



WACSSO

Partnering with P&Cs to
advance public education

WACSSO SUBMISSION

Review of the 1999 WA School

Education Act - Discussion

Paper Response

October 2024

Acknowledgements

Acknowledgement of Country

The Western Australian Council of State School Organisations pays respect to First Nations and Traditional Custodians throughout Australia, recognising their connection to land, waters and sky.

We acknowledge parents, families, Elders and communities as sharers of culture and knowledge; and recognise the value this learning holds for children and young people.

The Voice of Parents

WACSSO acknowledges parents* as the first educators in their child's life. We celebrate and honour the diversity of families and recognise the vital role they play in supporting children and young people throughout their learning journeys.

This submission is informed by the experiences and feedback we receive from Western Australian Parents and Citizens Associations (P&Cs) and the parents of children attending WA public schools.

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* WACSSO recognises the term "parent" to also include a child's primary carer.

Introduction

The Western Australian Council of State School Organisations (WACSSO) is the peak body representing parents of public school students in Western Australia. We provide services and representation at the State and National level to more than 650 Parents and Citizens Associations (P&Cs) across WA. Together with the P&C community and all our stakeholders, WACSSO works tirelessly to advance public education in WA so that every student has the best chance to realise their potential and live the life they deserve.

Our vision is for Western Australian schools to provide world-leading education to every student. For over a century, we have worked passionately with school organisations across this State to improve the public education system, all the while never losing sight of a simple principle: that we are stronger together.

WACSSO is pleased to represent the perspectives and experiences of WA public school parents with this submission. This review of the School Education (SE) Act is an historic event, and we congratulate the Minister for Education, the Government and all those involved in triggering this review. The recognition of the need for the SE Act to be reviewed so it may improve its responsibility to all people living with disability is to be commended; this is an initiative that is welcomed by countless parents.

Our submission takes into consideration parent perspectives that we have witnessed and heard over many years, distilled here to provide compelling and detailed responses to the discussion paper. Identifying opportunities to strengthening access and inclusion is a goal that our Association supports, and we know resonates strongly with our affiliates. Along with the perspectives of parents who represent all regions of Western Australia, this submission is informed by WACSSO Policy.

The points included in the discussion paper, and the responses provided below, obviously require funding commitment. Without proper funding and resources, schools will struggle to effectively implement any recommendations solicited by this Review. Any changes to the SE Act must be accompanied by adequate support to ensure that all students, especially those with disabilities, receive the education they deserve in a safe and nurturing environment. WACSSO has assumed, in the provision of our feedback, that appropriate funding will be allocated to support the implementation of the revised SE Act, and that the cost of change, where systemic, won't fall to schools to manage.

Thank you for providing consultation opportunities to organisations, communities and individuals. WACSSO looks forward to the outcomes of the consultation period.

Should the objects of the School Education Act 1999 be changed to improve access and inclusion for students with disability? If so, what should this look like?

WACSSO strongly supports changing the Objects of the School Education (SE) Act to provide more clarity and context. The current wording of the Objects is insufficient to guarantee provision of high-quality education for all students, nor is it sufficient regarding the rights of children.

When providing more context to the Objects, WACSSO encourages the Government to both consider the below questions and points, while at the same time utilising the United Nations Convention on the Rights of the Child, specifically Articles 23 and 28. Additional useful reference material includes the summary statement (Part A – Inclusive Education) from the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability. This statement highlights the contemporary struggle facing Australian schools when aiming to provide an inclusive education that safeguards students with disabilities from violence, abuse, and neglect. The findings of the Commission demonstrated that students encounter numerous barriers, primarily stemming from negative attitudes and low expectations. Additionally, it was found that systematic exclusion occurs when schools fail to offer necessary adjustments and supports, leading to the segregation of students with disability into special schools or classes. Schools often neglect to involve students with disabilities and their parents in decision-making processes, misapply exclusionary discipline, and do not adequately plan for students' transitions to further education and employment. [Click here for the statement.](#)

In contextualising the Objects, WACSSO encourages consideration of the following points:

a) to recognise the right of every child in the State to receive a school education;

This first objective must be clear about the standard of school education each child has the right to receive. Our members and parents tell us the quality of school education varies greatly across our State, and within our metropolitan region. The variation is particularly true for families whose children live with disability. We know from the testimony of parents that the school education experience and, importantly, a child's education outcomes change the further they live from a metropolitan centre. WACSSO calls for the first Object of the Act to clearly define the standard of school education, ensuring consistency and quality across all education settings.

