special Early Care and Learning Subsidy to enable maximum access to ECEC services.

DRAFT RECOMMENDATION 12.8

The Australian Government should continue to provide support for children who have a diagnosed disability to access ECEC services, through:

- *access to the mainstream ECEC funding on the same basis as children without a disability and up to a 100 per cent subsidy for the deemed cost of additional ECEC services, funded from the Special Early Care and Learning Subsidy*
- *block funded support to ECEC providers to build the capacity to cater for the needs of these children, funded through the Inclusion Support Program.*

The relevant Government agency should work with the National Disability Insurance Agency and specialist providers for those children whose disability falls outside the National Disability Insurance Scheme, to establish a deemed cost model that will reflect reasonable costs by age of child and the nature and extent of their disability. Based on an assessment of the number of children in need of this service, and the costs of providing reasonable ECEC services, the Australian Government should review the adequacy of the program budget to meet reasonable need annually.

- ❖ *There appears to be a view in relation to the above paragraph that the NDIS will fund the specific support needs of children with disability, who are participants of the NDIS, in relation to childcare and early childhood learning. This is not the understanding CDA holds, but rather that the NDIS will fund “individualised supports to enable a child to attend an early learning service. This is only in situations where a child has very significant and complex care needs that are beyond a reasonable expectation for early learning services to provide”.⁷*

CDA refers the Commission to the NDIS factsheet “Mainstream interface: Early Childhood Supports National Disability Insurance Scheme will fund in relation to early childhood”⁸.

- ❖ *CDA is of the view that work regarding the establishment of the interface between NDIS and early childhood care and education needs to be more clearly defined and this work should be progressed as soon as possible.*

⁷ National Disability Insurance Agency 2014, *Mainstream interface: Early Childhood Supports National Disability Insurance Scheme will fund in relation to early childhood*, National Disability Insurance Agency, viewed 11 September 2014,

http://www.ndis.gov.au/sites/default/files/documents/fact_sheet_%20supports_ndis_fund_early_childhood.pdf

⁸ Found at:

http://www.ndis.gov.au/sites/default/files/documents/fact_sheet_%20supports_ndis_fund_early_childhood.pdf

- ❖ CDA is concerned that uncertainty around the interface between the early childhood sector and the NDIS could quickly develop as a significant barrier to accessing services due to the potential for disagreement between different jurisdictions regarding who should bare the funding costs.

INFORMATION REQUEST 12.8

The Commission seeks views on what types of services (that are not the funding responsibility of the National Disability Insurance Scheme) should be provided for children with a diagnosed disability attending ECEC, and how best to prioritise available funding. It also seeks information on the range of needs and the costs of meeting these needs for children of different ages and by the nature and extent of their disability.

- ❖ Please refer to our answer for Information Request 12.7.

INFORMATION REQUEST 8.1

The Commission seeks further information on the nature of the barriers faced by families with children with additional needs in accessing appropriate ECEC services and the prevalence of children with additional needs who have difficulty accessing and participating fully in ECEC. Information on the additional costs of including children with additional needs is also sought.

- ❖ CDA welcomes the Commission's interest in the barriers faced by children with disability.
- ❖ CDA has discussed the barriers to accessing ECEC in its initial submission to this inquiry (Appendix 1); CDA's presentation to the Melbourne hearing of the Senate Inquiry into the Delivery of quality and affordable early childhood education and care services: Immediate future of the childcare sector in Australia (Appendix 2); as well as the CDA issues paper titled *Inclusion in education – Towards equality for students with disability*. (Appendix 3).

INFORMATION REQUEST 12.9

The Commission seeks information on whether there are other groups of children that are developmentally vulnerable, how they can be identified, and what the best way is to meet their additional needs.

- ❖ CDA welcomes this information request and refers the Commission to our issues paper titled *Inclusion in education – Towards equality for students with disability*.

