

A comparative study of education policy in Scotland (United Kingdom) and New South Wales (Australia): the impact of two contrasting legislative and policy approaches on secondary students with dyslexia

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ABSTRACT

Dyslexia is a language-based disability that affects up to 10% of the population. Whilst it is recognised as a disability under legislation in both Australia and Scotland, the legislative and subsequent educational policy implementation to support students with dyslexia in both countries is very different. These differences are also reflected in societal attitudes towards individuals with dyslexia, their diagnoses, and the support and accommodations that they are entitled to.

This thesis examined these differences from both the perspectives of a long-term advocate and campaigner for change and examined through interpretative phenomenological analysis of the author's lived experience. The population and legislative structures of Scotland and New South Wales were compared and chosen due to the comparability of similar population size and demographic makeup. This comparative study found a marked difference in societal attitudes about dyslexia, and about being dyslexic. The identified *localist* approach to policy implementation in Scotland underpinned a range of beneficial outcomes for students. These include early identification of dyslexia and learning difficulties by the school, with staff trained to meet the needs of the student with dyslexia and given context in national legislation and policy regarding dyslexia and inclusion. Collaboration between a dyslexia non-governmental organisation (NGO) and National government also form a positive partnership.

Policy enactment and the quality and ease of access to accommodations between the two jurisdictions was found to be vastly different. Scotland, having a *localist* approach to policy implementation in the education sector, showed vastly superior outcomes for the student educational experience. In contrast, the *centralist* 'silo effect' approach in NSW fed through into a range of problems at school and classroom level including, a perceived power imbalance between students with disability including dyslexia, and parent-carers and education providers.

DECLARATION

I certify that this thesis does not incorporate without acknowledgment any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

Signed 

Date.....30..June 2021.....

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LIST OF ACRONYMS

Acronym	Description
ADA	Americans with Disabilities Act 1990
ADA	Australian Dyslexic Association
ALP	Australian Labor Party
AMBDA	Associate Membership of the British Dyslexia Association
APS	Australian Public Service
AT	Assistive Technology
BDA	British Dyslexia Association
COSLA	Council of Scottish Local Authorities
CRPD	Convention on the Rights of Persons with Disabilities)
DDA	Australian Disability Discrimination Act 1992
DEEWR	Department of Education, Employment and Workplace Relations
DET	New South Wales Department of Education and Training
DSE	Disability Standards in Education
FaHCSIA	Department of Families and Housing, Community Services and Indigenous Affairs
GIRFEC	Getting it Right for Every Child
HR	Human Resources
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDA	International Dyslexia Association
IEP	Individual Education Plan
IPA	Interpretative Phenomenological Analysis
ISML	Institute of Multi-Sensory Teaching
LDA	Learning Difficulties Australia
NCCD	National Consistent Collection of Data
NDIS	National Disability Insurance Scheme
NESA	NSW Education Standards Authority
NGO	Non-Government Organisation
NSW	New South Wales
SERAP	NSW State Education Research Applications Process
SG	Scottish Government
SPELD	Solutions for People Experiencing Learning Difficulties
SRA	State Rail Authority
TA	Teaching Assistant
TAFE	Technical and Further Education
UK	United Kingdom
UNCRC	United Nations Convention on the Rights of Persons with a Disability
UNESCO	United Nations Educational Scientific and Cultural Organization
VCAT	Victorian Equal Opportunity and Human Rights Commission
WEA	Workers' Education Association

THESIS OVERVIEW

This thesis examines the effects of two contrasting education policy and legislative systems on the outcomes for secondary students with dyslexia.

In Part One I have introduced my initial motivations and interest in specific areas. First, my story of growing up- and living- with the disability dyslexia in Australia. I have strived to achieve improved provision and acceptance of dyslexia throughout my adult life. In this first chapter I introduce some examples of my involvement and influence in effecting changes. Changes in policy and the struggle to gain acknowledgement of legal duties are presented; and manifest results to make reasonable adjustments for those with dyslexia in the state of New South Wales (NSW), Australia are discussed. My story, regarding political lobbying and activist involvement are described, to illustrate the passion of my advocacy work and how this has developed over time. The point I am making in this chapter is the passing of time. The intervening years that have elapsed are a testimony to the time taken for due process to actually effect change.

In Part Two, I present an introduction to the two jurisdictions that are the focus of this study, Scotland in the UK and NSW, Australia. The focus of attention given here first is to define dyslexia from two poignant sources, with one definition agreed upon in Australia by the Commonwealth Dyslexia Working Party (2010) and one supported by Dyslexia Scotland. I begin to explore here the complexity of international agreements on policy and legislation, dealing with human rights and interpretations of International commitments to disability, equality and inclusivity laws and national responses and responsibilities. My story continues through this chapter to give a personal narrative from this activist's perspective and give an insight into due process of discrimination legislation in one Australian state. The enactment of national and international policies that deal with inclusion and disability applicable to NSW, Australia and Scotland, UK.

In Part Three theoretical foundations of this study and background to the problem are explored. The research questions are theoretically framed, the purpose and aims of this study stated. Legislation, policies and intervention practices in both jurisdictions are summarized. An overview is given of the allocation of human resources to support the inclusion of students with learning difficulties such as dyslexia and directive administrative structures are also discussed.

In Part Four I look to explain the constructivist orientation of this study and

methodologies employed in this investigation. Research examined data from within an interpretative framework of qualitative psychology and the merits, and disadvantages, of Interpretative Phenomenological Analysis (IPA) as an appropriate analytical process is described. So too is my reasoning behind the choice of IPA as a useful means of examining personal experience, and looking for meaning, for the selected participants who were interviewed for this study. The concept of a 'silo effect' is discussed and the features that are present in this concept.

The themes that emerged through thematic analysis are explored in Part Five. Four cross-cutting themes emerged; engagement with the study; parental involvement; Student Support and accommodations; and support through technology. Within these larger, umbrella themes small units of meaning (subthemes) pertinent to the research question were identified. Data are examined and supporting evidence from participant response interviews given to build up a picture of the current administration network of support for those with dyslexia in Scotland, UK. Data from the jurisdiction in Australia is discussed, and limitations of the accrued data from NSW is given consideration at the close of this section. The findings of this study, particularly for those charged with the responsibility of developing appropriate policies and overseeing their implementation is also discussed.

In Part Six I draw upon the data generated and examined through thematic analysis and identified in the previous section. This is presented to support my response to the research questions that I posit earlier in Sections 3.1 and further in 4.5. I discuss the primary identified features of each of the jurisdictions examined in this study, *localist* in Scotland and *centralist* in NSW. I summarise the enactment of policy within each system to make decisions as to which approach leads to policy enactment as intended, and which approach appears to be of greater benefit to students with dyslexia. To conclude the role of charities and non-governmental sectors in both jurisdictions is also discussed.

In Part Seven, the final section of this thesis, I reflect on what this investigation of two systems has found. The benefits that a localist enactment of policy appear to offer, and what a centralist, gatekeeper system can offer in terms of meeting needs of those with dyslexia in New South Wales. The growth of dyslexia advocacy groups in Australia ("Code REaD," 2021; "Dear Dyslexic Foundation," 2021; "Square Pegs Tasmania," 2021) is also commented on and given context in the raising of public awareness and changing face of living with dyslexia in Australia. I reflect in his story on how things have

changed and the pace of change since my earliest campaigning and encounters with policies, disability equity and advancement of legislative law to protect the rights of the individual with dyslexia in Australia.

In the Conclusion I highlight changes to educational policy in NSW for students affected by dyslexia and which are suggested by this study together with research literature in the field. Such changes I see as advantageous to those in the community who are disadvantaged daily by dyslexia and specific learning difficulties. But to effect such a change will require a willingness to remove barriers, and discriminating societal attitudes, such as recounted in my story and experience personally over the past four decades of advocacy. This study advances learning about educational policy to benefit the educational experience of students with dyslexia and finds that localist policy structures, such as that identified in Scotland, offer lessons for beneficial policy reform in NSW.

This thesis does not examine the causes or educational impacts of dyslexia. To do so is not the remit here. The complexities of developmental dyslexia, which is nature of my dyslexia, and models of causal factors and the impact of dyslexia are well discussed elsewhere (Connor, 2017)

PART 1 – PERSONAL MOTIVATION FOR THE STUDY

1.0 Introduction

The primary purpose of my thesis is to tell my story within the context of my life-journey and experience as someone growing up and living with a disability in Australia. Through the lens of my story, I chronicle a personal struggle for change, a refusal to accept the way things were, and my involvement trying to change policy, and remove barriers that I believe a society is responsible for creating. Those barriers are not always physical, but their impact can create social, emotional, and psychological obstacles that have a serious bearing on those members of the community that have a disability. Through the telling of my story, I look to see how another country, Scotland, one of the four countries of the United Kingdom, deals with dyslexia as a disability, and to see what lessons could be learned through such inquiry.

My disability first became apparent in Year 1, when I was six, in 1965. As my classmates progressed with reading and writing, it was noticed that, although I was apparently a bright child, I had difficulty mastering even the fundamentals of the alphabet. My parents were both employed by a university in Sydney, Australia, and succeeded in enlisting the help of a professor who diagnosed me with severe dyslexia. The staff of the University's School of English (later the School of Linguistics and Cognitive Sciences) attempted to remedy my dyslexia and I became the subject of a case study. My involvement with the University continued full time while I was at school until 1973, and then sporadically until 1988.

During my childhood years, although I struggled in school, I participated in common childhood interests including Scouting, Army Cadets and Navy Cadets. In Year 9 at a Boys High School in NSW I was awarded a Junior Citizenship Award, and often volunteered to greet visitors to the school. On one notable occasion we had a visit from a then Premier of South Australia, and during his visit I showed him around the library and mentioned my difficulty with reading. He correctly guessed that I had dyslexia and we discussed it briefly and he was very supportive and told me that "One day you'll remember this conversation" and how true that turned out to be. Despite my awards I was encouraged to end my school education and to take up some form of employment requiring manual skills and so I left school in 1973 age 14 years and nine months

Initially I found employment with a Sydney suburban butcher, but when I attempted to become apprenticed my dyslexia precluded me from attending a Technical and Further Education college (TAFE) and I could not be indentured. With no prospects for

advancement, my employer terminated my employment after 6 months. From 1977 to 1982 I worked for the State Rail Authority (SRA) of New South Wales (NSW). I was employed as a trainee engineman but could not complete the exams. I then worked as a fitter, loco cleaner, and an assistant plumber, each time relying on on-the-job training. Each time the same problem reared up - I could become a plumber's assistant, but I could not become indentured as a plumber due to my dyslexia. Even then, at the age of 20, I conceived that a public policy solution might be possible and so in 1979 I started lobbying for action on the negative impact that dyslexia had on opportunities for workplace apprenticeships, and beginning with my local member of parliament, who was also a member of the Legislative Assembly for a New South Wales seat.

In 1980 I suffered a work injury to my lumbar spine while working with the SRA, who terminated my employment. I registered with Centrelink but could not accumulate an employment history due to a now double disability of the back injury and dyslexia. Having been reliant on labouring work, I was now doubly precluded from participating in much of the workforce. I qualified for social housing, and in 1981 I sat on the local community housing committee there to develop policies on access to buildings for people with disabilities. That year I also renewed lobbying governments for action on dyslexia. In Australia the largest provider of vocational education and training is the Technical and further education (TAFE) and where I started to study adult literacy in 1984 but due to the severity of my dyslexia, they were unable to teach me to read. From 1987 to 1989 I also attended another TAFE and a Community College, but all with similar unsuccessful results.

As an aside, the provision of facilities for people with literacy difficulties illustrates a common imbedded social attitude towards minority groups. Initially the lessons for adult literacy at the Community College were held in a shed on the edge of a soccer field adjacent to a university's main campus. This was shared by the Workers' Education Association (WEA) and the university Campus. There were holes in the walls, making it draughty in winter, and trucks constantly rumbling past. The students were for the most part new Australian citizens, immigrants, or members of the Indigenous community, presumably people who were unable, or unlikely, to complain about facilities and whose status within society could be questioned. I complained on their behalf, taking the issue to my federal member of parliament, who secured us a room on the main campus.

1.1 My intellectual Journey

An indication of the progress being made in accepting people with dyslexia is demonstrated by my acceptance into tertiary education in 2009 when I started studying at a NSW-University. I was drawn to a particular focus for study for several reasons. First, I believed my opinions and findings on dyslexia would be more valued if I spoke from a position of academic authority. I also wanted to demonstrate what a person with dyslexia could achieve with appropriate disability support. I gained my Bachelor of Arts in 2012 specialising in Political Science. My Master's degree focused on Politics and Public Policy graduating in 2013, and Master of Research degree in 2014 (J. J. Bond, 2014), before beginning to research for my PhD in 2015. Unfortunately, that university could not offer a supervisor sufficiently informed in dyslexia or disability issues, so I temporarily suspended my studies.