Another consideration for this Object is to articulate the right to receive a school education regardless of financial background. Affordability is a key issue for parents and there is a misconception that sending a child to a government school is free; it is not. WACSSO hears the experience of families whose children are unable to fully participate in education because of the cost of devices, digital access, booklist requirements, excursions, or uniforms. Every child has right to receive quality and affordable school education.

Proposed new phrasing: to recognise the right of every child in the State to receive a high quality education regardless of financial background.

(b) to allow that education to be given in a government school, a non-government school or at home;

WACSSO supports this objective and acknowledges the importance of education choices, particularly when it comes to children living with disability. It is vital that all children, regardless of the setting, have access to quality education. This approach not only fosters inclusivity but also empowers families to make informed decisions about their children's education without fear of compromising their learning outcomes.

(c) to provide for government schools that meet the educational needs of all children;

This Object refers to government schools to meet the education needs of all children. WACSSO suggests that all schools, are held to the same account and standards. As such, if this review is seeking to ensure that right of every child in the State to receive a high-quality school education, then it should follow that all schools, regardless of classification, should accommodate every child without discrimination.

(ca) to provide for education, training and employment alternatives at the senior secondary level; and

Referring to our comment regarding clarity on the standard and affordability of school education, this feedback also applies to training and employment opportunities. The Royal Commission statement on inclusive employment asserts, 'access to employment has flow-on effects on a person's ability to access services, support themselves and their family, and achieve financial security. Having a rewarding occupation can give people a sense of purpose and personal development, foster social connection and community, and create opportunities.' [Click here for the statement.](#)

(d) to acknowledge the importance of the involvement and participation of a child's parents in the child's education.

This Object, as written, is not sufficient to highlight the crucial nature of parent engagement. Parent engagement is an essential ingredient in improving a child's school experience and educational outcomes. In our Policy, we assert that the public education sector should have strategies, policies and resources in place to engage with parents in a proactive and constructive manner and that the sector has a responsibility to address barriers to parental engagement. As parents are responsible for the wellbeing and social development of their children, we assert that engagement with parents should be a priority for schools. Specifically, when we consider the continual advocacy efforts across various contexts (education, medical, community services) of parents of children with disability, it is vital parent engagement is captured as a criteria schools must address and on which they must report.

Should principles be added to the SE Act to improve access and inclusion? If so, what principles would you add?

WACSSO agrees that Access and Inclusion Principles that inform the SE Act will improve education, training, and employment pathway outcomes for students living with disability. The principles should be developed with a codesign ethos, ensuring families and students who live with disability, representative organisations and stakeholders participate in their development.

The Principle of Choice

WACSSO acknowledges the different education/school experiences of families. Parents of children with disability consistently emphasise the importance of having the ability to choose the educational setting that best meets their child's needs. As children become young adults, the rights of these young people to be involved in the decisions that affect them must also be considered.

The Principle of Choice requires that WA schools are accessible to people with disability and are resourced to accommodate the supports to which they are entitled.

The Principle of Safety

WACSSO has the vision that our schools are places of physical, cultural and emotional safety.

Our vision is that all students will:

- a. be emotionally and physically safe and secure in their school environment, free from abuse, bullying, harassment, and undue risks;
- b. be safe from discrimination or ridicule based on any aspect of their identity
- c. know that their home culture is valued within their school and throughout the education system;
- d. be supported to work within reasonable guidelines and rules that have been agreed and articulated by their school community; and,
- e. be supported to articulate their concerns, through sound democratic processes, in relation to any agreed rules and guidelines that may impact on the educational outcomes, or human rights, of themselves or others.

The Principle of Safety must lay across all Objects and Rules that sit within the SE Act. Parents want their children to thrive at school, not only in their learning but also in their social and physical development. However, we know that parents have faced the difficult decision of removing their children from school due to bullying, discrimination (unintentional and intentional), lack of resources, and systemic barriers. The SE Act must ensure its rules are implemented with consideration to the safety and wellbeing of all students.

The Principle of Achievement and Opportunity

WACSSO believes each child has the right to thrive in their learning environment. Parents of children with disabilities often tell us that their child is viewed through a lens of 'otherness,' which is limiting and discriminatory. All children will have varying levels of achievement of which they are capable. All children should be supported and provided with the opportunity to achieve to the highest level of which they are capable, without prejudice or limitation. Western Australian schools must be places where every student is supported to achieve their individual educational goals, to develop positive social connections and outcomes, and have every opportunity to realise their full potential in and beyond school.

