

Toolkit

Disability Standards
for Education



How to advocate

This resource helps students with disability to build self-advocacy skills and provides guidance on how to raise and resolve concerns with their education provider.



This resource was co-designed by students and young people with disability and their parents and caregivers.

About this resource

This resource was funded by the Australian Government. It was designed by students and young people with disability and their parents and caregivers, with help from Children and Young People with Disability Australia (CYDA) and the National Ethnic Disability Alliance (NEDA).

This toolkit provides general information only. It might not reflect how the law applies to your circumstances. It doesn't provide legal advice.

The Australian Government acknowledges the Traditional Owners and Custodians of Country throughout Australia. We acknowledge their continuing connection to land, water, and community. We pay our respects to them and their Elders past and present. We pay our respects to the continuing cultural, spiritual, and educational practices of Aboriginal and Torres Strait Islander peoples.

Note on language

This resource uses person-first language (e.g., 'student with disability'). But this approach does not suit everyone, and many people prefer identity-first language (e.g., 'disabled student').

It is up to each person how they choose to identify. We encourage you to ask people what they prefer. We also acknowledge the deep history behind all these terms.

Additional resources

This is one part of a group of resources. You can find them on the [Australian Government Department of Education Website](#) or by scanning the QR code.



Scan the QR code

This resource is also available in Easy Read, Auslan, and several other languages. You can access those versions on the [Australian Government Department of Education website](#) or by scanning the QR code.

Content note: This toolkit has examples of exclusion and discrimination. For support you can call Lifeline on **13 11 14** or text **0477 13 11 14**.

Who this toolkit is for

This toolkit is for you if you're a student with disability.

What this toolkit is for

This toolkit is to help you **advocate** for yourself with your **educational institution**.

Advocate means standing up for someone's rights and needs.

Definition: Educational institution

An educational institution is a body providing education or training.
This could be:



A school



A university



A vocational education and training (VET) provider

What this toolkit covers

This toolkit goes through each step of how to advocate for yourself.

It covers:

- [Self-advocacy](#) (p. 2)
- [Australian disability discrimination law](#) (p. 2)
- [What your rights are](#) (p. 3)
- [What if my educational institution is not following the DSE?](#) (p. 4)
- [Advocating for yourself](#) (p. 4)
- [Map your advocacy journey](#) (p. 6)
- [Where to get support and information](#) (p. 18)

Self-advocacy

Self-advocacy means that you:

- Stand up for yourself and the things that matter to you
- Know and stand up for your rights
- Ask for what you need
- Tell people what you think and feel
- Make choices and decisions about your own life
- Get support if you need it.

Australian disability discrimination law

All students with disability in Australia are protected by the **Disability Discrimination Act 1992** (DDA) and the **Disability Standards for Education 2005** (DSE). All education providers must follow the DDA and the DSE.

Definition: Disability Discrimination Act 1992 (DDA)

The DDA is a law that applies to everyone in Australia. It protects people from being discriminated against because of their disability.

Definition: Disability Standards for Education 2005 (DSE)

The DSE are a set of laws that come under the DDA. They clarify the obligations of education providers. The DSE tell education providers what they have to do to support students with disability.

Educational institutions can follow the DSE by making changes that support students with disability to take part in education on the **same basis** as their peers.

These changes are called **reasonable adjustments**. They can be:

- people (e.g., support staff)
- materials (e.g., screen reader)
- changes in how things are done (e.g., rest breaks).

Education providers generally have to make changes unless it would cause **unjustifiable hardship**.

You can learn more about the DSE and key words like ‘same basis’, ‘reasonable adjustments’ and ‘unjustifiable hardship’ in our [Explaining the Disability Standards for Education resource](#).

What your rights are

You have the same right as students without disability to:



Apply for, be accepted at and enrol in an educational institution



Join in with every part of your education course or program



Take part in learning experiences



Learn in a safe environment, free from discrimination, harassment and victimisation



Use support services e.g., school counsellor

Your educational institution **must** follow the DSE to support students with disability.

You can learn more about harassment and victimisation in our [Explaining the Disability Standards for Education resource](#).

What if my educational institution is not following the DSE?

If you have a concern or think your educational institution isn't following the DSE you can discuss this with them. You should do this as early as possible. This is advocating for yourself.