I was pushing for policy changes at the University whilst pursuing a Master of Research degree, but unfortunately the inclusion unit was disbanded. I therefore lost advocacy in my studies. My supervisor took up a new position in another faculty but was also a union representative at that time. I therefore had to approach the Union regarding my situation and then my supervisor subsequently stood down as a representative. I applied at two more universities in NSW and both insisted I would not be able to complete the PhD program.

In December 2017 I came into contact with two potential supervisors and I rekindled my enthusiasm to pursue my doctorate. I believe that education is now the arena where the battle for the rights of people with dyslexia is now being fought, now that legislation and public policy increasingly recognises those rights. I feel that now it is a matter of asserting these rights in the education system and finding the most appropriate policies to bring the most beneficial intervention to school students with dyslexia. On a practical level the biggest challenge is having legislation implemented in the classroom.

Of critical importance in having policies implemented, is the type of administrative structure those policies are filtered through. In comparing and contrasting administrative structures in NSW, a centralist approach of the various Australian states and territories, serves as a useful contrast to a British localist approach, where the implementation of educational policies falls to Local Educational Authorities. I therefore chose to investigate the NSW approach in contrast to the Scottish approach to education.

1.2 Summary

In this chapter I have begun by outlining events in my story and my journey of living and working with the learning disability dyslexia. My school experience did not support me in achieving my full potential, and my early working history highlights my introduction to low or unskilled work. Repeatedly, promotions and /or training pathways were blocked by the barriers that being disabled and illiterate imposed.

Particular emphasis is given to dyslexia for two reasons, one personal, one theoretical. I personally have severe dyslexia but have chosen an academic pathway to challenge the condition. Research has underscored that students with dyslexia face greater adversity and disadvantage in education where educational policy frameworks are lacking or undeveloped (Armstrong & Squires, 2014). Indeed, developing robust frameworks has been pursued for exactly these reasons and to offset the psychological harm caused by severe difficulties with acquiring reading and writing (Jim Rose, 2009).

Academic difficulties at school may then lead to further negative psychological, behavioural and social consequences for the student. These consequences range from anxiety to disengagement from education, through to disruptive behaviour and dropping out of school (Armstrong & Humphrey, 2009; Armstrong, Price, & Crowley, 2015; Gwernan-Jones, 2012; Nelson & Harwood, 2010; Riddick, 2009).

My intellectual journey took me into the realms of policy and legislation, regarding disability and equity policies, that would improve the situation that other disabled members of society are faced with. Without change, Australian citizens with a disability will continue to be disadvantaged members of their community, a point powerfully made by testimony in the Disability Royal Commission (Public hearing 7: Barriers to accessing a safe, quality and inclusive school education and life course impacts. Closing Address., 2020).

Throughout this thesis, and throughout the research study itself, further insights are given, to place my position and involvement with legislative changes that have evolved, and some of the changes in policy over the past few decades. The charting of my journey will show the pace of change in one jurisdiction, and the study will examine the situation regarding dyslexia and disability law on two jurisdictions, one in Scotland UK and the other in NSW Australia.

In the following chapter, to appreciate the impact that specific models of disability can have, I begin by defining disability and looking at the most widely used model of disability that underpins development of Australia's disability policies and practice, at

State and Federal level, and the model developed and in current use world-wide.

PART 2 – LITERATURE REVIEW

2.0 Introduction

This project is a comparative study of education policy in Scotland, United Kingdom (UK) and in New South Wales (NSW) Australia, and to examine policy differences, and similarities, operating in Scotland and NSW, and the educational experiences of secondary students with dyslexia in the light of identified differences. It was found that Scotland has adopted a localist, network approach (the 'Scottish approach'), and NSW, maintains a centralist, hierarchical approach and the features of these will be described in this chapter. Scotland is one of the four nations that comprise the UK. Scotland and NSW are chosen as two English-speaking, common law, parliamentary democracies in the second tier of their respective national governments. The public non-specialist schools are focused upon in this study. The education system of each jurisdiction will be examined, these systems being larger than those of independent or faith-based schools. While this much is comparable, the point of difference lies in the contrasting policy approaches of each jurisdiction.

The potential benefits of the study are both theoretical and practical. In theoretical terms the study will contribute to the literature in education policy and disability studies. In practical terms, it intends to inform public policy contribute to knowledge about policy reform to benefit students with dyslexia. Policy settings and measures may be discovered in one jurisdiction that are of benefit to students with dyslexia, and which can be transferred to the other jurisdiction, in a process of policy transfer or policy emulation. For example, two aspects of the Scottish approach that could be emulated in NSW: greater local autonomy and resources for learning and support teams; and an expanded role for the Australian Dyslexia Association (a comparable organisation with Dyslexia Scotland). Whether this is warranted will be borne out by the data, and other features suitable for policy transfer may become apparent.

The educational experiences of secondary students with dyslexia are investigated by this study in light of policy differences and similarities. Particular emphasis is given to dyslexia for two reasons, one personal, one theoretical. The author of this thesis has severe dyslexia but has chosen an academic pathway to challenge the condition. It is reported that students with dyslexia are more sensitive to suboptimal learning conditions, such as lack of resources or absence of a clear policy, compared with students who read more fluently and independently (Armstrong, 2014; J Rose, 2009). Academic difficulties at school may then lead to further negative psychological, behavioural and social consequences for the student, ranging from anxiety to disengagement from education, and through to disruptive behaviour and dropping out of

school (Armstrong & Humphrey, 2009; Armstrong et al., 2015; Gwernan-Jones, 2012; Nelson & Harwood, 2010; Riddick, 2009).

2.1 Definition of Dyslexia

Dyslexia is currently classified as a disability in Australia under the Disability Discrimination Act ("Disability Discrimination Act," 1992) (Appendix 4).

In a report to the then Parliamentary Secretary for Disabilities and Children's Services in 2010, a proposed working definition of dyslexia was presented as follows:

"Dyslexia is a language-based learning disability of neurological origin. It primarily affects the skills involved in accurate and fluent word reading and spelling. It is frequently associated with difficulties in phonological processing. It occurs across the range of intellectual abilities with no distinct cut-off points. It is viewed as a lifelong disability that often does not respond as expected to best-practice evidence-based classroom methods for teaching reading" (Coltheart et al., 2010).

The Scottish working definition of dyslexia states that

"Dyslexia can be described as a continuum of difficulties in learning to read, write and/or spell, which persist despite the provision of appropriate learning opportunities. These difficulties often do not reflect an individual's cognitive abilities and may be typical of performance in other areas." (Dyslexia Scotland, 2020)

Similarly, the Australian Dyslexic Association and Dyslexia Scotland organisations highlight the following aspects in defining dyslexia:

- a specific learning difference that is neurobiological in origin
- exists in all cultures and across the range of abilities and backgrounds
- results in difficulties with spelling and writing
- results in problems with reading and taking notes
- Is not improved by the provision of effective evidence-based classroom instruction.

(Australian Dyslexia Association, 2021; Dyslexia Scotland, 2018)

These common areas of focus suggest a convergence, if not outright agreement in peak non-governmental stakeholders, Australia-Scotland on the educational impacts of

dyslexia and also indicate supports and school-based interventions necessary to mitigate specific impacts. For instance, if it is acknowledged that evidence-based classroom instruction typically cannot improve a child's academic performance, then this implies that more intensive, specialist programs and supports are required for affected students. Indeed this logic has driven the development of Tier 2 and Tier 1 levels in response to intervention, developed in the US for students with dyslexia since the 1990s (Tran, Sanchez, Arellano, & Lee Swanson, 2011).

The genetic component of Dyslexia is also linked to its heritability, and often runs in families. It is regarded as a neurobiological condition that is genetic in origin and as stated in the Rose review of dyslexia (2009) chaired by Sir Jim Rose;

“Progress has been made in understanding the molecular basis of genetic influences on reading. To date, the strongest evidence for linkage with dyslexia is a site on the short arm of chromosome 6, with others replicated on chromosomes 1, 2, 3, 11, 15 and 18 (...) candidate susceptibility genes have been identified within these chromosomal regions” (Jim Rose, 2009), page 35.

This means that no one gene has been identified, but that dyslexia can be inherited, usually from a parent, and it is not uncommon or unusual for dyslexia to show in more than one child in a family.

For the purposes of comparative examination of educational policy in Scotland and in NSW, pertinent to dyslexia, it is however useful to highlight that affected children and young people face many adverse impacts which are relevant to policy action.

Students with dyslexia often have a poor educational experience, are likely to leave school with low academic attainment and to experience severe psychological distress leading to drop out or educational exclusion (Armstrong and Squires, 2014). Research in Australia (Morken, Jones, & Helland, 2021; Snow & Powell, 2011) and Scotland (Kirk & Reid, 2001) has indicated that dyslexia leads to increased risk of incarceration ('school to prison pipeline') and of developing disabling mental health conditions for affected young people (Livingston, Colvert, Bolton, & Happé, 2019).

2.2 Supranational Thought Movements

Roger Slee credits the progress made towards inclusive education to 'supranational thought movements' (Roger Slee, 2013) page 5, exemplified by United Nations conventions and by UNESCO's Education for All initiative.:

- the transnational discourse on human rights and its impact on anti-discrimination legislation;
- the social model of disability; and
- the inclusive education movement.

This section will deal with three related supranational thought movements of critical importance in this study.

2.3 The Transnational Discourse on Human Rights and Anti-discrimination Legislation

The movement towards inclusive education and the increasing recognition of the rights of people with dyslexia are, at the broadest interpretation, part of the evolving global discourse on human rights propagated by epistemic communities and transnational social movements.

Despite setbacks and even blatant institutionalised abuses of human rights, Western liberal democracies have demonstrated a long-term trend towards greater respect for the human rights of otherwise marginalised groups and individuals.

This is exemplified by the expansion of universal suffrage a century ago in Australia 1902, and United Kingdom 1928; (Sawer 2001: 12) to the contemporary recognition of marriage equality in countries such as Scotland in 2014 and Australia in 2017. Admittedly, the competing authoritarian model of subjection of the individual to the needs of the state remains dominant in many countries, either explicitly as in China or through the actions of repressive regimes such as those in contemporary Russia and Turkey. The discourse of individual human rights has gained greater salience since 1945, with the defeat of authoritarianism and the foundation of the United Nations, following the Second World War (Blau and Moncada 2009: 499; Schofer et al. 2012: 59; Powell and Bromley 2013: 8). This is manifested in both treaties and legislation.

Both Australia and the UK have agreed to be bound by major UN human rights treaties, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Australia in 1975, and the UK 1976; the International Covenant on Civil and Political Rights (ICCPR) ratified by Australia 1980, the UK in 1968, and the Convention on the Rights of Persons with Disabilities (CRPD); ratified by Australia 2008, in the UK 2009, creating an obligation to frame legislation in accordance with international human rights values.

In regard to legislation, the dominant trend is that the US has led the way in almost

every category of legislation, establishing a template for anti-discrimination legislation with the Civil Rights Act 1964. Table 1 (below) shows the date of enactment of the earliest anti-discrimination statutes in four jurisdictions for each of the major protected characteristics. As discussed in greater detail below (see Sections on educational policy in NSW and in Scotland), the Americans with Disability Act 1990 served as a template for the Australian Disability Discrimination Act 1992 and for the now superseded UK Disability Discrimination Act 1995 (Lightfoot 2002).

Table 1: Comparison of anti-discrimination legislation in four jurisdictions by protected characteristic

Characteristic	US	UK	Australia	NSW
Race	Civil Rights Act 1964	Race Relations Act 1965 (superseded)	Racial Discrimination Act 1975	Anti-Discrimination Act 1977
Sex	Equal Pay Act 1963 Civil Rights Act 1964	Sex Discrimination Act 1975 (superseded)	Sex Discrimination Act 1984	
Disability	Architectural Barriers Act 1968 Americans with Disabilities Act 1990 Individuals with Disabilities Education Act 1999, 2004	Disability Discrimination Act 1995 (superseded)	Disability Discrimination Act 1992 Disability Standards for Education 2005	Amendments to Anti-Discrimination Act in 1981, 1982 and 1994
Age	Age Discrimination in Employment Act 1967 Age Discrimination Act 1975	Employment Equality (Age) Regulations 2006 Equality Act 2010	Age Discrimination Act 2004	Amendment to Anti-Discrimination Act in 1993 (age)

Policy emulation such as this is the expression of several features of society of interest in policy studies (Rose, 1991). First, policy borrowing is possible because of an epistemic community of domestic and transnational actors (Dobbin, Simmons, & Garrett, 2007; Risse, Ropp, & Sikkink, 1999). Such a community of actors can be termed a policy network. Ball describes such networks as crossing 'between public, private and voluntary and philanthropic spaces' and consisting of think-tanks, policy institutes, advisers and entrepreneurial actors (S. J. M. Ball, Meg; Braun, Annette, 2012). More broadly, policy ideas are more likely to be adopted if they resonate with 'existing collective understandings' (Risse et al., 1999) of such issues as social justice, equality and disability. Of particular importance to the study is the matter of how disability is to be interpreted, that is, through models of disability.