Should the definition of disability in the SE Act be changed to improve access and inclusion? If so, how?

The current definition of disability in the Act is limiting, which presents problems for both schools and families. It is important that changing the definition of disability is done in consultation with broad panel of people who bring a range of expertise and experience. Representatives must include people with disabilities, representative organisations, support services and education and health practitioners.

Should the definition of disability in the SE Act be changed to improve access and inclusion? If so, how?

WACSSO strives for a public education system that ensures that:

- a. all young people develop the skills and understandings necessary to shape their own lives; and,
- b. all young Australians will be able to contribute constructively to the social, political and economic future of their communities, state and nation.

Our government schools are situated in local communities across Western Australia. They are places where children, families, and school staff come together in critical community hubs. It is self-evident that there must be a right for every child to attend and thrive at their local school.

With this right comes the responsibility of the Western Australian Government to ensure that every local government school is resourced to meet the needs of every child; WACSSO asserts that in all cases where the Act delivers a right, it must also foster circumstances that empower the right to occur. Importantly, WACSSO believes that acknowledging this right, does not exclude the Principle of Choice.

Should the SE Act provide greater flexibility in how students engage in education? If so, what should this look like?

The School Education Act must accommodate the changing landscape of education delivery and the diverse needs of modern society. It is crucial that schools have the flexibility and resources to meet the complex learning requirements of all students, particularly students with disabilities. Greater flexibility in the SE Act should empower families and school principals to explore alternative learning and training methods that enhance rather than hinder educational outcomes. However, it is imperative that these alternative approaches are inclusive and do not inadvertently exclude or segregate students.

Introducing greater flexibility in education delivery demands adequate resources and informed decision-making. Oversight is essential to ensure that alternative education platforms effectively enhance learning and engagement without compromising quality. As highlighted by Children and Young People with Disability Australia in their submission to the Royal Commission, education must offer diverse options that empower students with disabilities to know a range of high-quality options and then determine the most effective learning methods for themselves. Therefore, our education system should prioritise high-quality, well-informed options, ensure that families are aware of these options, and foster a workforce that values and supports these choices for all students. [Click here for the statement.](#)

Should there be any changes to the SE Act regarding roles and responsibilities? If so, what should this look like?

The School Education Act should explicitly articulate that all stakeholders, including parents and families, share a collective responsibility for promoting access and inclusion within the education system. Currently, the Act lacks specific provisions addressing inclusivity among the defined roles of stakeholders, which can hinder collaborative efforts and genuine engagement to support student outcomes. By clearly outlining these responsibilities, the SE Act would foster a more inclusive environment, ensuring that all parties actively create and maintain supportive educational settings for every student. This approach would enhance accountability and empower families to play a vital role in advocating for inclusive practices within their schools.

Should there be any changes to the SE Act regarding adjustments for students with disability and/or universal measures? If so, what should this look like?

The SE Act should incorporate clear guidelines ensuring that any adjustments for students with disabilities and universal measures are developed and implemented through consultation with parents, students, and their representatives while being informed by relevant expertise. It is crucial that each adjustment is tailored to the student's individual needs rather than applying a one-size-fits-all approach, which parents often report as a common issue. WACSSO asserts in our policy that treating all students the same can result in inequitable outcomes; responding appropriately to particular circumstances will generally improve outcomes. Additionally, these measures should undergo regular reviews to assess their effectiveness in enhancing educational outcomes for the child, ensuring that they support rather than impede the student's learning experience. By prioritising individualised approaches and ongoing evaluation, the Act can foster a more inclusive and effective educational environment for all students.

Should there be any changes to the SE Act regarding duties to communicate, consult and/or collaborate with students with disability and their parents. If so, what should this look like?

The SE Act should strengthen its language emphasising the importance of genuine engagement with parents of students with disabilities. It must clearly articulate the right of students to be actively included in decisions that impact their learning, recognising their unique perspectives and needs. Additionally, parents should receive support in advocacy and representation when necessary, ensuring they have a voice in the process. WACSSO has heard from parents that they find new information after school-based decisions have been made, which is often too late. The Act should also encourage collaboration with experts to provide informed choices and options tailored to each student's individual circumstances, moving away from a one-size-fits-all approach. By fostering a culture of open communication and collaboration, the Act can enhance the educational experience for students with disabilities and their families.