When you do this, you should:

- *Ask for what you need.* No one should be allowed to shame or pressure you into settling for less.
- *Keep the big picture in mind.* Think about what your vision is for your education.
- *Look after yourself.* Set up the supports you need, like a friend or support person.

Advocating for yourself

When you advocate, you're trying to get other people to see things from your point of view. This can be tricky if they have different views or priorities to you.

It helps to prepare for these conversations. Think about:

What is your concern?

What is your goal?

What are some solutions?

What is non-negotiable?

What is negotiable?

Then you can work out a solution together.

Taking your place at the table

One way to think about being an advocate is ‘taking your place at the table’. This means that you are part of conversations that affect you and your life. This includes conversations with education providers. You should be treated as an equal and your opinions valued.

We all have things in our lives that can make it easier or harder to do this.

Where we live, work and grow up all affect how we think about advocating for ourselves. So can things like your gender, sexuality, culture and religion. They may also affect how other people respond to you.

It’s important to know:

- You should feel proud of your disability, not ashamed. You should not feel bad for asking for what you need.
- You’re allowed to complain when something isn’t OK. You have the right to a fair education.
- Your education provider needs to follow the DSE. This is Australian law. If they don’t, you can ask them to follow it. You should not be punished for this.
- Negotiation isn’t always easy. It may bring up difficult thoughts or emotions. If you feel anxious or stuck, you can reach out for support. See [Where to get support and information](#) (p. 18).



Map your advocacy journey

Before you raise a concern, look up the complaints process for your education provider. This will help you know who to talk to. You can find this on your educational institution's website or you can ask them for a copy. It's a good idea to spend some time preparing before you raise a concern or complaint.

The following steps will help you on your advocacy journey. They will help you decide who to reach out to and in what order.

These steps are:

1. Have a conversation with your educational institution.
2. Take your concern to the person or organisation in charge of the educational institution.
3. Complain to another authority.

If you're not satisfied with the response at any step, then you can **escalate** your concern.

Definition: Escalate

When you escalate a concern, that means you take it to the next level.

For example, this might mean raising it with a staff member who is more senior or with a **complaints body**.

E.g., you decide to stop emailing your teacher and talk to your year level coordinator.

Definition: Complaints body

A complaints body is an independent organisation that deals with concerns and complaints.

1) Have a conversation with your educational institution

This step could be as simple as sending an email to your teacher or talking after class. Or you might need a meeting to discuss things in more detail.

You might need to talk to them a few times to find a solution that works for everyone. You may also need to try different things to figure out what works best for you.

The best outcomes are achieved when students, teachers, parents and caregivers work together.





Tips to help you have the conversation with your educational institution

- 1 Know your rights and what they mean for your situation. See [Explaining the Disability Standards for Education](#).
- 2 Think about the other person and what you know about them. What do they think about the situation? How do you think they will react? What's the right way to start the conversation with them? (E.g., do you want to focus on rights, or wanting to learn?)
- 3 Get your elevator pitch ready. This is a speech you would give if you only had a short time with someone (e.g., if you were riding in an elevator!). Your pitch covers your key points.
- 4 Practise beforehand. You might like to role-play what you will say with a friend.
- 5 Bring evidence if you think it will help. E.g., this could be a note from a health professional.
- 6 Take care of yourself and be safe. Do you need someone with you as support or a witness? Would you feel more comfortable having the conversation by phone or by email?
- 7 Prepare mentally for the conversation. Do you want to feel energetic? Calm and steady? What can help you feel this way? It could be music, a friend or some alone time.
- 8 Record what happens. You can take notes or record on your phone. Always ask permission before you record someone.
- 9 Explain how you're feeling. Some people relate better to your feelings than your experiences. Rather than saying 'I am experiencing X', you can say 'Experiencing X makes me feel Y'. E.g., 'Missing class makes me feel anxious and overwhelmed'.
- 10 Use 'I' statements. You only want to speak for yourself, not everyone with your disability. This can help the other person to understand your situation.

Who to raise your concern with

Who to raise your concern with will depend on what your concern is about.

Is it about one subject? Is it about your whole learning experience?

The bigger your concern is, the more likely you'll need to raise it with a senior person.

The 'Who to contact' table will help you decide:

- who to contact first
- who to contact next if that person can't make the changes you need or your concerns can't be resolved.

You can skip to the next level up if you feel more comfortable doing that.