2.4 Defining Disability – the Social Model of Disability

A major ideational trend that has influenced the framing of disability issues is the social model of disability. Before the 1990s the dominant approach to understanding the role of the disabled person in society had been the medical model of disability, which viewed the affected individual as a patient, to be diagnosed, institutionalised and possibly rehabilitated (Carling-Jenkins, 2014).

The social model of disability, on the other hand, attempts to place disability within its social rather than medical context. 'Disability' is separated from physical and mental 'impairment' and viewed as a social construction in which cultural attitudes prevent disabled people from participating in society (Giddens & Griffiths, 2006) and this model developed from the writings of Paul Hunt (T Shakespeare, 2014). Attempting to define 'disability', Hunt proposed that, while a handicap is a medical condition, disability is a condition placed on physically impaired people by society, resulting in their isolation and exclusion (Hunt, 1975).

Hunt can be credited with initially formulating disability in social constructionist terms (Anastasiou & Kauffman, 2011). In doing so, he drew on a tradition that includes Erving Goffman's work on the social situation of mental patients (Goffman, 1961) and on the social ascription of stigma (Goffman, 1963), as well as on such authors as Scheff (Scheff, 1966), Szasz (Szasz, 1971) and Foucault (Foucault, 1976) who had investigated the social construction of aspects of mental illness. Hunt's insight was adopted by Michael Oliver (M Oliver, 1981a, 1981b, 1990; Mike Oliver, 2013), who elaborated the dichotomy of competing models of disability, of the medical versus the social model. By framing disability in terms of socially constructed barriers, the social

model offers people with disabilities the possibility that these barriers can be challenged and modified, a message embraced by the disability rights movement.

A similar perspective was articulated in the US. There the Civil Rights Act 1964 and the Rehabilitation Act 1973 led to the formulation of a civil rights or minority group model of disability (Gliedman & Roth, 1980; Hahn, 1985, 1993, 1994; Hahn et al., 1982). This model views people with disabilities as a marginalised minority group, essentially agreeing with the British social model.

These models of disability are significant to this project because they have informed legislation in global liberal democracies since the 1990s, in particular the Americans with Disabilities Act 1990 (ADA), which formed the basis for similar legislation in Australia and the UK (Scotch, 2000).

The actual wording of the Australian Disability Discrimination Act 1992 largely defines disability in medical rather than social terms, understanding disability as a 'total or partial loss of the person's bodily or mental functions' or 'the presence in the body of organisms causing disease or illness' (DDA 1992, s. 4, see Appendix 4). However, the DDA 1992 does go beyond the Americans with Disabilities Act 1990 by recognising that a person may be discriminated against on the basis of a disability that is no longer present, may exist in the future or is imputed to the person by other members of society (DDA 1992, s. 4), acknowledging that disability includes a socially constructed element. The intent of the legislation is even closer to the social model, as expressed by Brian Howe, the minister responsible for the Act. During the Bill's second reading in the House of Representatives, Howe invoked the social model, stating that 'people with disabilities still face a number of barriers to the equal enjoyment of human rights in many areas of life' and that the legislation is to 'address these barriers' (Cwth HR 1992: 2750).

The social model of disability is not without its critics. The chief contention is that by concentrating on social barriers it neglects the role impairment plays in the lives of people with disabilities (Tom Shakespeare, 2004). Unlike the experience of other minority groups, for whom gender, sexuality and ethnicity are neutral facts, impairment can be a source of physical suffering and limitation (Crow, 1996). Macdonald (Macdonald, 2009) points out further shortcomings of the social model in the case of dyslexia. His principal objections are first, that the removal of socially constructed barriers is impossible in the case of dyslexia, where a print-based society appears here to stay (p. 58); and second, that hidden disabilities like dyslexia rely on medical diagnosis and legitimation to give the individual access to their rights under anti-discrimination legislation, including the use of assistive technology (p. 79). Macdonald advocates the integrated approach known as the Nordic relational model (Carling-

Jenkins, 2014) or the relative interactionist perspective (Danermark, 2001). In this approach impairments such as the neurological dysfunction apparent in dyslexia are assigned to one analytical level (the biological or medical), while the discrimination felt by people with disabilities is assigned to another analytical level (the social), with each analytical level having its own methods of inquiry.

These models of disability have provided a framework for understanding the role of disabled people in society. The social model in particular, by defining disability in terms of barriers and by advocating equal opportunity and access for all, provides a philosophical understanding of inclusive education. This model is therefore most relevant to the goals of this study.

2.5 The Social Model of Disability and Inclusive Education

Although falling short of being a definition, Slee (Roger Slee, 2013), page 5, offers a clear insight into inclusive education for students with disabilities, by stating it:

“... represents a response to a social movement forged through activism and litigation (M Oliver, 2009) to enable children segregated in special education schools and enclaves to join their siblings and peers in neighbourhood schools.”

Just as the traditional segregated education of students with disabilities is one aspect of the wider isolation of people with disabilities, inclusive education has emerged from the wider field of disability studies. In each case, in education and generally, the isolation of the person with disabilities can be attributed to ‘collective indifference... supported by bestowed understandings founded upon incomplete or erroneous knowledge’ (Roger Slee, 2011). This intellectual legacy is examined by Slee (Roger Slee, 2008, 2011, 2013) who credits the work of sociologists and disability studies scholars and activists, including: Finkelstein (1980), Tomlinson (1982), Ford, Mongon and Whelan (1982), Biklen (1985), Oliver (1986, 1990, 1995, 2009), Abberley (1987), Barton (1987), Fulcher (1989), Morris (1989), Barnes (1990), Shakespeare (1993, 2006), Corker (1998), Thomas (1999), Stiker (1999), Titchkosky (2003), Beresford (2007), Boxall (2007), Sheldon (2007), and Traustadóttir (2007).

A major common element in both approaches (inclusive education and the social model of disability) is the concept of barriers. Traditionally in education, a medical model of disability may be employed, in which difficulties are viewed as arising from deficiencies or impairments in a student the ‘within child’ concept, who is diagnosed with a disability, entailing having ‘special educational needs’, and then offered a ‘treatment’ in the form of learning support. Alternatively, a ‘social model of difficulties in learning and disability’ (Booth & Ainscow, 2002) may be employed, that recognises the

impact of 'barriers to learning and participation'. As in the social model of disability, educational structures are viewed as disabling, such that organisation, lesson content and classroom practice (amongst other factors) risk excluding various students from the mainstream (Forlin, 2006). The identification of such barriers requires the school to adjust to the student, rather than the student to the school (L. Graham, 2013). In this way inclusion moves beyond simple integration.

Thus, inclusive education moves beyond the simple identification of students with special needs to identifying the educational structures that are disabling them. Yet it is more than that. Inclusive education is about meeting the needs of all children (L. Graham, 2013); 'inclusion' implies 'everyone'.

Booth and Ainscow (in their Index for Inclusion, 2002) usefully add two further elements to the concept of barriers: resources and support for diversity. Just as barriers can be identified in all aspects of a school, so can resources. In this way, full use can be made of the potential of students, staff and the community. By enlisting these resources, a much broader level of support is possible for a more diverse range of students, beyond simply providing learning support for students with special needs.

The selection of a medical model or a social model of disability in education has implications for the formulation and implementation of policy. As Slee expresses it, there are 'three reductive acts from which policy cannot recover' (Roger Slee, 2008), page 108, to conflate inclusion education with special educational needs, to adopt the medical model of defect and disability, and to fail to identify the social nature of disability within the cultural and institutional structure of education.

2.6 The Development of the Inclusive Education Movement

Inclusive education too became part of the policy discourse globally and in individual jurisdictions in several ways. In a similar manner to disability discrimination policy and legislation, part of the momentum was due to 'supranational thought movements' (Roger Slee, 2013) such as UN conventions; on the other hand, bold initiatives by key jurisdictions promoted the ideal of inclusive education.

Forlin (Forlin, 2006) and Graham (L. Graham, 2013) both present a clear history of the key events for inclusive education. In 1973 the Karmel Report recommended Commonwealth government funding for integration in Australian schools, a recommendation carried out in 1974 (government schools) and 1975 (private schools). In the UK, the Warnock Report (Warnock, 1978), also recommended that students with disabilities be introduced into mainstream schools. It is important to note that in this context, Commonwealth government refers to legislation and funding applicable to

Australia as a whole; superseding any state or territory legislation within Australia.

The United Nations International Year of Disabled Persons in 1981 raised the profile of the issue of integration of students with disabilities into mainstream schools. By the end of that year the UK had passed the Education Act 1981, requiring local educational authorities to cater for children with special educational needs (Education Act 1981 UK: section 2(2)), and every state or territory in Australia had a policy on students with disabilities (Forlin, 2006). It must be stated, however, that this was not yet full inclusion; rather, students with additional needs were frequently withdrawn by a specialist support teacher for individual work or work in small groups (Boyle & Topping, 2012; Hoskin, Boyle, & Anderson, 2015).

In the following decade a further UN initiative, the Salamanca Statement by UNESCO in 1994, promoted inclusive education and was endorsed by 92 governments and 25 international organisations (Chong & Graham, 2017; Forlin, 2006; Roger Slee, 2013). At the subsequent World Education Forum (2000), this grew to 164 governments committing 'Education for All' (Peppler Barry, 2000).

The prominence of education for students with disabilities had grown over the decade – while the initial 'Education for All' document of 1990 had made two mentions of the education inequities caused by disability (WCEFA, 1990) with one mention of 'inclusion', the World Education Forum Dakar Framework (Peppler Barry, 2000) discusses 'disability' on 10 occasions and makes 22 references to 'inclusion'. An even more explicit statement of inclusive education for people with disabilities was expressed by the UN in Article 24 of the Convention of the Rights of Persons with Disabilities (CPRD) of 2006 (Forlin, Chambers, Loreman, Deppeler, & Sharma, 2013; UNDESA, 2018). Booth and Ainscow's Index for Inclusion (Booth & Ainscow, 2002) may also count as a transnational movement, given its use on an international scale, currently in 28 countries.

Domestic legislation has been increasingly recognised in liberal democracies. Accordingly, Australia has passed legislation as shown in Table 1, above. In many jurisdictions, such as the United States with its Bill of Rights 1791, certain human rights are entrenched in the nation's constitution. In contrast the Australian constitution lacks such a bill of rights and makes minimal explicit references to the human rights of the individual (Bede, 2009; G. Williams, 2001). From this it would appear that the federal government lacks the jurisdictional competence to legislate on human rights and anti-discrimination measures, leaving it to the states to do.

This however is not the case. What makes Commonwealth anti-discrimination legislation possible is the competence granted to it under its 'external affairs powers' in section 51 (xxix) of the constitution. The premise is that, as the Commonwealth ratifies

United Nations conventions on human rights, it should have the power domestically to give effect to these international obligations. The Commonwealth is thus able to respond to the evolving international human rights discourse by ratifying treaties and implement them as legislation. It is hypothesised that international conventions will have direct and indirect discernible effects on the drafting of Australian legislation, and this will be explored in the thesis.

Federalism may also be viewed as an obstacle to the effective implementation of human rights and disability policies. Disability tends to be a fragmented policy field in many federal systems, including Australia (Cameron & Valentine, 2001). This stems from the division of disability amongst various program areas (such as housing, transport or employment), necessitating an intersectoral approach involving all levels of government (Hancock, 2001). A full examination of all the program areas involving people with disabilities at all levels of government is beyond the scope of this thesis, which concentrates on legislation, dealt with in the next subsection, where we will discern at least one example of Commonwealth legislation affecting state legislation.

2.7 Policy Translating into Practice: The Inclusive Education Movement in Australia

The international discourse of human rights may also affect legislation at the state level. Historically anti-discrimination legislation has been a matter for each state, with NSW passing its Anti-Discrimination Act in 1977. Initially this Act did not cover disability. The International Year of Disabled Persons 1981 (IYDP) acted as a catalyst for NSW to amend the Act to include 'physical impairment' in 1981 and to include 'intellectual impairment' in 1982 (Lightfoot, 2002; Roth, 2007)

A second example involves the adoption of human rights legislation by the Commonwealth, necessitating a change in state legislation. A major innovation in the international discourse surrounding disability and human rights occurred with the passage of the Americans with Disabilities Act in 1990, with its minority group civil rights perspective. That Act served as a template for the Commonwealth Disability Discrimination Act 1992 (Lightfoot, 2002; Shelley, 1991). The passage of the Commonwealth act then forced a further amendment to the NSW act in 1994, replacing the concept of 'impairment' with the newer understanding of 'disability'. In this way legislation in one jurisdiction may affect that in another.

Legislation in a jurisdiction may also be affected by existing legislation in the same jurisdiction. Enactment of the Racial Discrimination Act in 1975 set the pattern for Commonwealth legislation as single targeted acts for each protected characteristic, a pattern continued in subsequent acts covering discrimination on the basis of gender

(1984), disability (1992) and age (2004). Effects such as these will form part of the investigation into the role of fundamental political structures and informs the questions asked of legislators.