Should there be any changes to the SE Act regarding discipline, suspensions or exclusions? If so, what should this look like?

WACSSO believes there is an additional body of work that needs to occur to inform discipline, suspensions or exclusions for students with disability; and as we have stated before this should be informed by people with disability, educators, and expertise, and representative organisations to address the discrimination that occurs.

Children and young people with disability have a right to an education, as outlined in the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. It is critical that the Act has protections in place so as not to remove a child's right to education, when it is enabling suspensions and exclusions.

WACSSO is concerned that under-resourced schools often resort to behavior management plans that lead to suspensions, to manage the unique needs of children with disability. These punitive measures can exacerbate behavioral issues, resulting in further distress and feelings of isolation from the peers. Furthermore, when schools or staff feel overwhelmed or lack training in recognising certain behaviors, this can create conditions where discipline becomes an impulsive response, leading to multiple suspensions without additional supports being implemented. It is heartbreaking for a parent when their child is labeled as "troublesome,"(a label that can follow a student throughout their school years).

Should there be any changes to the SE Act (or regulations) regarding restrictive practices? If so, what should this look like?

Considering the findings from the Disability Royal Commission, there is a compelling case for revising the SE Act at its associated regulations concerning restrictive practices.

Currently, the National Disability framework requires a Behaviour Support Plan (BSP) for any authorised restrictive practices, ensuring that those administering such measures are appropriately trained. However, the Commission's findings indicate these plans are often poorly implemented and lack a solid evidence base. Therefore, it is essential any changes to the SE Act ensures restrictive practices are clearly defined, only used as a last resort when alternative positive behavior support strategies have failed, and/or only used where there are significant safety concerns for the child or others.

The revised SE Act must articulate that restrictive practices are grounded in evidence-based strategies. Any use of medication, including behavior-suppressing drugs commonly prescribed for ADHD or anxiety, should be overseen by a registered Behaviour Support Practitioner, ensuring that all interventions are justifiable and appropriate. Additionally, only staff with the necessary training should be authorised to implement restrictive practices. This includes training in appropriate interventions and an understanding of when such measures are justified.

Furthermore, all staff working with the child must be trained in how to apply these practices safely and effectively. Alongside training, the use of restrictive practices should be explicitly tied to safety concerns—either for the child or for others. Implementations based on insufficient staffing or inadequate training should not be acceptable justifications for using restraints.

Further considerations for the SE Act is mandating consultation with parents and, where possible, the child before the implementation of any restrictive practices. Parents have expressed the need for involvement in behavior management strategies, and their insights are invaluable in developing effective plans that prioritise their child's safety.

Uniform use of restorative practices should also be a feature of the revised Act. Regulation should apply uniformly across all schools (government and private) to ensure consistency in approach. Currently, regulations only apply to public schools, which creates discrepancies in the treatment of students with disabilities.

Finally, the Review should consider mandatory reporting of incidents involving restrictive practices, serving as a safeguard to ensure that they are used correctly and transparently. Parents should be informed about incidents as they occur, fostering trust and collaboration between families and schools, thus delivering on the engagement priority, as outlined above.

The broader vision for inclusive education should guide restrictive practices. As the Royal Commission suggests, the ultimate goal is that all public schools are high quality education settings that are safe, inclusive and accessible for all children, including those with disabilities.

In closing

In response to the final questions in the Discussion Paper and the call for any further ideas or comments, WACSSO reconfirms the previously articulated view: involving a range of qualified stakeholders in all processes associated with monitoring outcomes, handling complaints and establishing or changing an Advisory Panel is essential. Without the input of stakeholders, which includes parents, the children themselves (where appropriate), support staff, teaching staff and health practitioners, the information reviewed, and the decisions made will be sub-optimal.

As outlined in our Policy, our vision is that the education system will deliver equitable outcomes for all students and their families. 'All' has no exception in WACSSO policies, and we emphasise that achieving equitable outcomes for different students often requires different strategies. This kind of flexibility relies on consultation, adaptive processes and collaboration.

In addition to our assertion that all children have an inherent right to education, and that the State Government has a legislated responsibility to ensure every child can receive the highest quality of education, free of charge, we emphasise that schools should be, as far as practicable, student-focused and responsive to the particular needs, capacities and learning approaches of all children. To that end, WACSSO encourages the panel, when reviewing the Act, to ensure that future iterations have at their heart the needs of the student as they grow, learn and develop over the course of their schooling. Setting our young people up for success, whatever that looks like for them as an individual, should be our goal.

