

Ms. Susan Thompson  
Director Disability and Mental Health Policy  
DEEWR  
GPO Box 9880  
Canberra, ACT 2601

Dear Ms. Thompson,

**RE: Review of Disability Standards for Education 2005 Discussion Paper**

TAFE Directors Australia (TDA) welcomes the opportunity to respond to the Review of Disability Standards for Education 2005 Discussion Paper.

TDA is the national peak body representing Australia's 59 government TAFE institutions in more than 1,300 locations across all states and territories. TAFE providers are the major deliverers of accredited Australian vocational education and training qualifications and also offer senior secondary certificates, associate degrees, bachelor degrees and graduate qualifications. These qualifications are delivered within TAFE institutions, in workplaces and online.

TDA supports the Australian Government's twin objectives of boosting Australia's productivity especially through greater participation of those not currently in the workforce or underemployed. The Prime Minister gave a clear statement of these objectives in her speech to CEDA on 2 February 2011 in which she alluded to the "many thousands on the Disability Support Pension who might have the capacity to work". TAFE institutes play a central role in training and retraining Australians of working age. They are central to the Government's objectives.

TDA institutes operate within the legislative framework of Disability Standards and support Refinements to the Standards that can achieve greater participation of people with disabilities in training that will result in an employment outcome.

**Background**

As the national peak body for TAFE institutions TDA does not have a role in directly implementing the Disability Standards for Education 2005, however TDA acts can provide a strategic overview.

Students with a disability status currently represent 5.9% of VET (not just TAFE) students.<sup>1</sup>

All TAFE institutes are bound by the Disability Standards for Education 2005 and take their responsibility for equal access to education and training for people with disability seriously. TAFE institutes have identifiable strategies in place to support people with disability; and are aware of their compliance obligations under the Standards to enable students with disability

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<sup>1</sup> NCVET Australian vocational education and training statistics: Students with a disability 2009

to access and participate in education and training on the same basis as students without disability.

Nationally all TAFE institutes have a disability strategy/disability action plan as part of their overall strategic planning and employ at a minimum one disability liaison officer. Information about the support services available to students with disability including information about the Standards is publicly available from institutions to students, parents and staff. By dint of their community service obligations TAFE institutes have a responsibility to ensure that those students likely to suffer disadvantage in access to education or training find an open door at TAFE.

### **General Comments**

TAFE Directors Australia (TDA) welcomed the opportunity to participate in the DEEWR Roundtable for users and providers on the 2011 Review of Disability Standards for Education 2005 on the 4th March in Melbourne.

At the Roundtable TDA provided some preliminary observations on the Review Discussion Paper and indicated it would canvass its membership for any common views about the questions raised in the Paper about the use of the Standards; and encourage members to provide individual responses from a provider perspective to the Discussion Paper.

We are aware that a number of TAFE institutes will submit individual responses to the Review and these will appropriately focus on the questions targeted at providers, including the provision of examples of specific actions taken to address issues such as compliance, access, eliminating discrimination, and recognition and acceptance of the Standards.

It is not the intention of TDA to address the specific questions of the Discussion Paper but rather to offer some general insights about the Standards, their use and suggested refinements.

### **Use of the Standards**

TAFE institutes have indicated that the Standards are widely used as the basis for providing information to students and staff. The Standards are seen as having given the education and training sector a clear set of guidelines that provide the disability support staff, in the first instance, with the authority to act confidently in raising issues related to disability; and from which to build good practice across an institution. The Standards are regularly used to inform a range of counselling, induction and support services for students; induction and professional development for staff; and for the development of disability action plans at a whole of institution level.

### **Knowledge of the Standards**

Promoting knowledge and understanding of the Standards requires continuous broad information dissemination to the general teaching and administration staff of any institute, and more targeted assistance to those working directly with students with disability.

All of those who come into direct contact with students with disability at some stage in their teaching activities will have been supported with information about the Standards and with

assistance to ensure they are working within the Standards, and indeed using the Standards to enhance the student's experience.

Many TAFE institutions have taken a leadership role in the disability area and have produced high quality resources to support staff and students in understanding rights and responsibilities under the Standards.

### **Are there any gaps in the Standards?**

TDA offers the following observations based on member input:

- The lack of examples in the current information that relate to the implementation of the Standards in tertiary education settings; and information for parents and students on the transition to tertiary education and training.
- A gap in guidance to practitioners about their rights when counselling students about course selection. Current approaches to education and training tend to favour a pathways approach where students are assisted to define a pathway for their study that leads to a range of potential outcomes in transitioning them from education and training to employment.
- The incidence of reported mental health issues for students has risen since the inception of the Standards in 2005. This issues needs to be addressed in the Standards in order to ensure their relevance in contemporary education settings.
- Other issues of concern for TDA members were issues of clarification around Inherent requirements, something with which both TAFE and the University sector are struggling; the level of consultation required and practical at the post secondary level; and clarification around issues of personal care.

### **Inherent Requirements – Specific comments on Standards Standards 3.4 (3)**

“In assessing whether an adjustment to the course of the course or program in which the student is enrolled, or proposes to be enrolled, is reasonable, the provider is entitled to maintain the academic requirements of the course or program, and other requirements or components that are inherent in or essential to its nature.”

TAFE provides education mainly through training packages. In order to have clarity and consistency nationally and across all providers of the same training packages, there needs to be some requirement for identification of the inherent requirements when developing the training package, rather than leaving this to the interpretation of the provider.

#### *Consultation Standards 6.2(2)*

The Glossary of Terms to the review questions states under ‘Consultation’ that “ When deciding what to include in an educational course and how to teach it, an educational provider should consult with each student with a disability doing the course and consider their needs.” Pg 5

Consultation of content is unreasonable in the case of post secondary award courses and training packages as the requirements of the course are not set by the training provider. The actual standards say that the training provider must consult with the student when enrolling and before making an adjustment, to ensure he or she can participate 'on the same basis', which suggests consultation on teaching and assessment practices and reasonable adjustments rather than content.

*Adjustments*  
*Standard 3.3*

The DDA requires reasonable adjustments to be made to teaching and assessment practices and the provision of support services. The definition of an adjustment includes –

“For these Standards, each of the following is an adjustment:

(a) a measure or action (or a group of measures or actions) taken by an education provider that has the effect of assisting a student with a disability:

(iii) in relation to facilities or services — to use the facilities or services; on the same basis as a student without a disability, and includes an aid, a facility, or a service that the student requires because of his or her disability;”

However, Standard 7.2(2) states

“If a specialised support service is necessary for the student to be able to participate in the activities for which he or she is enrolled, and is of a kind that is provided by the education provider, the provider must take reasonable steps to ensure that the student has access to the service (but may arrange for it to be provided by another person or agency)”.

There is some confusion over the provision of personal care requirements for students with disabilities.

The general consensus has been that this is not a service provided by a post secondary education provider and therefore while we are happy to 'enable' this to happen, it is not a requirement for the training provider to provide it because it is not our core business. This is a significant issue for TAFE in particular and TAFE institutes would appreciate some clarification on this issue.

## **Conclusion**

It is apparent the Disability Standards for Education 2005 have been instrumental in assisting TAFE institutes to develop their capacity to provide access to education and training for students with disability. The Standards have worked in practice to provide clarity and specificity for education and training providers, and they have achieved the primary objective to make rights and responsibilities in education and training easier to understand. While the Standards have proven to be an effective mechanism for achieving the objectives of the Disability Discrimination Act 1992 there are still issues of direction and implementation that require clarification.

Yours sincerely

Signed

**MARTIN RIORDAN**  
Chief Executive