2.7.1 The author's first involvement with legislation, the Disability Discrimination Act 1992

In 1988 my uncle, worked in the Commonwealth Attorney-General's Department as a solicitor, and supported me in attempting to enter the Australian Public Service (APS). I went to Canberra to do the entrance exam. I expected there would be some sort of assistance for me to complete the exam, or an accommodation for my dyslexia. There wasn't. I therefore had no scribe or reader so didn't put pen to paper. I was told I had failed the exam due to my dyslexia and that the APS rejection meant I could not apply to the Public Service for another two to four years. I decided to lodge a personal complaint to the Australian Human Rights Commission, but they advised me that dyslexia was not covered under that statute. At that stage the Human Rights Commission could adjudicate issues of racial and sexual discrimination, due to the *Race Discrimination Act 1975* and the *Sex Discrimination Act 1984*; but at that time there was no *Disability Discrimination Act*.

Hoping to have dyslexia recognised by the *Australian Human Rights Commission Act 1986*, I therefore raised the issue with the Minister for Justice (1987–1993). The Senator's chief advisor told me they were working on the inclusion of disabilities in anti-discrimination legislation, and asked whether I would like dyslexia included. The new legislation would become the *Disability Discrimination Act 1992* (Cth). I agreed to help. I attended the Senator's office twice more, but contributed mostly over the phone, working with the chief advisor. Personally, it was my hope that the 1992 Act would make it easier for me to get a job, using section 15 which deals with discrimination in employment.

Having failed the Australian Public Service entrance exam in 1988 and being barred from trying for another 2 to 4 years, I applied for public sector jobs that did not need this exam. I applied to the Joint Intelligence Organisation (part of the Department of Defence) for a position as an Administrative Service Officer Class 2. I was initially told that it would be beneficial to have a person with dyslexia undertaking tasks such as shredding classified documents. I made three such attempts in the period 1988 to 1990.

At the same time the Commonwealth Rehabilitation Service sent me to do a number of courses, including a Security Licence. I applied for a position as a Protective Security Officer with the Australian Protective Service (APS). I failed the application, but they suggested I apply to be a Security Attendant, maintaining security on their front doors. I failed the medical on the grounds of dyslexia, appealed, did another medical and failed again. The second rejection was dated 11 December 1992. I should have lodged a

complaint against this because it was one month after the *Disability Discrimination Act 1992* became effective, in the November.

In 1989 I had applied to the New South Wales Public Service also for a position as a security officer. I went down to Darlinghurst, but they told me that without being able to read I couldn't sit the test. I decided to complain. The complaint procedure was protracted, taking several years. Once the 1992 Act had become applicable, this became easier. The complaint was then able to be supported by solicitors at the Kingsford Legal Centre, which was (and still is) operated by the Faculty of Law of the University of New South Wales in association with the New South Wales Disability Discrimination Legal Centre. With their support I won the opportunity to sit for the test with special provisions under the Act, the use of a scribe, a reader and extended time. This was successful and I was placed on a waiting list, but then offered a medical, which concluded that I was unemployable due to my dyslexia. The matter was also raised in 1994 on my behalf in NSW Parliament by my local member for The Entrance, NSW (McBride, 1994).

I brought a case against the public service, at the New South Wales Anti-Discrimination Board, which went on until 1994, and won compensation, rather than a job. As a result of my success, employment practices, entry examinations and medical examinations were all reviewed and changed. The success of the case in 1994 was due to a timely change in New South Wales law. Initially the New South Wales Anti-Discrimination Board were unable to accept my complaint because of the wording of the *New South Wales Anti-Discrimination Act 1977* which spoke of 'impairment' rather than 'disability'. An amendment Bill was passed to change 'impairment' to 'disability' (*Anti-Discrimination (Amendment) Act 1994* No. 28: 5-6), bringing New South Wales into harmony with the new federal 1992 Act. ("ANTI-DISCRIMINATION (AMENDMENT) ACT," 1994). Another success of 1994 was my dealings with the New South Wales Department of Premier and Cabinet in having policies changed to allow the employment of people with dyslexia.

By this stage it was apparent that while the 1992 Act represented a certain amount of progress, it did not go far enough, at least in the case of dyslexia. In 1994 I approached the Federal Attorney General with the problem of people with dyslexia being unable to gain employment within the Public Service, despite the new *Disability Discrimination Act 1992* and the various governments claiming to support it. That year the Commonwealth Rehabilitation Service suggested I do the Small Business Enterprise course at the Hunter Institute of TAFE Ourimbah campus. I cited the 1992 Act, and they allowed me the use of a scribe and a reader while doing the course. In 1996, by using a scribe and a reader, I gained my Small Business Enterprise (Business Management) Certificate (gaining a credit), and again, setting a precedent.

2.7.2 Assistive technology in schools, libraries, TAFEs and universities

As far back as 1988 I had seen text-to-speech assistive technology in public use in the State Library of New South Wales, as a service for the visually impaired, and realised its potential for dyslexia. Eight years later I started lobbying Wyong Shire Council to introduce the Kurzweil™ Omni 3000 assistive technology into the Shire's libraries. The Council did not consider it a priority, and after more than two years' lobbying, I complained to the Human Rights Commission, and won my case in 1998. The Council met my demands to introduce the software; agreed to run a story in the *Central Coast Express Advocate* and the *Sydney Morning Herald*, and to invite every local school to look at the technology.

Between 1994 and 1999 I sat on the Governing Board of a local Secondary College, working on developing policies for dyslexia and served as the Parent Representative, Parish Representative, and College Council Chairman. At this time, I was also a State Council representative for the Catholic School Parents' Association of New South Wales and the Australian Capital Territory. From 1999 I was also an ongoing lobbyist for school funding through my local Federal Member of Parliament. During this period, I won my case against my local council, and in 1998, assistive technology was installed in the council libraries, I was also able to persuade the Secondary College to implement the technology for use in its remedial literacy programs. In doing so, it was the first school in Australia to introduce the Kurzweil™ Omni 3000 computer-aided reading program.

This milestone was noted by the Chairperson of the Standing Committee on Law and Justice. Speaking in the New South Wales Legislative Council, who suggested that the recently-announced New South Wales Government literacy strategy warranted the adoption of the technology to assist students with dyslexia and visually impaired students (R. Williams, 2009). As a result of the media attention to this program, I was contacted by parents of dyslexic students at several other schools, and in the case of one school delaying the adoption of this technology, I assisted the parents in bringing the issue to the Australian Human Rights Commission,. Here the matter was conciliated, and the school was obliged to implement the technology and change their policies. Some twenty schools installed the technology throughout the state and all of this activism was carried out at my own expense, in the hope of achieving equality for students with learning disabilities such as dyslexia.

2.7.3 Party politics and the author's role in further advocacy work, 1994-2000

In 1994 I joined the Australian Labor Party (ALP) , becoming Vice President of my Branch of the ALP and senior vice president of the Federal Electorate Council. With

regards to dyslexia and policy making, I made several representations as a delegate to the ALP Education Committees, both at state and federal level. In attendance at the 1996 ALP Federal Conference in Tasmania, and as a delegate to this conference I brought a motion to a successful vote regarding equal opportunities in the TAFE system.

As an active ALP delegate at the state level, I was able to work closely with the Minister for Education and Training and with university professors from around the states of NSW and Tasmania, we were able to testify to the NSW ALP Education Committee, regarding the lack of accommodations for students with dyslexia. My work with the Minister in 1998 resulted in every school in New South Wales introducing a Reading Recovery Program, based on the work of educator and psychologist Dame Marie Clay. Although this reading programme at the current time is no longer considered the panacea it was thought to be (Bradford & Wan, 2015), particularly for students with dyslexia, and research has shown it to be costly and that it leaves too many students behind. (Chapman & Tunmer, 2019; Elbaum, Vaughn, Hughes, & Moody, 2000). However, back then this was new policy by the New South Wales Department of Education and Training (DET), as was the policy to diagnose literacy issues amongst student, and to provide them with extra tuition in the form of a recovery program.

In 1996 I lobbied the Federal Minister for Education (1996-2001), for a report to be commissioned to capture the progress in primary education after the introduction of the 1992 Act. Titled *Mapping the Territory*, the report appeared in 2000. It was intended 'to provide a national picture of how students with learning difficulties or disabilities are supported in their literacy and numeracy learning in regular primary school settings, and, to identify successful strategies for addressing literacy and numeracy learning needs' (Louden et al., 2000). This led to Disability Coordinating Systems being put into place in schools and universities. I subsequently met with Brendan Nelson (successor to David Kemp as Minister for Education) to ensure continuity of the issue was maintained.

The President of the New South Wales Anti-Discrimination Board had taken up this position in 1990 after his term as a New South Wales Liberal senator. He recommended I sit as a voluntary invited delegate on the Council for Disabilities, formed by the New South Wales Attorney General (in that post 1995–2000). I sat on the Council for two years, 1998-2000. The Council dealt with how illiteracy affects people dealing with the courts and in the prison system. In 1998 I contributed to the New South Wales Law Reform Commission's review of the *Anti-Discrimination Act 1977 (New South Wales) (New South Wales. Law Reform, 1999)*, and then in 1999 I orally presented my paper *Falling Between the Cracks: How the System Fails Dyslexics* at the Human Rights, Disability and Education Conference, 17 September 1999. (J. J. Bond, 1999) (Appendix 1).

2.7.4 Further efforts to introduce technology into schools and universities

Over a four year period I continued to lobby both the New South Wales Department of Education and Training (DET) and the Catholic Education Commission to carry out trials of assistive technology (Kurzweil™ Omni 3000), and to have dyslexia included as a disability within their disability criteria in their internal policies. The DET set up a pilot program using the Kurzweil™ system, in consultation with me. Using the Kurzweil™ system myself, I acted as a key contributor to product specification improvements for the program. Enhancements were made as a result of my contribution, such as the provision of Australian-accented audio.

The Commonwealth Rehabilitation Services assessed me in 2000 and arranged a placement for me in an enabling program at a NSW University, and as a trial. I was offered a reader and scribe, but no assistive technology. I therefore lobbied the assistant Director General of the Department of Education and Training (DET), for a technology trial, again on the Kurzweil 3000© program for the campus of the University where I would be working, and lobbied the then Minister for Education, asking for a Federal government grant to pay for it which was successful. The implementation of the text-to-audio software for the campus where I was studying, was very likely the first time an Australia university had utilised this type of technology and it also seems likely, that I was the first person in Australia with severe dyslexia to have been accepted into a university academic program, and, who would use text-to-audio technology which was only available because of the student's own lobbying efforts. This highlighted the issue that students were being denied access to educational equity, and had to be instrumental in providing the solution for their own education. With the support of the Pro Vice-Chancellor for Education and Arts, the technology was also included in the curriculum for special needs teachers from 2002. This too was an Australian first. On the debit side though, I did not pass my course, very likely because advocating for the introduction of assistive technology had taken me away from the studying itself.

In November 1999 I attended a meeting at the DET's Disabilities and Learning Difficulties Unit at Ryde and spoke to regional managers about the technology. As a result, in mid March 2000 a number of these managers visited St Peters Catholic College Tuggerah (the former Mater Dei Secondary College) to view the Kurzweil system at the school. Both the New South Wales Minister for Education and Training, and the Shadow Minister attended. At this stage I was the chairman of the school board and I held this position until 2002.

Subsequently in 1999-2001, the DET called for submissions of all the relevant text-to-audio software from manufacturers and carried out a technology trial. This concluded

that the Wynn™ system (from Freedom Scientific) was the most suitable product for primary and secondary education. Wanting to achieve the best outcomes for school students, I then started advocating the Wynn™ system.

In 2000 I started lobbying the various state Ministers for Disabilities, Ministers for Justice and Corrective Services, Federal and State Attorneys General, Governors and Parliaments of every state about the wider dyslexia issue. I also lobbied leaders of the Roman Catholic and Church of England churches on the same issue.

2.7.5 The author's contribution towards the refinement of discrimination law, 1999-2004

By 1999 there were two laws in place in Australia: The Commonwealth *Disability Discrimination Act 1992* and the New South Wales *Anti-Discrimination Act 1977* (with its 1994 amendment recognising disability). These laws mention disability in general, and don't specify which disability, in order not to discriminate against a disability otherwise left out.

At the same time in education some disabilities were catered for, but others weren't. Obvious physical disabilities were addressed, such as at the Royal Institute for Deaf and Blind Children at North Rocks, or the provision of ramps for students in wheelchairs, but less defined disabilities such as dyslexia weren't included in the DET's own disability criteria. Dyslexia was not included for funding purposes by the state government or for policies to be built around it. This lack of inclusion constituted discrimination. A law was needed to resolve this issue.

In changing the disability criteria to include dyslexia in the New South Wales Anti-Discrimination Act, the member for The Entrance was contacted, but told me that the matter could not be dealt with unless it was made 'in writing'. The Speaker of the NSW Parliament informed me that each Member determined what procedures applied in their own electoral office, and that the local member's response was in line with general policy in parliament. Eventually the Speaker was persuaded to change parliamentary policy.

