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NSW Ombudsman

A level playing field? HSC disability provisions

The NSW Ombudsman, Bruce Barbour, tabled a report to Parliament today outlining his findings and recommendations following an investigation into the current system for making HSC disability provisions applications.

In 2011, applications were made by:

- 11% of 16,461 students from independent schools
- 8.1% of 11,731 students from Catholic schools
- 6% of 41,543 students from public schools

These are similar to percentages from earlier years.

‘Every year when these figures are released, there is discussion suggesting certain students and schools are gaining an unfair advantage or misusing the system’ Mr Barbour said. **‘I instituted this investigation to assess whether the system was working properly and fairly.’**

As part of the investigation, Ombudsman staff:

- Visited 13 schools and met with staff and principals responsible for preparing applications.
- Reviewed 161 applications from those 13 schools, looking at health reports, correspondence, teacher’s comments and all other documentation.
- Interviewed senior and operational staff from the Board of Studies.
- Collated and analysed data from the MySchool website.
- Met with the Victorian Human Rights and Equal Opportunities Commission to discuss a 2012 report into the experience of students with a disability.

Some of the major issues identified by the Ombudsman were:

- School culture. **‘Some schools understand their legal obligations and are skilled at meeting the needs of students with a disability but this is not the case for all schools. We found that the way in which schools dealt with these applications was a strong indicator of their general attitude and approach to students with disabilities and learning needs’**
- A lack of consistent data about students with a disability and/or learning needs. **‘This makes it very difficult, if not impossible, to identify problems and design solutions.’**

- A lack of resources. **‘Time and again on our visits to public schools, staff told us they did not prioritise making applications, as it took staff away from providing vital, day to day support and assistance to students with a disability.’**
- Poor communication. **‘Many staff did not know what information they needed to include in an application, with some telling us the Board’s decisions and processes were puzzling and inconsistent.’**

The Ombudsman has made 17 recommendations to both the Board of Studies and the Department of Education and Communities. **‘While I did not find any evidence of unwarranted applications being approved, there are certainly areas for improvement’** the Ombudsman said. **‘More needs to be done to make the application process simpler, clearer, and most importantly, open to everyone.’**

‘I believe the recommendations in this report will operate alongside current reforms, such as the ‘Every Student, Every School’ initiative to improve school culture towards students with a disability’ said Mr Barbour. **‘I am very encouraged by the response from both the Board and Department, and I will monitor the implementation of my recommendations closely.’**