

30 October 2020

National Disability Strategy Governance and Engagement Section
Department of Social Services
GPO Box 9820
CANBERRA ACT 2601

Dear Sir/Madam

Re: A new National Disability Strategy

As a university committed to equal opportunity in education and employment, La Trobe University welcomes the opportunity to contribute to the discussion on the new National Disability Strategy (NDS). Within the framework of the Disability Discrimination Act 1992 (DDA), the University aims to take reasonable steps to accommodate the needs (including aspects of access) of staff and students with a disability, and to continue to improve its provision of services, aiming to be a university where people with disability can thrive. Our Disability Action Plan (2018-2020) can be accessed [here](#).

La Trobe submitted a response to the recent 2020 Review of the Disability Standards for Education, a copy of which is attached. The submission outlined a number of key issues relating to the operation of the Disability Standards which are relevant to the broader discussion on the new National Disability Strategy. We consider the following issues of particular relevance to the new Strategy:

- **The embedding of universal design principles in institutional approaches to supporting people with a disability:** We note that one of the 'Guiding Principles' of the new NDS is 'design universally'. We support this principle in view of the fact that a key deficiency in current institutional approaches to supporting students with a disability, is the failure to require a universal design approach (as opposed to an 'opt-in' approach). For instance, in a higher education context, an approach whereby all electronic course readings are required to be machine readable is much more effective than obliging the student to make a declaration that they require such accessibility. Providing inclusive resources at the point of production is far more efficient than retrofitting and better supports students in their learning journey minimising their need to constantly ask for support. This links closely to the publishing industry which should be required to ensure fair and reasonable access to alternatively-formatted learning materials, and, more importantly, to the production of accessible materials in the first place.

While a commendable principle, universal design is not without its challenges. Addressing the diversity of the needs of people with a disability requires a comprehensive understanding of universal design principles and a recognition that some design principles that make access better for one group can create barriers for others. To cite one example of this complexity, thick carpet can reduce extraneous noise thus making it easier for people with a hearing impairment or who are on the autism spectrum. However, it may present challenges for wheelchair users or even for those with vision impairment depending on the colour schemes chosen.

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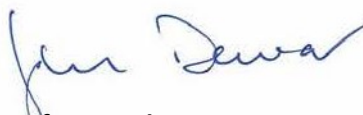
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- **Ensuring consistent application of the Disability Standards for Education across the education journey:** The new NDS should include an education framework starting from primary to tertiary education to ensure that the Disability Standards are evenly applied. At present, universities tend to be better prepared to accommodate and support students with a disability and, in fact, the move from school to university can be a revelation for students with a disability and their carers. We believe that improvements could be made in extending knowledge of the Standards particularly at the nexus between the secondary school and university levels so that potential students would have better awareness of the support that they are able to access in post-school study.
- **The need for the NDS to outline strategies to address the gap in employment outcomes for people with a disability including graduates:** As part of the University's response to this review, La Trobe's [Centre for Higher Education Equity and Diversity Research](#) (CHEEDR) undertook an analysis of available higher education data¹ on students with a disability. The data shows that while there has been a rapid increase in the higher education participation rate of students with a disability (from 4.3 per cent in 2009 to 6.9 per cent in 2018), there continues to be a large discrepancy in employment outcomes. In fact, the full-time employment rate of students with a disability seeking full time employment 6 months after graduation is 7.4 percentage points lower than for those without a disability.

While universities are putting a lot of strategies in place to address this gap, it is not an issue that they can resolve alone. As the importance of activities such as Work-Integrated Learning and Extra-Curricular Activities (ECAs) in securing post-graduation employment increases, (along with the corresponding incentives for universities²), there is a risk that employment outcomes will become even more challenging for students with a disability. Students with a disability tend to be under-represented in WIL activities and in ECAs and, more often than not, they are subject to discrimination. It is crucial that the National Disability Strategy addresses these complexities and identifies ways in which Government can work with higher education institutions to bridge the gap in employment outcomes for students with a disability.

Thank you for the opportunity to participate in this consultation. Further information about the points raised in this letter and attached submission can be provided upon request.