The chief advisor for the member for Dobell facilitated a meeting with the Premier in 1996 to move this forward, as member for the Entrance would not meet with me. Upon arriving at the Premier's offices, I was advised that he was not present, and instead met with his chief advisor. I was immediately removed from the building via the emergency elevator. As a result, I took the matter to the Anti-Discrimination Board of New South Wales and the Anti-Discrimination Board with the Human Rights Commission. The president of the Commission suggested two solutions: either lodge a complaint against the Board; or join them in amending the New South Wales Anti-Discrimination Act 1977. At the same time I approached a National Party member and member of the NSW Legislative Council, knowing he was sympathetic to social justice issues such as dyslexia.

The member had told me that this would be a long-term issue, taking some 20 years to resolve, and would be a valuable support. The member pledged his full support for the duration of his term in the Parliament, and has stood by his convictions. He contacted the Attorney General, who made it possible for me to discuss this issue with the judiciary. As a result I was able to work with the president to amend the anti-discrimination statute, to allow the Board to assist complainants. This proved successful in 2004, with the passage of the Anti-discrimination (Miscellaneous Provisions) Bill 2004 (NSW) (Appendix 6), the outcome being that the Board is required to document a complaint made by those unable to submit a written complaint (clause 88A). In passing the Bill, the then Attorney General spoke in the Lower House of my work. The Shadow Minister for Education did likewise in the Upper House. ("Anti-Discrimination Amendment (Miscellaneous Provisions) Bill," 2004)

In a similar instance, I filed a complaint with the Victorian Equal Opportunity and Human Rights Commission (VCAT), and attempted to meet with the then Victorian Premier. I was also advised to lodge my request in writing, and was similarly removed and questioned (Mickelborough, 2010). However, the outcome of this complaint contributed to the publication of the Held Back report (Victoria, 2012), which was widely publicised and distributed to Victorian Schools, influencing policy implementation (Victoria, 2017)

2.7.6 Submissions and inquiries 2002-2008

In 2002-2006 I made submissions to several committees and inquiries. I made two submissions (in 2002 and 2003) to the New South Wales Legislative Council's Standing Committee on Social Issues, which became part of their reports on early childhood learning difficulties. (Burnswoods, 2003)

Federally, I attended a senate hearing in 2002 on the education of students with disabilities (Australian Senate Employment, Workplace Relations and Education References Committee 2002); in 2004 I provided a submission to the Productivity Commission's Review of the *Disability Discrimination Act 1992*; (Australia. Productivity, 2004) in 2005 I provided a submission to an Australian Government inquiry into the teaching of literacy (Row, 2005); and in 2006 I provided testimony to a lower house inquiry into teacher education (Fawns, Misson, Moss, Stacey, & Ure, 2007) (Appendix 7) and several other enquiries. Then in 2008 I provided a submission to the NSW Legislative Council's General Purpose Standing Committee No 2's enquiry titled "The Program of Appliances for Disabled People" (Parker, 2008).

2.7.7 The federal Disability Standards for Education

The federal Disability Discrimination Act 1992 provided for various Disability

Standards to give the Act specific force in areas such as public transport, access to premises and education. Work on the Disability Standards for Education started in 1995, and involved collaboration between the federal Attorney-General, the various state and federal human rights bodies, the disability sector and education providers. As a stakeholder in this process, I lobbied the Federal Attorney-General at the time, to include provision for students with dyslexia. Then in 2004 I attended a closed conference at the Australian Human Rights commission in Sydney and discussed the legal and practical aspects of having the proposed Standards apply to students with dyslexia. As a result the federal *Disability Discrimination Amendment (Education Standards) Act 2005* was passed, to enact the Disability Standards for Education (DSE).

2.7.8 Legislation in NSW dealing with learning difficulties/disabilities

By 1999 it had become apparent that Section 20 of the New South Wales *Education Act 1990* was inadequate in not recognising dyslexia as a disability. Initially I approached a member of the NSW Legislative Council to implement a bill. He was otherwise committed and suggested in 2002 that I take it to two members of the Christian Democrats. I agreed to approach one of the members because I had worked with him before. In 2003 I had drafted a speech on educational technology and disability, which he delivered with the title 'Department of Education and Training Dyslexic Students Discrimination'. At first I preferred to attempt to work with the DET to amend their disability criteria, using the federal *Disability Discrimination Act 1992*. Late in 2006 the DET informed me that they were not willing to change their criteria. I therefore approached the members of the Christian Democrats again. One member agreed, that if I could gain support from the cross-benches, he would introduce the Bill, initially entitled the *Educational Support for Dyslexic Children Bill 2007* (Appendix 8). I succeeded in gaining the support of the Greens, the Australian Democrats and the left of the Labour Party, as well as the support of the Catholic and Anglican churches. The member introduced the bill, but within six months had reversed his position and indicated that he would be shelving the bill because of the opposition of the Catholic Education Commission.

I enlisted the support of the Member for Coffs Harbour, of the National Party, and again approached the member of the Legislative Council to voice my concerns, and asked whether his Coalition, as the opposition, would take carriage of the bill. The member suggested I speak to two other Members of the NSW Legislative Council, to take the issue to the shadow cabinet. In this process, although one member was now against the Bill, another member of the Christian Democrats persisted in his support. This member in particular was supportive, having mentioned his experiences with dyslexia extensively in his Inaugural Speech to Parliament on the 5th of May 2007 (Khan, 2007). I also met with the Liberal Member for Warringah, who voiced his support. As a result, the Coalition

gained passage of the bill, with the support of the left of the Labor Party and the cross benches (Appendices 9 and 10). This became the *Education Amendment (Educational Support for Children with Significant Learning Difficulties) Act* ("*Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008*," 2008) (*New South Wales*) (Appendix 11). The relevant section of the *Education Act* amended by the bill lists the categories of children who have 'special needs' and qualify for additional assistance. Previously included were 'children with disabilities', but frequently children with learning difficulties were being passed over on the presumption they were slow learners, without any particular disability. To close the loophole, it was proposed to add a category of 'children with significant learning difficulties' and to define this as children who are falling behind their peers 'regardless of the cause' (Education Act 1990, section 20, subsections (1)(a1) and (4) as amended).

The second-largest education system in NSW is administered by the Catholic Church, and it seemed appropriate to ask them for some support. This was indeed offered not only by the Director of Centacare Catholic Family Services (now Catholic Care), but also the Vice-Chancellor of the Catholic University at Strathfield and the Catholic Archbishop of Sydney, all of which supported these reforms. In addition I met with the director of Anglican Schools regarding the Bill and both lobbied, and received support from, the Anglican Archbishop of Sydney. This led me to ask support for the Anglican Schools who also invited me to speak at a conference at the Shore School in North Sydney regarding the Bill, phonics, assistive technology and relevant policies.

At that time I spoke at the 2020 conference in Canberra, held on 19 and 20 April 2008 at Parliament House, having been invited there by my local federal member. Again, the specific message about dyslexia was drowned out by a mass of general considerations regarding reform in education. The Summit Summary merely commits to a strategy which focuses on equity in learning education and training (Commonwealth of Australia, 2008). In 2009 I spoke at the 2009 *Mind and Its Potential* Conference at the Sydney Convention and Exhibition Centre (J. J. Bond, 2009).

At the federal level I approached a wide range of politicians, gaining their bipartisan support for the formation of a Friends of Dyslexia group in federal parliament. This was supported at the time by both the Leader of the Opposition and the Parliamentary Secretary for Disabilities and Children's Services, in the Labor Government.

In 2014 I represented people with dyslexia in meeting Minister for Disability Services and his advisors in drafting the NSW Disability Inclusion Act ("*Disability Inclusion Act*," 2014).

2.7.9 Legislation in the UK and Scotland

To reiterate, as outlined earlier in this thesis, Scotland, one of the four countries that form the United Kingdom (UK) was chosen for this study because of its broadly comparable population to that of New South Wales, together with broadly comparable legislation and education policies.

2.7.9.1 Equality Act 2010 c. 15

Section 6(1) of the Equality Act ("Equality Act," 2010) defines a disability as 'a physical or mental impairment' which 'has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.' (Appendix 5). This provision refers to both past and present disabilities. Section 15 allows two defences of discrimination, one where the treatment is 'a proportionate means of achieving a legitimate aim', the other where the perpetrator 'did not know, and could not reasonably have been expected to know' about the disability. The operation of the Act in its application to education is dealt with in great detail in Section 6, of which Chapter 1 deals with schools. A school may not refuse admission to a pupil, or harass or victimise a pupil; a school may not discriminate against a pupil in the way it provides education for the pupil, or in the way it affords the pupil access to a benefit, facility or service (sections 85 (1) and (2)). Section 89 harmonises the definition of such terms as 'pupil' with the Education (Scotland) Act 1980. Section 20 imposes a duty on service providers (including schools) to make adjustments for persons with a disability. The duty related to aids and services means that, since September 2012, schools (including independent schools) have to make reasonable adjustments. Section 116 (1)(c) deals with enforcement of the school education provisions in Scotland, referencing a change dated 12 Jan 2018 in which the functions of the Additional Support Needs Tribunals for Scotland have been transferred to First-tier Tribunal for Scotland (Health and Education).

Section 149 is a radical departure from previous legislation in that it imposes a public sector equality duty, specifying that public authorities must eliminate discrimination, harassment and victimisation, and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (149 (1a and 1b)). In regard to the advancement of equality of opportunity, authorities are to 'encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low (149 (3c)).

2.7.9.2 Education (Scotland) Act 1980 c. 44 (UK)

The Education (Scotland) Act ("Education (Scotland) Act," 1980) legislates that the provision of education is the responsibility of local authorities who perform the function of education authority. It also sets out the rights and duties of parents and functions of Education Authorities in relation to individual learners. Sections 59 to 65G of the original act dealt with children requiring special education; these sections have been deleted,

referring readers to the Education (Additional Support for Learning) (Scotland) Act ("Education (Additional Support for Learning)(Scotland) Act," 2004) (below).

2.7.9.3 *Standards in Scotland's Schools etc. Act 2000 asp 6*

This Act of the Scottish Parliament (passed on June 7th 2000, and received Royal Assent July 14th 2000) deals with standards in schools and a variety of other matters (such as abolition of corporal punishment). The common theme is the provision of school education specifically relating to children's rights and the duty of the education authority. Section 3A states that Scottish Ministers must exercise their powers to reduce inequalities of outcomes resulting from socio-economic disadvantage. Section 15 states the principle of inclusion, the requirement that education be provided in mainstream schools, except in certain circumstances.

'An Act of the Scottish Parliament to make further provision as respects school education, the welfare of pupils attending independent schools and corporal punishment of pupils for whom school education is provided; to make further provision as respects School Boards; to make further provision as respects the functions, constitution and structure of the General Teaching Council for Scotland; to abolish the committee known as the Scottish Joint Negotiating Committee for School Education; to make further provision relating to the inspection of institutions within the higher education sector which educate and train persons to be, or persons who are, teachers in schools; and for connected purposes.'

(Standards in Scotland's Schools)

<https://www.legislation.gov.uk/asp/2000/6/introduction>

It is important to note that this is necessary due to the devolved nature of education oversight in Scotland (localist approach), providing a safety net to ensure equality in outcomes for Scottish students. Note that this applies specifically to Scotland and does not apply to other jurisdictions within the UK.

2.7.9.4 *Education (Additional Support for Learning) (Scotland) Act 2004 asp 4*

The act sets out the duties of education authorities in relation to pupils with additional support needs (sections 4-6). Section 1 (1) defines 'additional support needs': a pupil has additional support needs if, without such support, the pupil would be unable to benefit from school education. Sections 9-11 set out in detail the duty of an education authority to prepare co-ordinated support plans, and how such plans are to be reviewed. Section 14 sets out the right of a pupil and the pupil's parents to have a supporter or advocate

present in dealing with an education authority. Section 14A states that Scottish Ministers must provide an advocacy service to be available on request and free of charge in such circumstances. Before 2018 this service was provided by the Additional Support Needs Tribunals for Scotland; under the First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (UK) this function is carried out by the First-tier Tribunal for Scotland. To avoid or resolve disagreements between the education authority and the pupil and/or pupil's parents in the provision of support, the authority must provide independent mediation services, under section 15.

2.7.10 Australia – NSW: Federal working party 2010 and state inquiry 2010

Continuing Lobbying and Advocacy Work

Despite the Australian legislative changes, there was still no compulsion for the Department for Education and Training (DET) to implement assistive learning technology in schools, and the Director for Special Needs advised me that they would be making no changes in relation to dyslexia. As a result of this, I continued my activities both federally and state. Two initiatives were made federally to address the implementation of the *Disability Discrimination Act 1992*.