Who to contact

Examples of educational institutions	Person in the classroom <i>Knows you and can make changes directly</i>	Person who organises adjustments <i>Can ask for changes on your behalf</i>	Person in charge <i>Has the power to make changes across many areas</i>
<i>Primary or secondary school</i>	E.g., teacher or support staff	E.g., year level coordinator, head of learning support, or counsellor	E.g., principal
<i>Vocational education and training (including TAFE)</i>	E.g., teacher or trainer	E.g., head of program, student equity and access adviser	E.g., chief executive officer, faculty manager
<i>University</i>	E.g., tutor or lecturer	E.g., disability liaison officer, course coordinator	E.g., dean, head of faculty

Case study: Milly

Milly is a Year 10 student. At the start of every year, Milly and their parents meet with the year level leader. Together they discuss what **adjustments** Milly needs and agree on an education plan. This makes sure that all Milly's teachers know what supports they need in class.

One week, Milly's science teacher is away sick. The school brings in a substitute. Normally, Milly can take breaks and leave the room when needed. They are allowed to use their judgement and don't need to ask first. This time, the substitute stops them from leaving the room. This makes Milly feel anxious and upset.

Milly speaks to the substitute teacher after class. He says sorry and asks the year level leader for Milly's education plan. Milly and their parents also email the school. They ask for Milly's education plan to be given to all substitute teachers before lessons with Milly, so the same thing won't happen again.



Getting ready for a meeting

1. Ask to meet.
2. Make a list of what you want to cover in the meeting.
3. Organise support from someone you trust, like a family member or friend.





At the meeting

1. Tell them:
 - a) what your needs are or what your concern is
 - b) how the problem is affecting you
 - c) what has been done so far
 - d) what you want to happen.
2. Tick off your list.
3. Take notes.
4. Agree on a plan for changes:
 - a) What will happen?
 - b) Who will do it?
 - c) When will it happen by?
5. Follow up with the person who will make the changes.



After the meeting

1. Email everyone to:
 - a) thank them
 - b) note what happened at the meeting and what the plan is.
2. Keep in touch.
3. Respect their time.
4. Check if the changes
 - a) have been made
 - b) are working.

If things don't get better, you may decide to speak to a more senior person. Or you may want to take your concern to the next level.

Deciding to escalate

Every situation is different, so there's no easy answer on when to escalate your concern.

To help you decide, you might like to:

Check in with how you're feeling (e.g., unheard, disrespected, rebuffed)

Think about what you need to happen

Discuss the situation with someone you trust (e.g., friend, family, counsellor)

Signs that you may need to escalate are:

- You can't come to an agreement with your educational institution.
- The educational institution misses a deadline for something you needed them to do. (E.g., they agreed to increase the font size of their worksheets within a week. A month passes with no action.)
- The educational institution says it's not their job to take the action you're asking for.
- You're not satisfied with the outcome from the educational institution.



2) Take your concern to the person or organisation in charge of your educational institution

If your educational institution can't resolve your concern, you might need to escalate it. This means raising your concern with the person or organisation that's in charge of the educational institution. Sometimes they are called an **educational authority**. This could be the state or territory education department or a university board. Or it could be a **complaints body** – e.g., for non-government schools in your state or territory.

This step is different depending on what kind of education you're doing – e.g., school, TAFE, university.

But all education providers must follow the DSE.

See the table on p. 15 for who to take your complaint to in this step. Your education provider's complaints policy should also help with this. You can look on their website or ask them for a copy.

After you make your complaint, the person or organisation will look into it. They may contact the educational institution on your behalf. They can also recommend potential actions or solutions.



Who to complain to

Note: The contacts below are suggestions only. Depending on your situation, you may need to contact someone else.

Examples of educational institutions	Who to contact
Government school	The education department in your state or territory.
Non-government school – Catholic or independent	The organisation that is responsible for your school – e.g., the school board for independent schools or the local Catholic Diocese. If your state or territory has a complaints body for non-government schools, you could contact it instead.
Vocational education and training (VET) – including TAFE	The government department responsible for training and skills in your state or territory. If your state or territory has a complaints body for VET providers, you could contact it instead.
University	The university council or board. If they can't help, you might want to contact the state or territory education department.

Remember to check what types of complaints you can make to them. They don't all deal with the same kind of complaint.



