

25 September 2020

Disability Standards for Education Review Team
Disability Strategy Taskforce
GPO Box 9880
Canberra City ACT 2601
e: DisabilityStrategy@dese.gov.au.

Dear Review Team,

2020 Review of the Disability Standards for Education 2005

SANE Australia welcomes the opportunity to provide input into the current Review of the Disability Standards for Education 2005 (the Review).

Founded in 1986 as the Schizophrenia Australia Foundation, SANE Australia is a national mental health charity working to make a real difference in the lives of people affected by complex mental health issues through support, research and advocacy. Our vision is for an Australia where people affected by complex mental health issues live long and fulfilling lives, free from stigma and discrimination.

The SANE Australia group includes the Anne Deveson Research Centre and The Dax Centre (which provides artists with lived experience of mental health issues opportunities for creative expression). We welcome the opportunity to provide a submission to the Review and to articulate the needs of people living with complex mental health issues in the context of education and training.

People living with complex mental health issues do not necessarily experience disability. However, a person may experience impairment as a consequence their mental health condition which may be viewed as a psychosocial disability for the purpose of certain support mechanisms, such as the National Disability Insurance Scheme (NDIS) and the Disability Standards for Education (the Standards).

Further, the [Convention on the Rights of Persons with Disabilities](#) (CRPD) gives this broad definition of disability:

“People with disabilities include those who have long-term physical, **mental**, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

Whilst many of the people we advocate for will not identify as having a disability, there will be a significant proportion who do identify with this experience and are NDIS participants. SANE Australia’s submission to the Review is therefore made with this cohort in mind.

SANE Australia wholeheartedly endorses the proposition that “access and participation in education supports people with disability to participate fully in society and maximise their opportunities. Positive education experiences have a profound impact on an individual’s future and can lead to further study, employment and a rewarding life”.

For the community we serve, access and participation in education and training can be fraught with complexity which may lead to withdrawal from opportunities to learn and participate in employment. In addition to the obvious educational disadvantage withdrawal from these opportunities imposes, people with a psychosocial disability may consequently forego the stimulation and social interaction that accompany the educational experience.

This has longer term implications for the jointly held aspiration that people with a disability (whatever the characterisation) should be supported to participate fully in society and lead rewarding lives. The benefits of access to education and training include: enabling people to pursue their chosen profession, upskilling, and enhanced economic and social participation. In addition to giving us the tools to find gainful employment, education underpins our ability to find our way in life.

The purpose of this Review is to test whether the Standards are effective in achieving their objectives, which are:

- a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the area of education and training*
- b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law in the area of education and training as the rest of the community*
- c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community*

Background

SANE Australia’s Anne Deveson Research Centre (ADRC) was established to drive social outcomes for people affected by complex mental health issues. The ADRC in partnership with research institutes, other mental health organisations and people with lived experience of complex mental health issues, undertakes practical research that will drive policy change to produce better social outcomes for the 690,000 Australians affected by complex mental health issues.

This Review is timely from our perspective as we prepare to launch the inaugural National Stigma Report Card, an Australian first. The National Stigma Report Card draws on evidence primarily from a national survey of experiences of stigma and discrimination completed by people living with complex mental health issues.

The survey explored how stigma and discrimination affects people living with complex mental health issues across many aspects of their lives. One of the life domains under examination within the terms of this ground-breaking study is education. Survey participants were asked a range of questions to help us understand the extent to which stigma and discrimination negatively impacted their ability to participate fully in educational and vocational settings.

SANE Australia is uniquely placed to provide input with respect to the multifaceted needs of people living with complex mental health issues as they navigate day to day living, given our long history of advocacy and awareness raising, coupled with our research focus.

The findings of the National Stigma Report Card indicate that there is further work to be done in terms of achieving the objectives of the Standards.

In general, people affected by complex mental health issues have lower educational attainment than the wider population. Ensuring educational institutions are responsive to the needs of people affected by psychosocial disability and can support them to complete their educational goals is crucial to increasing educational attainment among this cohort. Unfortunately, for many of the people who took part in our survey this was not their experience.

Our findings suggest that research participants had little awareness of the education provider's obligation to make reasonable adjustments to assist students with a disability to participate in education on the same basis as students without disability, opting in some instances to withdraw altogether from study rather than ask for adaptations to accommodate additional needs.

Our research indicates that for many people living with complex mental health issues, there is limited awareness of any support mechanisms within educational settings should they experience impairment as a result of their mental health. This does suggest that the framework for promoting access and participation in education for people living with a psychosocial disability, as provided by the Standards, is not one with which many of our research participants were familiar.

Survey respondents reported that interactions with educational or training staff and inflexibility around study arrangements drove their perceptions of stigma and

discrimination in this area. Again, this tends to suggest that the Standards do not, for many people living with psychosocial disability, meet the objective of eliminating discrimination.

Survey respondents commented on lack of support from educational institutions, barriers to completion, and raised various accessibility issues – including, for example, with regards to enrolment (or re-entering the system after a period of absence), applying for special consideration, navigating support services, having a service assistance dog, and using technology.

SANE Australia calls for increased awareness of complex mental health issues within educational settings and improved awareness for students and staff about mechanisms, such as the Standards, to support people's additional needs.

The complaint mechanism under the current Standards is potentially onerous for people living with complex mental health issues, who often have concurrent challenges. Where an education provider is not complying with the Standards, the person affected has the right to make a complaint to the Australian Human Rights Commission (AHRC) about disability discrimination. If the AHRC conciliation process is unsuccessful, an aggrieved person may commence legal proceedings in the Federal Court of Australia or the Federal Circuit Court.

A recurring theme for those members of our community living with a psychosocial disability is that negotiation and arbitration processes can be daunting, difficult to access and time consuming. These factors often act as barriers to seeking redress and as such discriminatory practices (whether intentional or otherwise) are unchecked and inevitably persist.

Action required:

- Increase promotion of the Standards and the support available for people affected by complex mental health issues in educational settings, inclusive of students, their families and all academic and professional staff
- Provide capacity-building training for educational staff to better recognise and support the needs of people affected by complex mental health issues
- Revise reasonable adjustments criteria to ensure that the supports/modifications provided are tailored to the unique needs of students living with psychosocial disability
- Revise the complaints process to move away from the adjudication model towards a more inclusive process that seeks to build empathy and capacity (any redesign of this process should be in consultation with people with a lived experience of complex mental health issues and psychosocial disability)

- Ensure adequate support for people who wish to engage with the complaints process, regardless of its format.

Conclusion:

SANE Australia is gratified that efforts are being made to ensure that the Standards achieve their core objectives and hope that our submission supports this consultative process. Please note the findings of the National Stigma Report Card will be published on **Monday 12 October**, at which time the quantitative and qualitative data will be disseminated.

We would be delighted to provide the data analysis in full regarding the domain of education should you feel that this will assist the 2020 Review of the Disability Standards for Education 2005.

Yours sincerely,



Dr Michelle Blanchard

Deputy CEO - SANE Australia

Director - Anne Deveson Research Centre: a SANE Australia Initiative