In 2008 I had contacted the Federal Parliamentary Secretary for Disabilities and Children's Services, and expressed concern that dyslexia was not recognised as a specific disability under the *Disability Discrimination Act 1992* and that the education and employment systems do not recognise or support people with dyslexia. I continued lobbying on the issue until the Secretary convened a forum to discuss the issue, under the auspices of the Department of Families and Housing, Community Services and Indigenous Affairs (FaHCSIA), in conjunction with the Department of Education, Employment and Workplace Relations (DEEWR). This consisted of 24 people—scientists, technologists, people with dyslexia, clinicians and government representatives—and met at Parliament House on 16 June 2009. I then became part of the 8 person Working Party, given the task of writing a report proposing a national agenda for action to assist people with dyslexia. The Chair was the Emeritus Professor of Cognitive Science at Macquarie University. The Working Party presented their report *Helping people with dyslexia: a national action agenda* to the Secretary on 10 January 2010 (Coltheart et al., 2010) (Appendix 12).

The second federal initiative was to lobby the Minister for School Education, Early Childhood and Youth, who was presiding over a *Review of Disability Standards for Education 2005* by the Department of Education, Employment and Workplace Relations (DEEWR). These Standards had come into effect in August 2005 and were designed to clarify the rights of students with disability to access and participate in education and

training, and give education providers more guidance on how they can meet their obligations under the *Disability Discrimination Act 1992*. In December 2010 DEEWR began their first five-year review of the Standards. I made a submission to the enquiry in 2011, supported and accompanied by a member of the School of Education at Macquarie University. The review released its report in June 2012 (Department of Education Employment and Workplace Relations, 2012).

In 2008-2010 I also lobbied the member of the Christian Democrats to initiate another enquiry. Accompanied by the Director of Cognitive Science at Macquarie University, I approached the chair of the NSW Legislative Council, who agreed to press for such an inquiry if the Director requested it in his academic capacity. This was the 2010 Enquiry into the Provision of Education to Students with a Disability or Special Needs, as before, carried out by the New South Wales Legislative Council's General Purpose Standing Committee No. 2. I was amongst the 700 people and organisations that made submissions. I believe that the broad scope of this enquiry was both a strength and a weakness. It aired issues relevant to a wide range of disabilities, but the issue of the provision of reading assistive technology to severely dyslexic students was drowned out by other larger organisations (such as SPELD (Solutions for People Experiencing Learning Difficulties), and the Learning Difficulties Coalition of New South Wales) with their own particular solutions. To allow people with print disabilities or visual disabilities to access and submit items to this enquiry, I also lobbied for the provision of reading assistive technology and scribes in State Parliament. The report was released in July 2010 (Parker, 2010).

Also in July 2010 I enlisted the support of the member of the Christian Democrats and the financial backing of Clubs NSW to implement a Write to Read program in several NSW schools in the Port Macquarie and Central Coast areas. This involved the provision of the *Wynn system*™ and teachers' training at no charge. By the time of the 2010 election, he had formed his own Family First Party. He approached me to stand as the party's candidate for The Entrance. I agreed to support him, knowing I would be able to help formulate policies on dyslexia and disability as a party executive.

In November 2010, I attended a symposium held at Shore School (Sydney Church of England Grammar School) presented by the NSW branch of SPELD and Learning Difficulties Australia (LDA). SPELD is an Australian public benevolent group that offers support and guidance to children and adults, parents, families and teachers about specific learning difficulties such as dyslexia. LDA is a professional association for teachers and allied professionals who through appropriate identification and teaching programmes assist students with learning difficulties.

I spoke about the enabling role of legislation and the use of the *Wynn*™

technology for university students, while the managing director of Quantum Technology demonstrated the software. The following year I made a submission to the Review of Disability Standards for Education 2005, accompanied by a senior lecturer in Education at Macquarie University. The Review focused on stakeholders' rights to access education and training, and discrimination in an educational setting.

2.7.11 Inclusive education and dyslexia: Reviews and Enquiries in Parallel pathways, NSW and Scotland

NSW

In 2017 the New South Wales Legislative Council held an inquiry into the education of students with a disability or special needs (Amato, 2017a). This was along similar lines to the earlier 2010 inquiry. After seven years it was clearly time for a periodic review of the matter. The Terms of Reference for the inquiry were given as;

That Portfolio Committee No. 3 – Education inquire into and report on the provision of education to students with a disability or special needs in government and non-government schools in New South Wales, and in particular:

- (a) equitable access to resources for students with a disability or special needs in regional and metropolitan areas,
- (b) the impact of the Government's 'Every Student Every School' policy on the provision of education to students with a disability or special needs in New South Wales public schools,
- (c) developments since the 2010 Upper House inquiry into the provision of education to students with a disability or special needs and the implementation of its recommendations,
- (d) complaint and review mechanisms within the school systems in New South Wales for parents and carers, and
- (e) any other related matters.

The terms of reference were self-referred by the committee on 24 August 2016.

(Report 37-September 2017 vii)

The immediate impetus for the inquiry came from my lobbying and I was one of those who submitted evidence concerning dyslexia (Submission No.427 Report 37-Sept 2017 p217).

The report, published in September 2017, found that 'the inclusive approach to education provision promoted in legislation and policy is not the reality experienced by

many students with disabilities and special needs in New South Wales schools' (NSW LC 2017: xi). In dealing specifically with students with dyslexia, a central issue was whether the NSW Department of Education Disability Criteria adequately covered such students. While the Department argued that its funding to schools was based on needs, submissions to the inquiry argued that in reality, the Department would not act without a specific diagnosis, in effect stonewalling dyslexia.

Thirty-nine recommendations were made by the committee as a result. Recommendation 7 asked the Department to review the disability criteria to '*ensure it is in keeping with contemporary understandings of disability*' (Italics added) (NSW LC 2017: xii). Other significant recommendations concerned the allocation of funding (Recommendation 9) that suggested the NSW Government develop and introduce a funding model which better reflects the needs of students (xii); that the NSW Department of Education ensure that School Learning and Support Teams are adequately trained, resourced, staffed and remunerated (xiii); and that the NSW Department of Education make training in legal obligations and the Disability Standards for Education mandatory for principals (xiv).

Linking this to important national initiatives, various of these recommendations were interrelated to Australia's emerging initiative the *National Consistent Collection of Data (NCCD-2015)* that all states and territories are legally obliged to accommodate. This is given context within the raft of National reforms and policy context states

'All Australian governments are working together to implement a number of complementary and intersecting national reform agendas aimed at improving the lives of people with disability. This includes broad reforms such as the National Disability Strategy 2010-2020 and the National Disability Insurance Scheme, as well as specific reforms to improve education outcomes for students with disability'.

(NCCD Guidelines 2015, p10)

Changes that were recommended for NSW DoE were therefore timely, and compliance essential. This requires all state and territory government and, non-government (Catholic and Independent) schools, to collect data annually, about students within the broad definition of disability under the Disability Discrimination Act (DDA). Teachers are required to make professional judgements about their students, the level of support and what level of 'reasonable adjustments' the student is provided with in order to access and participate in education on the same basis as other students

and is consistent with obligations of all schools under the DSE. The collection of data under the NCCD is required from schools at a specific date in August, and the data is currently (2020) is used to inform funding provided by the Australian Government to NSW and other states and territories.

One marked difference with this model of provision is the accountability is overtly required, but also a disability does not to have a diagnosis officially given from a professional such as a psychologist, or paediatrician, to be included on the NCCD audit, although there are ‘categories of disability’. But it is now acceptable for schools to record an ‘imputed disability’. An imputed disability is something that someone believes another person to have, so, the school team that has reasonable grounds to make a judgement regarding a disability may do so. The broad NCCD categories of disability include;

- Physical
- Cognitive
- Sensory
- Social/emotional

Professional judgement of teachers and school teams about the adjustments or action that will enable a student with disability to access and participate in education on the same basis as other students. When schools in NSW are determining the inclusion of a student in the data collection, teachers should consider

- The level of adjustment provided to a student to address a disability as defined under the *Disability Discrimination Act 1992 (DDA)*
- The broad disability category and
- The available evidence of the adjustment that has to be made on the basis of a disability

Table 2 outlines the timeline and areas of focus of the Commonwealth and NSW enquiries, with progress and resolutions.

Table 2: Summary of Commonwealth and NSW Enquiries, with Progress and Resolutions. For a more detailed description, see Appendix 2.

Year of Inquiry	Focus	Progress
1996		
2002	Inclusion	Largely resolved
2003	Funding	
2003		

2010 2017	Assessment of need-funding mechanism	
2003 2010 2017	Staffing and Resourcing	Every Student, Every School initiative Learning Support Program Learning and Support Teacher
2003 2010 2017 2017	Teacher Training	Australian Professional Standards for Teachers established in 2012, 2017
2010 2017	IEPs	2017 IEPs found to vary in quality
2003 2017	Advocacy	

2.7.12 Significant Education Acts and Inquiries in Scotland

In accordance with the Education (Scotland) Act 1980, the provision of education is the responsibility of local authorities, who perform the function of education authority in Scotland. The most important legislation that underpins current Scottish education includes:

The Education (Scotland) Act -(1980)

United Nations Convention on the Rights of the Child-(1992 UK Law)

Standards in Scotland's Schools etc. Act - (2000)

Children and Young People (Scotland) -(Act 2014)

The Equality Act – (2010)

Education (Scotland) Act (2016) -this also covers the provisions on Gaelic Education

The requirements for Community Learning and Development (Scotland) Regulations – (2013)

Areas of focus and the timeline for implementation of the significant Scottish

inquiries, their progress and resolutions are summarised in Table 3.

Table 3: Summary of Scottish Enquiries, with Progress and Resolutions. For a more detailed description see Appendix 3.

Year	Issue	Resolution
1999	Inclusion	Issue of Inclusion largely settled by the time the Scottish Government was established in 1999.
	Funding Mostly allocated from Westminster	
2010 2012 2012 2014	Data collection	Additional Support for Learning (Collection of Data) Regulations 2017 requires -Scottish Ministers to collect from education authorities, & publish annually, specified information about additional support needs. Education Scotland & Care Inspectorate to regularly review their inspection and reporting systems Advisory Group for Additional Support for Learning to convene a sub-group to consider the collection of data Measures enacted in 6 months, permanent measures phased in over 3 years
2012 2012 2014 2014 2014	Staffing and resourcing	Education Scotland will work with the General Teaching Council Scotland (GTCS) to do this. Local authorities to plan their resources Education Scotland & other national agencies e.g Dyslexia Scotland; Association of Support for Learning Officers; & Scottish Guidance Association to develop guidance and advice
2010 2012 2014 2014	Teacher training	2011 – establishment of a National Partnership Group to deliver effective teacher education; initiative Teaching Scotland’s Future GTCS review of the Guidelines for Courses of Initial Teacher Education
2010 2012	Coordinated support plans	ASL Act 2009, local authorities are also expected to check whether or not children with ASN require a Co-ordinated Support Plan (CSP)
2010	Advocacy	Section 31A of the ASL Act 2009 requires the Scottish Ministers to secure the provision of a support service to be available and free of charge to eligible children Scottish advice service for additional support for learning, is govt funded

2.7.13 Australia: Policy Implementation and Resources in NSW

2.7.13.1 Every Student, Every School: Learning and Support (2012)

This was an initiative that when it came into being (2012) allowed for a student in any Public School in NSW, who had additional learning and support needs, to be assisted and within mainstream schools and have access to the full range of education opportunities and to achieve success. Because implementation was determined locally, the resulting degree of inclusion depended on how school principals allocated the funding. These additional learning and support needs related to a range of circumstances for the student, their family and their schools; may be short term or on going throughout a child's schooling.

In 2012 the NSW public school system was large and complex with more than 740,000 students enrolled into more than 2,200 Primary, Secondary, Central and special schools. Around 90,000 students about 12% of the total school population in 2012, had a disability and/or additional needs and relating to learning difficulties or behaviour (Public Schools NSW www.det.nsw.edu.au). At its outset NSW declared a commitment to implementing the National Disability Strategy across all areas of the state (NSW Department of Education and Communities, 2012).

2.7.13.2 Disability Inclusion Action Plan 2016-2020

The aims of this action plan are, to remove obstacles and enable people to achieve their full potential; and to foster an inclusive environment for people with disability, through policies, practices and high-quality services that reflect, recognise and respond to their diverse needs. It also accommodates the introduction of the *National Disability Insurance Scheme* (NDIS) (2013) and the need to comply with the Disability Inclusion Act 2014 (NSW) ("Disability Inclusion Act," 2014). The NDIS represents another major milestone, and a major reform of disability support in terms of disability law and support in Australia. This marked for the first time, responsibility by the nation, through the states and territories, for supporting people with disability, their families and carers. Introduced by the Gillard Labor Government in 2013 but introduced across Australia from July 2016. The roll-out was completed in 2019-2020.