DRAFT RECOMMENDATION 5.2

Governments should plan for greater use of integrated ECEC and childhood services in disadvantaged communities to help identify children with additional needs (particularly at risk and developmentally vulnerable children) and ensure that the necessary support services, such as health, family support and any additional early learning and development programs, are available.

- ❖ CDA supports plans to improve the integration and coordination of ECEC and support services to ensure early intervention for children with additional needs to respond to potential greater demand.
- ❖ CDA completed an issues paper on the interface between the NDIS and the Family Support Program (found in Appendix 4). This paper included discussion around the issue of vulnerable families and the importance of service coordination with different and many jurisdictions. In the opinion of CDA, careful consideration should be given by the Commission to how these ‘vulnerable families’ will interface with each other. This includes the interface between the ECEC system and the NDIS.
- ❖ CDA refers the Commission to this paper as it is our opinion that the discussion and recommendations within this paper are highly relevant to the Commission’s Recommendation 5.2.

Outside school hours care – improving the accessibility, flexibility and affordability

DRAFT RECOMMENDATION 7.4

Governments should develop and incorporate into the National Quality Framework a nationally consistent set of staff ratios and qualifications for those caring for school age children in outside school hours and vacation care services. These requirements should take into consideration ratios that are currently acceptable for children during school hours, the uncertainty surrounding the additional benefits of more staff and higher qualifications, and the valuable contribution that can be made to outside school hours care services by less qualified older workers and university/TAFE students.

- ❖ CDA welcomes the recommendation for nationally consistent requirements.
- ❖ CDA would like to see the addition of inclusive education practices within these requirements as a critical part of fostering a culture of inclusion within ECEC.

DRAFT RECOMMENDATION 8.2

State and territory governments should direct all schools to take responsibility for organising the provision of an outside school hours care service for their students (including students in attached preschools), where demand is sufficiently large for a service to be viable.

- ❖ CDA welcomes increased opportunities for more flexible child care arrangements.
- ❖ CDA is interested in the application of this proposal to children with disability who attend disability specific schools (referred to also as special schools).
- ❖ Many disability specific schools do not provide an out of school hours care program. Some families speak openly about the use and reliance of school-provided transport to and from school as a much needed form of out of school hours care provision. In some education jurisdictions it is not possible to have the bus pick/drop you up from alternate places – so for many it is not possible to have the bus collect a child in the morning and transport the child to out of school hours care in the afternoon. It is believed this issue needs to be addressed for the students with disability concerned.

Workforce Participation

- ❖ CDA believes that it is important for the final report of the Commission to include the specific experiences of families of children with disability and the specific barriers in place with regard to gaining and keeping employment.
- ❖ The most recent statistics from 2006 show that the workforce participation of parents and families of children with disability is much lower than the rest of the community.
- ❖ The majority (62 per cent) of mothers who were primary carers of children aged 0–14 years with disability were not in the labour force. This compares with 36 per cent of other mothers of children of the same age.⁹

⁹ Australian Institute of Health and Welfare (AIHW) Bulletin, Issue 47, 2006, *Disability updates: children with disability*, Commonwealth of Australia, Canberra.

Quality assurance processes and regulation of ECEC

DRAFT RECOMMENDATION 7.2

Requirements for educators in centre-based services should be amended by governments such that:

- *all educators working with children aged birth to 36 months are only required to hold at least a certificate III, or equivalent*

the number of children for which an early childhood teacher must be employed is assessed on the basis of the number of children in a service aged over 36 months;

INFORMATION REQUEST 7.1

The Commission seeks participants' views on the expected impacts on the development of children under 36 months of focusing required teachers in centre-based care on children over 36 months.

- ❖ With regards to both the draft recommendation and information request, CDA believes that educator training in inclusion is fundamental to the development of inclusive education practices.

CDA considers a clear understanding of inclusive education and the skills, confidence and motivation to bring about inclusion in everyday practice is essential for quality teaching and therefore fundamental for the education and training of educators.

