

Transcript

State Government facing class action over changes to disability support program

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CATHY PEARL, MOTHER: Everybody wants their children to succeed, everybody wants them to be successful learners, and what follows, hopefully, from that is a successful and happy life in what they endeavour to do.

MATTHEW STANLEY, REPORTER: Cathy Pearl's 13-year-old son suffers from what's call a semantic pragmatic language disorder, and to keep up with the other kids in his class he needs extra help. Until this year that help was paid for from an allocation of around \$10,000, under the government's program for students with disabilities, and it meant a teacher's aide sitting with him in some of his classes.

JORDAN PEARL: They kind of taught me what I was actually supposed to do. Like, not totally, just the bits that I get troubled with.

MATTHEW STANLEY: But under changes to the eligibility criteria, he now receives nothing. Instead, his school gets \$6,500 to provide services for all students with language disorders.

CATHY PEARL: When we heard about that, I just felt quite devastated that the government and the Department, knowing the difficulties Jordan, and students like him, have, that it felt as if they were just, in a sense, pulling the rug from under them and not backing that up with any real support.

IAN CLARIDGE, EDUCATION DEPARTMENT: We felt that individual assistance wasn't the answer for all students that were eligible under the program.

MATTHEW STANLEY: Another 6,500 students are in the same situation, having failed to meet the new, tougher eligibility criteria.

JULIE PHILLIPS, ANTI-DISCRIMINATION CONSULTANT: 6,500 of them have been knocked off this year, not because they've improved in any way; they have the same disorder or disability as they had last year. It's just that the government has made the eligibility criteria so difficult to meet that hardly anyone meets it anymore.

MATTHEW STANLEY: Julie Phillips is a lawyer and anti-discrimination consultant with a long list of clients who feel let down by the system. Some, like Anja Turner and her daughter Rebekkah, have been prepared to spend thousands of dollars challenging the government in court.

ANJA TURNER, MOTHER: I'm taking this action because this is really the end of the line for us, we have tried so much. As a parent, to see Becky go through so much heartache and frustration, I feel it's my obligation as a parent to help Becky see this through and to actually get the help that she needs.

MATTHEW STANLEY: Rebekkah's case, before the Civil and Administrative Appeals Tribunal, is continuing. Julie Phillips says the government appears content to spend hundreds of thousands of dollars defending individual cases and she's moved to up the ante, filing a class action with the Human Rights and Equal Opportunity Commission.

JULIE PHILLIPS: The fact is that I believe it is all about money, so it just seems the cleverest way to go about it, in a way, because maybe if they think, at the end of the day, "Now it's going to cost us more to do it this way," that will probably be the only reason that they go back. Not because they care so much about kids' education, because if they did they would be paying attention the numerous medical reports and the cries for help from individual students.

MATTHEW STANLEY: The number of students qualifying for funding has been blowing out, more than doubling in five years, fuelling suspicion that the changes are budget driven. But the government denies the new policy is aimed at saving money, pointing to an extra \$1.4 million in the Language Support Program budget. As part of the move away from individual funding at the lower end of the disability scale, schools are now given extra money as part of their general budget.

IAN CLARIDGE: They can make decisions about the employment of aides, the employment of speech pathologists, experienced language and literacy teachers.

MATTHEW STANLEY: But they're also free to spend the money on other things.

Can they spend the money, for instance, on maintenance?

IAN CLARIDGE: There's no principal that I know of that would do that.

MATTHEW STANLEY: But it is an option for them? There's no requirement to spend the money on addressing language

disorders. Is that correct?

IAN CLARIDGE: I think school councils and finance subcommittees of schools would have a real difficulty if principals started to do that. As I said, I think it's a hypothetical. I don't know of any –

MATTHEW STANLEY: It's not a hypothetical. It's open to principals, or it's open to the school, to spend the money in any way it wishes. Is that what you're saying?

IAN CLARIDGE: No, not in any way it wishes. It is certainly a self-managed environment, where schools, under the auspices of their school councils, make those decisions.

MATTHEW STANLEY: Some of the money is being spent on training teachers in ways to help students with a language disorder. The government says its own speech pathologist can spend less time assessing students and more time helping them. The Department insists it's a better system.

IAN CLARIDGE: We had one school in every four that was receiving no funding. What our research has told us is that these students that have additional learning and language needs are in almost every school across the state. So it's about us building a system-wide response that actually gives teachers the opportunity to work in classrooms, as I said, in collaboration with speech pathologists, but also supporting students on an individual basis, still.

MATTHEW STANLEY: But not everyone is convinced.

TRISH BRADD, SPEECH PATHOLOGY AUSTRALIA: There are certainly some merits in the approach of training teachers and support staff in management of children with communication difficulties. But we would stress that it does not replace the expert intervention that a speech pathologist can provide.

MATTHEW STANLEY: Speech Pathology Australia is supporting the class action, saying it was shut out of the process which led to the change in the policy and believes the tougher eligibility test discriminates against students with a legitimate disability.

TRISH BRADD: It's quite a significant case for us because, based on the literature that we have and what we know, if we are aware that children need extra support and they're not getting it, then we have to have an obligation and a duty of care to these children.

IAN CLARIDGE: I believe that the Department and the government is absolutely genuine in ensuring that we meet the needs of all students and has a genuine commitment to do that.

MATTHEW STANLEY: If it goes ahead, a class action could take years. In the meantime parents like Cathy Pearl are hoping the new regime won't leave their children behind.

CATHY PEARL: We would really like to see an outcome whereby students like Jordan are supported through the education system, where they feel confident and that they have learnt skills that will lead them into their future lives.

KATHY BOWLEN, PRESENTER: Stateline requested an interview with the Minister for Education Services, Jacinta Allen, in response to issues raised in that story; she declined.