An example of the complaints process



1. Look up the educational institution's complaints process



2. Decide who to make your complaint to



3. Gather information:
a) that they ask for
b) that gives enough detail



4. Focus on your main concern



5. Make the complaint and keep a record



6. Put key dates in your diary



7. Wait for a response



8. Try to reach a compromise together



9. (If that doesn't work)
Think about further action

3) Complain to another authority

You may wish to make a complaint to another authority if you:

- couldn't resolve your concern with the previous steps; and/or
- believe you have been discriminated against.

Definition: Discrimination

Disability discrimination is against the law. It means:

- Someone is being treated worse than they would be if they were not disabled.
- Someone is required to do something they cannot do because of their disability and changes are not being made.

You can learn more in our [Explaining the Disability Standards for Education resource](#).

Australian Human Rights Commission (AHRC)

The AHRC is an independent body. It investigates complaints about unlawful discrimination under the DDA or DSE.

How do I make a complaint?

The AHRC has information on how to make a complaint on its website (<https://humanrights.gov.au>).

If you aren't sure if you can make a complaint about something, you can contact the AHRC's Complaint Information Service:

- by phone on 1300 656 419
- by email to infoservice@humanrights.gov.au.

State and territory anti-discrimination agencies

All states and territories have anti-discrimination and/or human rights and equal opportunity laws. Depending on your circumstances, you may choose to make a complaint under your state or territory's legislation.

For more information visit the anti-discrimination agency website for your state or territory.

See state, territory and national contacts ([p. 21](#)) for links to their websites.

Ombudsmen

The Commonwealth and the states and territories have Ombudsmen which may be able to help you in limited circumstances.

State and territory Ombudsmen

Depending on your situation, you might make a complaint to the Ombudsman in your state or territory. They can check to see if a complaint was handled properly in a government educational institution. However, they can't:

- investigate or handle a discrimination complaint itself
- overturn a decision made by your educational institution.

For more information visit the Ombudsman website for your state or territory (see [p. 21](#) for website links).

Commonwealth Ombudsman

If you are:

- a VET student in receipt of a VET Student Loan, or
- an international student studying with a private educational institution

you can make a complaint to the Commonwealth Ombudsman.

They can check to see if your complaint was handled properly. They might make recommendations to resolve the complaint. However, they can't:

- investigate or handle a discrimination complaint itself
- overturn a decision made by your educational institution.

For more information visit the Commonwealth Ombudsman website (see [p. 22](#) for website links).



Case study: Wesley

Wesley is blind and is studying at university. He is often given course materials that are not accessible. Or if they are, he is not given them far enough in advance.

After some back and forth, he goes to the Australian Human Rights Commission. They reach out to the university to negotiate.

Wesley's complaint is resolved like this:

- The university agrees to:
 - provide electronic texts where possible
 - fund a participation assistant for 60 hours a semester - e.g., to help with library searches.
- Wesley agrees to let the university know his subject choices in advance. He will tell them 8 weeks before the start of every semester.

This is adapted from a summary of a historical case. See Australian Human Rights Commission (AHRC) (n.d.), [DDA conciliation: Education](#), AHRC website.

Where to get support and information

You don't have to do everything by yourself. You can ask a friend or support person to help you prepare for meetings or fill in forms. They can also come with you to meetings.

If you're under 18, you may need to involve your parent, caregiver, or legal guardian.



Advocacy support

You can get professional help from an **independent advocate**. You can do this at any stage.

Independent advocates

An independent advocate is someone who has specialised training and knowledge to help you to make a complaint. They can:

- explain the process to you
- help you figure out your goals
- help you with paperwork and forms
- come with you to meetings
- contact the education provider on your behalf.

There are many free and low-cost advocacy services around Australia where you can find an independent advocate. Search for a service that meets your needs at:

- [Disability advocates \(disabilitygateway.gov.au/legal/advocacy\)](https://disabilitygateway.gov.au/legal/advocacy)
- [Disability Advocacy Network Australia \(dana.org.au/find-an-advocate\)](https://dana.org.au/find-an-advocate)

Peer networks

Advocating for your rights in education can be tough. It may help to connect with peers who have gone through the same thing.

Peer networks can be a source of:

- understanding
- emotional support
- advice
- information
- social connection with someone who 'gets it'.

They might rely on a physical space or in-person meetings – or they might not. You can connect with people in a way that works for you. E.g. in person, virtual, text based, live video, etc.

To get started, you can check the websites or social media of youth or disability organisations. There may also be clubs or events in your community or at your educational institution.