Yours faithfully



Professor John Dewar AO
Vice Chancellor

¹ Higher Education Information Management (HEIMS) data, the Student Experience Survey (SES), Graduate Outcomes Survey (GOS) and the Graduate Outcomes Survey – Longitudinal (GOS-L)

² Graduate Employment Outcomes' is one of the measures within the new performance-based funding model for universities and, along with metrics relating to an increase in Work-Integrated Learning, is likely to be one of the indicators in the upcoming National Priorities and Industry Linkage Fund (NPILF).

**2020 Review of the
Disability Standards
for Education 2005**

ENQUIRIES

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INTRODUCTION

La Trobe University welcomes the opportunity to respond to the 2020 Review of the *Disability Standards for Education 2005*. La Trobe University is committed to equal opportunity in education and employment.

Within the framework of the *Disability Discrimination Act 1992* (DDA), the University aims to take reasonable steps to accommodate the needs of staff and students with a disability, and to continue to improve its provision of services, aiming to be a university where people with disability can thrive.

In accordance with our *Disability Action Plan (2018 – 2020)*, the University undertakes to:

- Provide students with an outstanding experience in inclusiveness and diversity;
- Deliver and mobilise our research capacity to guide disability data collection, service delivery, policy and planning;
- Provide staff and students with disabilities the opportunity to realise their potential for physical, social, emotional and academic development through participation in university life;
- Provide reasonable adjustments to ensure staff and students do not experience discrimination in employment and education;
- Deliver services to staff and students with disabilities in a manner that promotes personal dignity and respects the right of staff and students with disabilities to privacy and confidentiality;
- Improve physical access to its buildings and facilities;
- provide information, guidance and support to current and prospective staff and students with disabilities to enable them to make informed decisions and participate in university life;
- Continue its program of raising awareness within its community of the needs and rights of people with disabilities and to inform members of the University community of their obligations under the Disability Discrimination Act 1992 (DDA);
- Ensure that planning processes take account of the needs of staff and students with disabilities;
- Encourage staff and students with disabilities to use the University's sporting and recreational facilities and ensure these facilities are accessible;
- Maintain close links with community and government agencies involved with people with disabilities;
- Ensure that occupational health and safety procedures take into consideration students and staff with disabilities;
- Increase the access, participation, retention and success of students with disability;
- Increase outreach programs and equity scholarships, and
- Provide an appropriate level of resources over time for the implementation of this policy.

Overall, the University believes the *Disability Standards for Education 2005* ('the Standards') to be fit for purpose in their present form, but that improvements could be made in extending knowledge of the Standards, particularly at the nexus between the secondary school and university levels. Further, we suggest that the Standards would be more effective if they required education providers to ensure that accessibility for people with disabilities – of facilities, learning resources and environments, and teaching – followed universal design principles. This of course requires sufficient funding to meet these costs, and we note that the proposed reductions in funding clusters under the Job Ready Graduates Package, presently before Parliament, do not take into account the additional resource requirements that ensure students with disabilities can engage with and succeed in their studies.

Below, we respond to selected questions from the discussion paper for educators and providers of education and training about the University's experience working with the Standards, and how the Standards could be improved.

RESPONSE TO THE DISCUSSION PAPER

How could the Standards be improved to help overcome barriers for students with disability in accessing or participating in education?

The Standards could be improved by providing specific information about their application in schools and in higher education settings. For example, a school may more readily argue that the needs of a student cannot be accommodated within the school's budget and with available infrastructure, and that the student should seek accommodation in a different school. This is unlikely to be the case in higher education settings, especially universities. Universities should accommodate all students who seek access as long as they have the appropriate academic background (for example, Part 2.2).

Further, the Standards should make clearer the obligations of higher education institutions in supporting students in courses where inherent requirements are set. Clear guidelines are needed to ensure that students understand that inherent requirements cannot be used as the basis for discriminatory practices by institutions, and solutions must be implemented, where possible, to enable a student living with disability to meet the stated inherent requirements. However, guidelines also need to make clear that a further purpose of inherent requirements is to protect students from entering into degrees they cannot complete – for example those with industry or field requirements which a student may be unable to undertake.