CDA recommends that all education qualifications, including early education, should incorporate training in inclusion.

Ongoing support for evaluation and program assessment

DRAFT RECOMMENDATION 5.4

Early intervention programs to address the development needs of children from disadvantaged backgrounds should be underpinned by research. Their impact on the development outcomes of the children attending should be subject to ongoing monitoring and evaluation, including through the use of longitudinal studies.

- ❖ CDA welcomes this recommendation for evidence-based practice.

- ❖ It is strongly demonstrated that inclusive education benefits the early learning and development of all children, including children from disadvantaged backgrounds. This opinion is supported by our issues paper titled *Inclusion in education – Towards equality for students with disability*, to which we refer the Commission. The research demonstrates that inclusive education is best practice with known benefits for children with and without disability. These benefits are in a number of key areas for children, including academic, social, communication and language and physical development¹⁰.

DRAFT RECOMMENDATION 13.2

The Australian Government should establish a program to link information for each child from the National ECEC Collection to information from the Child Care Management System, the Australian Early Development Index, and NAPLAN testing results to establish a longitudinal database.

Subject to appropriate data protection methods, this information should be made available for research, policy analysis and policy development purposes. The ability of researchers to access unit record information should be permitted subject to stringent privacy and data protection requirements.

The Australian Government agency, which is the custodian of the Child Care Management System, should provide a de-confidentialised extract from the database each year that interested parties can use for research and planning purposes.

- ❖ CDA welcomes the Commission’s recommendation to improve the information base by establishing a longitudinal database.
- ❖ It is the opinion of CDA that there is strong potential for children with disability to be excluded from this database, given the absence of data on the development of children with disability within the proposed indices to be included.

The Australian Early Development Index (AEDI) and the National Assessment Program – Literacy and Numeracy (NAPLAN) both claim “near universal coverage”¹¹. However, children with disability are often excluded or exempt from these data sets. For example, in the AEDI “*information on children with special needs is not included in the domain results tables, but background information is*

¹⁰ Cologon, K 2013, *Inclusion in education: towards equality for students with disability*, Children with Disability Australia, Melbourne, pp.23-26

¹¹ Ey, C 2013, *Measures of student achievement: a quick guide*, Parliament of Australia, viewed 8 September 2014, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp13_14/QG/StudentAchievement

included to provide communities with information on all children”¹². The Commission also noted that “Information about children with special needs is not included in the results, due to the already identified development needs of these groups” in its draft report¹³.

Furthermore, it is important to note that children with disability are often not included in NAPLAN testing. This can occur for a range of reasons. For some, this instrument is an inappropriate measure of their achievement as they require a modified curriculum. For others, it is reported that schools recommend non participation, and families commonly reported that there is an opinion that this is preferred by some schools as they are concerned that median school performance would be adversely affected by their child’s results.

Given these considerations, it is important that any establishment of a system to gain longitudinal data on students will include, and is not discriminatory towards, students with disability.

- ❖ CDA would see as beneficial further recommendations to establish consistent data collection that address the information gap surrounding the early education and development of children with disability.

¹² *ibid.*

¹³ Productivity Commission 2014, *Childcare and Early Childhood Learning*, Commonwealth of Australia, viewed 5 September 2014, http://www.pc.gov.au/_data/assets/pdf_file/0008/138383/childcare-draft.pdf, p.178

CONCLUSION

CDA welcomes the review of early childcare and early learning in Australia. Typically, families of children with disability find access to these services exceedingly difficult or impossible. It is the view of CDA that the type and nature of barriers which exist for families of children with disability are distinct in nature and dimension. A critical consideration for any reform to childcare and early childhood learning is how we can improve access, inclusion and educational outcomes for children with disability.

Thank you for the opportunity to contribute further to this inquiry. Please advise CDA if additional information is required or whether it would be of assistance to directly discuss any aspects of this submission.

References

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