Communication support

Translating and Interpreting Service	National Relay Service	Free Translating Service
<p>They can help if you don't speak English.</p> <p>Phone: 131 450</p> <p>Website: https://www.tisnational.gov.au</p>	<p>They can help if you need voice to text, text to voice, Auslan to English, or English to Auslan.</p> <p>Phone: 1300 555 727 (Speak and Listen)</p> <p>Website: https://www.accesshub.gov.au</p>	<p>They can translate key personal documents. Visit the website to find out who can use this service.</p> <p>Phone: 1800 962 100</p> <p>Website: https://translating.homeaffairs.gov.au</p>

Wellbeing support

You should seek support as soon as you think you might need it. You don't need to be in crisis to ask for support.

Counselling and mental health supports (phone, text, and web based):

- Blue Knot Foundation (<https://blueknot.org.au>)
- Lifeline (<https://www.lifeline.org.au>)
- Beyond Blue (<https://www.beyondblue.org.au>)
- Yarning Safe'N'Strong (<https://www.vahs.org.au/yarning-safenstrong>)
- QLife (<https://qlife.org.au>)
- Kids Helpline (<https://kidshelpline.com.au>)
- Multicultural Youth Advocacy Network (<https://myan.org.au>)
- LGBTIQ+ Health Australia (https://www.lgbtiqhealth.org.au/disability_inclusion)

Disability information and support

- Australian Federation of Disability Organisations (<https://www.afdo.org.au>)
- Children and Young People with Disability Australia (<https://www.cyda.org.au>)
- Disability Australia Hub (<https://www.disabilityaustraliahub.com.au>)
- Disability Gateway (<https://www.disabilitygateway.gov.au>)
- First Peoples Disability Network (<https://fpdn.org.au>)
- Inclusion Australia (<https://www.inclusionaustralia.org.au>)
- National Ethnic Disability Alliance (<https://www.neda.org.au>)
- People with Disability Australia (<https://pwd.org.au>)
- Women With Disabilities Australia (<https://wwda.org.au>)

Legal advice

- Disability Gateway (<https://www.disabilitygateway.gov.au/legal/legal-services>)
- Community Legal Centres Australia (<https://clcs.org.au/legal-help>)
- Australian Pro Bono Centre (<https://www.probonocentre.org.au/legal-help>)
- Youth Law Australia (<https://yla.org.au>)

State, territory and national contacts

State/ Territory	Education Department	Ombudsman	Human Rights Commission
Australian Capital Territory (ACT)	ACT Education Directorate: https:// www.education.act.gov. au	https://www. ombudsman.act.gov. au	https://hrc.act.gov. au
New South Wales (NSW)	NSW Government Department of Education: https:// education.nsw.gov.au	https://www.ombo. nsw.gov.au	https:// antidiscrimination. nsw.gov.au

How to advocate

Northern Territory (NT)	NT Government Department of Education: https://education.nt.gov.au	https://www.ombudsman.nt.gov.au	https://adc.nt.gov.au
Queensland	Department of Education Queensland: https://education.qld.gov.au	https://www.ombudsman.qld.gov.au	https://www.qhrc.qld.gov.au
South Australia	Department for Education South Australia: https://www.education.sa.gov.au	https://www.ombudsman.sa.gov.au	https://www.equalopportunity.sa.gov.au
Tasmania	Department for Education, Children and Young People Tasmania: https://www.decyp.tas.gov.au	https://www.ombudsman.tas.gov.au	https://equalopportunity.tas.gov.au/home
Victoria	Department of Education Victoria: https://www.education.vic.gov.au	https://www.ombudsman.vic.gov.au	https://www.humanrights.vic.gov.au
Western Australia	Department of Education Western Australia: https://www.education.wa.edu.au	https://www.ombudsman.wa.gov.au	https://www.wa.gov.au/organisation/equal-opportunity-commission
National	Australian Government Department of Education: https://www.education.gov.au	Commonwealth Ombudsman: https://www.ombudsman.gov.au International students: https://www.ombudsman.gov.au/complaints/international-student-complaints	Australian Human Rights Commission: https://humanrights.gov.au/complaints/make-complaint



[https://www.education.gov.au/disability-standards-education-2005/
information-resources-students-disability-and-their-caregivers](https://www.education.gov.au/disability-standards-education-2005/information-resources-students-disability-and-their-caregivers)