The *Disability Inclusion Action Plan* also includes a commitment to working with the Commonwealth to implement the recommendations of a review of the operation of the Disability Standards completed first in 2010, then 2015. The Disability Standards in Education (2005) set out obligations of training and education providers 'to ensure that any student with disability can access and participate in education on the same basis as other students' (DSE, 2005). When the DSE was launched in 2005 it set out a timetable for regular reviews to be performed, with the 2020 review being the most recent:

11.1 Timetable for review

The Minister for Education, Science and Training, in consultation with the Attorney-General, must:

- (a) within 5 years after the commencement of these Standards, conduct a review of the effectiveness of these Standards in achieving their objects, including a consideration of whether any amendments are desirable; and
- (b) conduct further reviews to be completed at intervals of not more than 5 years.

(DSE 2005)

2.7.13.3 Integration Funding Support program

A program that helps schools to support students attending regular classes and who have moderate to high learning and support needs due to a disability. The funding is utilised to provide additional teachers and school learning support officers to implement personalised learning and support for students in their own classrooms. It also provides timetabling relief to classroom teachers for them to undertake professional learning and to liaise with parents or carers and other school staff. Usually the learning and support team of the student's school will prepare an Access Request for such funding, with the request including the student's summary profile detailing the student's educational achievements and needs in the Key Learning Areas (KLAs) as well as in Communication, Participation, Personal Care and Movement. It is important to note that to be eligible 'students must have essential educational needs that are directly related to their identified disability ... The needs of students with significant learning difficulties, mild intellectual disabilities, language delays and disorders, or behaviour difficulties are provided for through other programs'(NSW Government, 2021). This appears to refer to the Assisting Students with Learning Difficulties policy (above). It is also important to note that, whilst this funding is tied to the individual student and their diagnoses, there is no oversight in the allocation of funding received by the principal of the school. Whilst appropriate records are required for the direction of funding, often this does not occur. (Legislative Council, 2019).

2.7.13.4 English K-10 Syllabus

The syllabus for the English KLA under the Australian Curriculum in NSW. The preamble to the syllabus has an explicit statement about the diversity of learners, including a recognition of students with special educational needs. In particular, the rationale, aim, objectives, outcomes and content of the syllabus 'have been designed to

accommodate teaching approaches that support the learning needs of all students' (p. 3). It is recognised that most students 'with special education needs will participate fully in learning experiences based on the regular syllabus outcomes and content.

Students may require additional support or adjustments to teaching, learning and assessment activities.' The expected outcomes in early stage 1 include: 'Students develop reading, viewing and comprehension skills and strategies using context, grammar, word usage and phonics to make meaning from short, predictable printed texts on familiar topics' (p. 18).

2.7.13.5 Literacy K-12 policy (2007) and NSW Literacy and Numeracy Action Plan 2012-2016

The Literacy K-12 policy states that, in the early years, literacy teaching will include the explicit teaching of: phonemic awareness; phonics; vocabulary knowledge; comprehension; concepts about print; grammar, punctuation; spelling and handwriting. The policy is to be read in conjunction with the various syllabuses, the Assisting Students with Learning Difficulties, and the People with Disabilities Policy - Statement of Commitment; otherwise it makes no other mention of disabilities, no mention of inclusion and no mention of dyslexia.

Key features of the Action Plan are:

- clear guidance on explicit teaching
- better, faster diagnostic assessments
- quality training for teacher education students
- rigorous evaluation to focus investment and effort on what works.

2.7.14 Scotland - Policy Implementation and Resources in Scotland

2.7.14.1 National Framework for Inclusion in Education in Scotland

The National Framework challenges teachers to consider their role in promoting equality and social justice. As resource is an education tool aimed at teachers and other professionals. It aims to reduce the barriers to learning, especially those experienced by children with additional support needs. The framework centres on the values and beliefs, professional knowledge and understanding, and skills and abilities for inclusion. It is hosted by Moray House, School of Education at Edinburgh University.(The General Teaching Council for Scotland, 2021)

2.7.14.2 Embedding inclusion, equity and empowerment (Education Scotland, 2017)

Getting it Right for Every Child (GIRFEC) supports families by making sure

children and young people can receive the right help, at the right time, from the right people. The aim is to help them to grow-up feeling loved, safe and respected so that they can realise their full potential. This initiative is a way for families to work in partnership with people who can support them, such as teachers, doctors and nurses (Scottish Government, 2021).

This program aims to promote inclusive practice in the education system. It is aimed at local authorities and teachers, and operationalises legislation and policies such as the Children and Young People Act, Additional Support for Learning Act, Equalities duties and GIRFEC policy.

2.7.14.3 Included, Engaged and Involved

A document providing guidance to educational authorities, aimed at reducing the number of school exclusions. Of particular interest: Under the Equality Act 2010 children with disabilities cannot be excluded because of their disability (pp. 27, 33 and 44, see Appendix 5). The checklist to be completed in the event of exclusion now has the item 'Confirmation sought that child or young person is not being excluded for reasons associated with disability'.

2.7.14.4 Literacy and English - Principles and practice

A framework for teaching literacy and English under the Curriculum for Excellence. Approaches are to include 'systematic development and learning of skills and techniques for reading, including phonics' (p. 2). Only a brief mention is made of pupils requiring additional support, and no mention is made of disabilities or dyslexia.

2.7.14.5 Literacy Action Plan: An Action Plan to Improve Literacy in Scotland

The Action Plan specifically acknowledges both inclusive education and dyslexia, including continued cooperation with Dyslexia Scotland. Giving this emergent policy context, designed to raise and support literacy skills at different stages of learning, and different contexts from early childhood through to adulthood. The need for early identification of weaker literacy skill acquisition and diagnosis of learning difficulties is addressed through this action plan, and this being from childhood through to young people and adults.

PART 3 – THE PURPOSE OF THE STUDY, RESEARCH AIMS AND OBJECTIVES

3.0 Finding a Theoretical Foundation

This chapter outlines the theoretical and legal basis of this study, referencing relevant international legislation of educational inclusion and key studies on educational policy and its referencing of dyslexia within two very different systems. The outline will proceed as follows:

- the growing salience of human rights in international discourse over the past century,
- along with the enshrinement of these rights in legislation; and
- the developing understanding of the nature of impairment and disability, with particular reference to the social model of disability, including the inclusive education movement based on that model.

The two jurisdictions, New South Wales (NSW) and Scotland, UK have been examined in terms of their legislation, their history of government inquiries in this policy area (inclusive education and the provision of education for students with disabilities, including dyslexia), and their specific current policies. This relates to the survey of the literature and theory on the implementation of public policy (and educational policy in particular) discussed earlier in the previous chapter in Part 2.

3.1 The Research Problem: Background to the Problem

The individual policies of the NSW Department of Education (DET) and of Education Scotland are broadly comparable, particularly those relevant to literacy, educational inclusion and dyslexia. A summary of correspondences is included in Table 4 and explored more fully in Part 2. It is doubtful whether there is anything distinctive about NSW students with dyslexia, compared to such students in Scotland. The aetiology of the condition is the same, the language and orthography are the same, and a similar range of socio-geographical-economic factors are in play. NSW has a strongly centralised policy style, in which policy or policy guidelines are formulated by the NSW DET, and staff in schools are expected to implement the policy without a great deal of variation. Principals have limited autonomy under the Local Schools, Local Decisions policy, but are ultimately accountable to the DET.

Table 4: Comparison of Legislation, Policies and Programs in NSW and Scotland

Feature		NSW	Scotland
Enrolments	Students in mainstream schools	784,135 (in NSW mainstream public schools in 2016)	682,305 (in 2017)
	Students in special schools	6,203 (in government schools for specific purposes in 2016)	6,654 (in 2017)
Disability legislation		Anti-Discrimination Act 1977 No. 48 (NSW) Disability Discrimination Act 1992 No. 135 (Cth)	Equality Act 2010 c. 15 (UK)
Education legislation	Education Act	Education Act 1990 No. 8 (NSW)	Education (Scotland) Act 1980 (UK)
	Additional support needs (ASN)		Standards in Scotland's Schools etc. Act 2000 (asp 6) Education (Additional Support for Learning) (Scotland) Act 2004
Education regulation, policies and programs	Curriculum	Australian Curriculum in NSW	Curriculum for Excellence
	ASN policy	Assisting Students with Learning Difficulties policy (2007)	Supporting Children's Learning, Statutory guidance to the Education (Additional Support for Learning) (Scotland) Act 2004, Code of Practice
			Learning provision for children and young people with complex additional support needs: 10-year strategy 2017-2026
	Inclusion and personalisation	Every Student, Every School: Learning and Support (2012)	Getting it right for every child (GIRFEC)
		Disability Inclusion Action Plan 2016-2020	National Framework for Inclusion in Education in Scotland
		Integration Funding Support program	Embedding inclusion, equity and empowerment (Education Scotland, 2017)
Literacy	Literacy K-12 policy (2007) NSW Literacy and Numeracy Action Plan 2012-2016	Literacy Action Plan: An Action Plan to Improve Literacy in Scotland	
Resources		Various links on DoE website, many overseas	Addressing Dyslexia Toolkit
Inquiries and Reports		25 Federal and NSW since 1996. Most important: 2009 Dyslexia Working Party (Federal) 2010 NSW LC Inquiry 2017 NSW LC Inquiry 2018 Gonski 2.0 (Federal)	9 since 2009. Most important: 2012 Doran Review 2014 Making Sense 2015 Literacy Action Plan Final Report
Statutory bodies and	Education administration	NSW Department of Education (DoE), centralised administration	Education Scotland

other (semi)governmental organisations	Local implementation	Policy implemented directly and through the six operational directorates and 93 principal networks; Local Schools, Local Decisions policy	Local Area Authorities; Convention of Scottish Local Authorities
	Curriculum and student accreditation	NSW Education Standards Authority (NESA), formerly Board of Studies	Curriculum and Assessment Board Scottish Qualifications Authority
	Teacher accreditation	NSW Institute of Teachers	General Teaching Council for Scotland (GTCS)
	Human Rights Commissions	Australian Human Rights Commission Anti-Discrimination Board of NSW	Equality and Human Rights Commission (UK)
	Dyslexia bodies reporting to govt.	National Dyslexia Working Party (reported 2012 and no longer active)	Dyslexia Making Sense Working Group
Assessment regime	Student assessment and reporting	NAPLAN	Achievement of Curriculum for Excellence (CfE) Levels (ACEL), replacing replace the Scottish Survey of Literacy and Numeracy (SSLN)
Support organisations	Dyslexia	Australian Dyslexia Association (ADA)	Dyslexia Scotland British Dyslexia Association (BDA)

In terms of Human Resources (HR) structures in NSW Department of Education (DoE), teachers are directly employed in public government schools by the DoE. There are approximately 2,209 government schools under the department that operates under a hierarchical structure.

Each school is a member of a principal network, this consisting of 19 or 20 schools. Above this lie geographically based operational directorates, consisting of between 17 and 21 principal networks; and there are six such Operational Directorates that make up the state of NSW hierarchy.

Each principal network is supervised by a 'Director, Educational Leadership', while each operational directorate is overseen by an Executive Director. Under the Australian federal system, responsibility for such services as education, hospitals and policing is a state government function.

Of the 325,900 full-time equivalent employees employed in 2017 by the NSW state government, 91,070 (or 27.9%) were employed by the Department of Education, making it the second largest public sector employer, exceeded only by the Department of Health (with 115,325 employees, 35.4% of the total) (NSW Public Service Commission 2017: 8).

There is a limited outsourcing to the private sector, and even this follows the centrally administered model. One such example is the \$540 million contract given to Transfield Services in 2011 (by the NSW Department of Services) to clean government schools, TAFE colleges and government buildings (Broadspectrum, 2011; NSW LA, 2015). In the area of dyslexia and learning difficulties, the DoE maintains a dedicated webpage (NSW DoE 2018), listing several support organisations (with links), including those referring to dyslexia being; the Australian Dyslexia Association (ADA), the Learning Difficulties Coalition and SPELD NSW. This allows for parents and caregivers to personally source information and assistance external to the Department.

Scotland has a very different approach to policy making and implementation. Historical changes led to the present structures with the government body *Education Scotland* being designated as responsible for overseeing public schools.

Education Scotland is a small bureaucracy in comparison with the NSW DoE, with 282 staff (SG 2018) and limited capacity. This is against the background of comparable student numbers: 790,338 in NSW public schools in 2016 against 688,959 in Scottish public schools in 2017. While top-level policy is formulated by *Education Scotland* in consultation with the Scottish Government (SG), lower-level policy and implementation is carried out by the 32 Local Authorities, who are responsible for directly employing teaching staff.

Such an administrative organisation to administration of education policy can be viewed as a *localist approach*. This is in contrast with the NSW organisation that follows what is described as a *centralist approach* (McLean 2005; Hall & McGarrol 2012; Hodgson & Spours 2012; Rogers 2015; Tabner 2018).

The Scottish localist approach is characterised by governance through a network of agencies, principally the SG, Education Scotland and the Local Authorities placed and working within their peak body, the Council of Scottish Local Authorities (COSLA). In the area of dyslexia, an active partnership is maintained with the charitable organisation *Dyslexia Scotland*. One example of this joint initiatives is evidenced in how they make available, to all schools, the *Addressing Dyslexia Toolkit* a resource that's a collaboration between SG, Education Scotland and Dyslexia Scotland (Addressing Dyslexia, 2017).