The Standards therefore need to reinforce the importance of institutions developing a 'Statement of Inherent Requirements' for all courses, especially those that include an assessed industry or field placement, or professional registration requirements, to enable students to make informed choices about course selection prior to enrolment. Such a requirement may be useful to incorporate as a next step in the development of TEQSA's Admissions Transparency Guidelines.

Do the Standards need changing?

The Standards could better address the ways in which an institution might ensure that intending students can easily access relevant information about their rights through the provision of a plain language statement of rights, with reference to the Disability Standards, available as part of the admission information on each course. At present, the onus is on the student or their parents/carers to seek out information about access to enrolment, reasonable adjustments and education supports to enable participation on the same basis as other students, and then to make their need for Reasonable Adjustments known through declaration of disability. This can be particularly difficult in higher education where enrolment information, for example, is inherently complex. The Standards could go some way to addressing this issue by requiring universities and TAFEs to make their accessibility policies and action plans known to all prospective and existing students, in a way that is readily accessible.

Further, as has been the case in previous versions of the Standards, notions of 'reasonableness' and 'unjustifiable hardship' remain open to interpretation, and so can become the basis for refusing enrolment of a student with disability, failing to make adjustments, or making only limited adjustments. A clearer set of definitions is needed in order to clarify obligations.

What should be done to improve awareness of the Standards?

At present, staff of education institutions must undertake a variety of training modules for various purposes. Modules on the Standards (or links to the existing on-line modules) should be completed by staff as part of education provider obligations, and this should be articulated in revised Standards.

Are the Guidance Notes for the Standards useful?

The Guidance Notes are useful, but only to a point. Of greater use is information relating to reasonable adjustments provided by Urbis, and made available on the DSE website. The examples given there make concrete the principles articulated in the Standards and current guidance notes. We suggest that these be incorporated into the guidance notes.

How could the Standards work better for Aboriginal and Torres Strait Islander students with disability and their families and carers?

Data prepared by CHEEDR, table 1 below, clearly show the over-representation of the three Government priority equity groups for higher education (regional, LSES, Indigenous) among those with a disability, both within the general population and within higher education - the data for Indigenous Australians are particularly striking. However, while Indigenous Australian students are more highly represented in disability data, our experience is that these students, as well as refugee students from some backgrounds, are less willing to declare a disability than other students. That is, the strikingly high rates below may yet be under-representative.

Table 1: Comparison of socio-demographics of higher education students with a disability compared to broader population benchmarks. Analysis by the Centre for Higher Education Equity and Diversity Research (CHEEDR), La Trobe University

Category	Higher education enrolment proportion ¹	Estimated population proportion ²	Ratio
Low SES ³	7.60%	25.60%	0.30
Non-English Speaking Background	2.50%	3.80%	0.66
Indigenous ⁴	12.60%	NA	NA
Females	7.60%	17.80%	0.43
Males	6.10%	17.60%	0.35
Regional ⁵	7.70%	22.60%	0.34
Total	6.90%	17.70%	0.39

Notes:

¹ The proportion of higher education students from each sociodemographic category who have a disability is calculated from the UA HEIMS dataset.

² The proportion of individuals in the population from each sociodemographic category is derived from the Australian Bureau of the Statistics' Survey of Disability, Aging and Carers. Since it is a sample-based survey, it is subject to a margin of error

³ The proportion of low socioeconomic status individuals with a disability in the broader population is calculated from the two bottom deciles, while the figure for higher education students is calculated the bottom quartile. Therefore, care should be used when making comparisons.

⁴ The Survey of Disability, Aging and Carers does not estimate the proportion of Indigenous people who have a disability due to their small population in the survey.

⁵ Data on the proportion of the regional population with a disability is based on the ARIA classification, while the figures for higher education students is based on the ASGS RA classification. While similar, care should be taken when making comparisons.

This brings us to what we consider the most fundamental deficiency in institutional approaches to supporting students with a disability, namely, the failure of the various instruments aimed at supporting disability rights to require a universal design approach to such supports. The embedding of universal design principles requires a fundamental mind-shift in the way we conceptualise learning design.

We contend that the present 'opt-in' model is not sufficiently effective. Even where the Standards are applied, they effectively act to cover systemic issues in poor accessibility. For example, rather than requiring all electronic course readings to be machine readable, the present approach has a student making a declaration that they require such accessibility, staff going through that student's timetable to locate the relevant subjects, accessing the Learning Management System to find required readings, and converting them to machine readable format. This process is extremely time consuming and expensive in terms of labour. However, uploading all readings in a readable format in the first instance is not unduly difficult. A similar issue arises in the production of non-captioned videos. Producing inclusive resources at point of production is far more efficient than retrofitting, and better supports students to navigate their learning in the same way as other students might, without constantly needing to ask for special support. Just as it is now expected that new buildings be accessible, so too should all aspects of learning be made accessible to students – as much as possible – as a matter of course. A universal design approach across the spectrum of education provision would mean that students, such as some Aboriginal and Torres Strait Islander students, who are less willing to disclose disability would not be disadvantaged to the same extent as they are at present.

OTHER MATTERS

Funding

While not directly within the purview of the Standards, the issue of funding needs to be addressed. At present, higher education institutions may not be motivated to make every attempt to ensure all students understand their rights under the Standards, because a student asserting their rights may mean new expenses. One way to address this would be for the loading allocated to institutions to support students with a disability be set on a population average basis, rather than tied directly to the proportion of declared students with a disability accommodated by the institutions. For example, funding in 2021 will be based on a combination of a higher education institution's percentage of all known national students with disability plus a reimbursement for high-cost need students where annual expense exceeds \$10,000. Institutions need to be supported to ensure they are as accessible as possible to students generally, rather than on an ad hoc basis, student by student.

However, the high-cost reimbursement for high-cost need students remains critical, as one university might have five high-cost needs students and another have none.

The transition from school to university

The move from school to university can be a revelation for students with a disability and their carers. Whereas students are likely to have had to fight for every adjustment at school, universities on the whole are far better prepared to accommodate and support students. While it is pleasing to be able to offer students a better level of support than they may have had in the past, it is unfortunate that this should so often come as a surprise. Tertiary Admission Centres have a greater role to play in terms of advising students of the support they are entitled to in post-school study. It is likely that many potential students do not apply to university because they are not aware of the support they will be offered. This would go some way to explaining the persist under-representation of students with a disability in higher education.

Further, State and Territory curriculum assessment authorities need to be required to implement reasonable adjustments in examinations and other selection activities. Similarly, Secondary schools must be required to make every effort to inform students about their rights under the Standards. Unless students are supported to demonstrate their full potential at the nexus between senior school and university, students with disabilities will continue to be underrepresented in higher education.

Textbooks

The textbook industry is notoriously poor at producing resources in accessible formats. Again, were the Standards to make universal design a priority, and education institutions to be required not to set inaccessible texts, a strong signal would be sent to the industry to lift their game.

Better still, there should be an onus too on the publishing industry to make content machine readable. Ideally, the publishing industry should be accountable to the Standards, or have a separate set of standards applied to it.

A final note on universality

Universal design should apply to everyone –students with and without a disability, and staff. For example, lecture theatre design often makes it difficult for staff using a wheelchair to present effectively, or for a student using a wheelchair to attend discretely. However addressing the diversity of student needs requires a very deep understanding of universal design principles, and a recognition that there is no 'simple fix. For example, thick carpet can reduce extraneous noise that presents difficulty for people with a hearing impairment, or who are on the autism spectrum, but present challenges for wheelchair users, and sometimes even those with vision impairment if the colour scheme has not been carefully considered.

Finally, the Standards were developed in a time when assistive technology software did not exist. It now enjoys widespread availability but this is not reflected in the Standards. The revised Standards need to promote the use of assistive software technology and challenge the reliance on adjustments, encouraging individual self-reliance to empower students for a life beyond university. A genuine commitment to principles of universal design will go far toward ensuring that university is a place where as many people as possible are able to equitably contribute to learning, teaching and research.