These three organisations form part of a policy network, and contrast to the NSW DET organisation, where the modality adopted for enacting policy could be described as within 'a silo' (L. J. Graham & Spandagou, 2011). This 'silo' model has been resisted by the Scottish governance policy makers (Cairney, 2016; Christie, 2011; Coutts & Brotchie, 2017).

With multiple centres of policy making, Education Scotland can be best described as part of a heterarchy a form of management structure whereby the elements of an organisation are unranked, but in which there is formal connectedness (S. Ball, 2009; S. J. Ball & Exley, 2010; Grimaldi, 2011; Hogan, 2016; Lewis, 2017; Lubienski, Brewer, & La Londe, 2016; Olmedo, 2017). While the model of administration in NSW, places the DoE at the top level of a hierarchy or ranked system of tiers. Scotland's recourse to network governance in education and other policy areas has been described as the 'Scottish approach' to policy, both by academics (Cairney, 2016, 2017; Cairney & Rummery, 2017; Cairney, Russell, & Denny, 2015; Coutts & Brochie, 2017; Leith, McPhee, & Laxton, 2012) and by the SG itself (Findlay & Sloan, 2014). The historical development of the Scottish approach is outlined fully later in this thesis.

The critical point is this: while NSW and Scotland are broadly similar jurisdictions, with what appear at first sight to be similar policies dealing with dyslexia, enacted with a similar population of students with dyslexia, the mode of that enactment is radically different. This leads to the framing of the research problem.

The striking difference between the two jurisdictions is their approach to policy: *centralist* and *hierarchical* in NSW, *localist* and *heterarchical* in Scotland. From this observation, two overarching questions are raised and will form the basis of the overall research questions for this study will ask;

- Which approach leads to policy being enacted as intended?
- Which approach appears to be of greater benefit to students with dyslexia?

In this context 'benefit' will be understood as most beneficial for inclusive educational practice, using the Dyslexia Friendly Schools framework as the template for such an assessment (Cochrane & Saunders, 2012; Firth, 2010; Reid, 2011; Riddick, 2006, 2009; J Rose, 2009). Use of one of the published versions of the Strengths and Difficulties Questionnaire (R. Goodman, 1997; Robert Goodman, 1997; Goodman, Meltzer, & Bailey, 1998a, 1998b) was contemplated, but rejected due to the difficulty of administration to students with dyslexia and its inflexibility.

Semi-structured interviews were instead conducted as an appropriate alternative and contained selected questions phrased to gauge a student's perception of his/her social and emotional adjustment.

Lines of enquiry for this study explored the research problem using interviews via Zoom and Skype platforms. Published documentary sources were examined to establish the major issues. Qualitative semi-structured interviews were then conducted. First with students, then parents and teachers in order to gauge the frontline effects of

these policy approaches.

Then, interviews were held with policy administrators, to evaluate their views on the benefits and limitations of each policy approach. The documents and transcripts were coded, and data-driven inductive thematic analysis was performed using NVivo, to compare and contrast the data across two axes:

- NSW centralism versus Scottish localism, and
- the expectations of policy administrators versus the experience of the student with dyslexia *in the classroom*.

3.2 Framing the Research Questions

The features of the administrative practices, localism in Scotland and Centralist in NSW the focus of this research, have been outlined, and the overarching questions posed as

- Which approach leads to policy being enacted as intended?
- Which approach appears to be of greater benefit to students with dyslexia?

The focus of these sub-theme questions below will form the basis of the overall research questions, framed in the section that follows, and will be integrated into the eventual additional questions described as well as and taking account of;

Features of localism, compared to centralism

- a) Which approach leads to policy being enacted as intended?
- b) Which approach appears to be of greater benefit to students with dyslexia?
- c) Are a greater number of innovative policies proposed under localism for dyslexia?
- d) How frequently are policies for dyslexia shared between LAs under localism, multiple test sites used, and feedback given?
- e) What role is played by charities and the private sector in providing funding and solutions?

Features of unitary administration under centralism, as opposed to localism:

- f) Is policy for dyslexia implemented at the local level as planned by policymakers at the centre?
- g) Is there evidence of any benefit to students with dyslexia from uniformity

and consistency across the unitary administration?

- h) Is there any evidence of beneficial solutions for dyslexia being innovated in one part of the unitary administration and readily shared?
- i) Does the unitary administration have the advantage of streamlining, rationalisation and lack of reduplication, leading to efficient propagation of policies for dyslexia?
- j) Does a unitary administration entail greater policy certainty amongst the end users, that is students with dyslexia, their teachers and parents?
- k) Is there an advantage to end users in having a unitary administration directly accountable to the Minister for Education?

These research questions collectively influenced the questions that were asked through the eventual standardised questions that appeared on the constructed survey questionnaires.

3.3 Summary

In this section background information on to the two jurisdictions wherein this enquiry formed a part of this study was located has been described.

The structure of each administration has been described, parallels and contrasts have been highlighted. The two models of administration have been described and discussed.

An overview has been given on the allocation of senior managerial directors and allocation of human resources engaged in the resourcing of learning support and policy administration in both Scotland and NSW.

It is established that in Scotland, the administration of the education services operates within a *heterarchical* and *localist* structure, while in NSW the education management is within a *centralist* and *hierarchical* framework. The distinction between the two models as been described.

The principal research questions have been posited.

The overarching research questions have been stated that focus of sub questions, and that informed the construction of the questionnaires employed in this study.

The range of questions were considered far-reaching enough to access broad and rich data for analysis.

PART 4 – METHODOLOGY

4.0 Introduction

In this Part 4 the focus is on the methodologies employed in the study. This qualitative study and the research is the major data-gathering process. In accordance with the phenomenological paradigm, the interaction between interviewer and interviewee is regarded as the meaningful dialogue that can reveal the meaningfulness of an experience, for the interviewee.

This requires the interviewer to have an open attitude, and to suspend held preconceptions and personal biases, and to achieve the degree of openness that phenomenology requires, the process of interpretative phenomenological analysis (IPA) (Jonathan A Smith, 2003) was employed in this study. The systematic qualitative analysis is described in this section.

Bronfenbrenner's 'ecological system' model, its interrelatedness to this study and its relevance to in the methodologies employed in this study is discussed.

The research questions are given, the selection method through which the eventual participants were found is described, and the context given of the eventually examined education administration.

The eventual examination of the jurisdiction in Scotland only is explained, and the position regarding NSW that effected necessary changes to this study is given consideration.

The changes this effected in terms of the research questioning and information sought with regard to the centralist position of administration is declared and considers how this shift of emphasis impacts on the validity, reliability and limitations of this study.

4.1 Methodology: Methodological Orientation - Theoretical Framework

The present study adopts a constructivist research orientation, based on the understanding that knowledge is constructed by social interaction. The history and theory of such an approach is discussed widely in literature (Della Porta & Keating, 2008; N.K. Denzin & Lincoln, 2013; Hruby, 2001; Kratochwil, 2008; Lincoln & Guba, 2000; McPhail, 2016). Examples of such an approach include: Finnemore & Sikkink (Finnemore & Sikkink, 2001), Dobbin et al. (Dobbin et al., 2007), and Dolowitz & Marsh (Dolowitz & Marsh, 2012) (in comparative politics and policy transfer); and Sheehy (Sheehy, 2002), Blackman (Blackman, 2011), and Peters (B. Peters, 2016) (in

education). In this approach there are multiple interpretations of reality, dependent on the particular social interaction in play at a particular time. The interview questions will also be framed with regard to gauging the success of policies, judged against the Dyslexia Friendly Schools framework, and the degree of social and emotional adjustment of student participants. between the researcher and the interview subject. Key features of this research orientation are set out in Table 5.

Table 5: Key features of constructivism, adapted from Denzin and Lincoln (N.K. Denzin & Lincoln, 2013), pages 208-216, 28.

Feature	Description Application	Application to this study
<p>Inquiry aim The goals of research and the reason why inquiry is conducted</p>	<p>To understand and interpret through meaning of phenomena, obtained from the joint construction/ reconstruction of meaning of lived experience.</p>	<p>To understand and interpret the perspectives of a range of interview subjects on the impact of two varying policy approaches to dyslexia.</p>
<p>Ontology The world views and assumptions in which researchers operate</p>	<p>Multiple realities exist and are dependent on the individual.</p>	<p>Individuals interviewed and documents read may be expected to have divergent perceptions.</p>
<p>Epistemology The relationship between what we know and what we see</p>	<p>We construct meaning based on our interactions with our surroundings. Findings are due to the interaction between the researcher and the subject</p>	<p>Both the interview process and data analysis are forms of knowledge creation.</p>
<p>Methodology The process of how we seek out new knowledge. The principles of our inquiry and how inquiry should proceed</p>	<p>Hermeneutic, dialectic: Individual constructions are elicited and refined hermeneutically, and compared and contrasted dialectically, with aim of generating one or a few constructions on which there is substantial consensus. Hermeneutics (interpretation, i.e., recognition and explanation of metaphors) and comparing and contrasting dialectics (resolving disagreements through rational discussion)</p>	<p>The interview process and data creation are shaped by hermeneutics or interpretation, and by dialectics or resolution of rival interpretations by discussion.</p>
<p>Research criteria</p>		

	Trustworthiness, credibility, transferability, confirmability	
Type of narration	Interpretive case studies, ethnography	This is a comparative case study

4.2 Ontology and epistemology

The philosophical perspectives underpinning this study adopts constructivist research orientation, based on the understanding that knowledge is constructed by social interaction (Costantino, 2008) The history and theory of such an approach is discussed by multiple researchers (Della Porta & Keating, 2008; Kratochwil, 2008; Lincoln & Guba, 2000; Risse & Wiener, 2001).

In this approach there are multiple interpretations of reality, dependent on the particular social interaction in play at a particular time. Ontology examines the nature of reality, while epistemology examines how you can examine that examination of reality, how an individual understands knowledge, and how they understand their own thinking mechanisms. The methods and processes derived for participants in this study, and through which to examine the ontology and epistemology of this enquiry, were selected in accordance with tools considered by the author as appropriate. Analysis of the generated data is also described in this chapter.

4.3 Qualitative Traditions

This qualitative study is situated within the research traditions of a phenomenology paradigm of personal knowledge and subjectivity and focuses on the study of the individual's lived experience within their world. Phenomenology can be viewed as a collection of related assumptions, concepts or propositions orientated in the personal perspective and interpretation. As the underpinnings of a research study, where the researcher is working from a phenomenological stance, it is possible to direct investigation and phenomena as experienced, without theories of causal explanation, but rather, as free as possible from pre-conceptions and presuppositions.

4.4 Interpretative Phenomenological Analysis

Within the broad constructivist tradition, interpretative phenomenological analysis (IPA) was selected as the specific approach through which to identify and interpret generated data. It starts from the premise that the participants are experts on their own experiences, and that these experiences will be influenced in turn by a wide range of

factors. IPA views the individual as 'embedded and immersed in a world of objects and relationships, language and culture, projects and concerns' (J. Smith, Flowers, & Larkin, 2009). It is a distinctive approach to conducting qualitative research with characteristic features identified as idiographic, inductive and interrogative, in comparison to content analysis, which seeks to produce a quantitative analysis of discrete categories from qualitative data.

Culture is understood as 'a world of common meanings, habits, practices, ... and skills that are socially prior to the individual and are socially disclosed or encountered' (Brenner, 2008). Even the means of investigation – language – is part of this constructed world (Brenner, 2008).

The aim of the investigator is to engage in the world of the participants in the form of their lived experience (Brenner, 2008; J. Smith et al., 2009). In shaping our understanding of that world, we engage in an interpretative process, making meaning of the data we gather (J. Smith et al., 2009). In doing this, the investigator is to abandon preconceptions as much as possible, and to view the participant's experiences 'preflexively', that is, without prior reflection (Adams & van Manen, 2008) to see the world as the participant sees it.

In order to achieve this direct and unfiltered understanding of the lived experience of the participant, the researcher engages in bracketing (also termed *epoché* or reduction), 'where a researcher suspends or holds in abeyance his or her presuppositions, biases, assumptions, theories, or previous experiences to see and describe the essence of a specific phenomenon' (Adams & van Manen, 2008; Gearing, 2004; Gibbs, 2007).

In this process, the investigator is not entirely without prior assumptions or theoretical perspectives. Rather, (s)he is careful not to let this prior framework distort the data, the raw understanding of the participant's lived experience (Gibbs, 2007). Qualitative research frequently draws criticism of its subjectivity, too often anecdotal and lacks generalizability all of which can be addressed through the application of IPA methods. Entering the research, the researcher is to reflect clearly on his or her preconceptions, and once the data is gathered, it is then employed in advancing the researcher's understanding of the phenomenon being investigated (Brenner, 2008).

Given the emphasis on understanding the perceptions and experiences of a participant, data collection in IPA frequently takes the form of semi-structured, in-depth interviews (Adams & van Manen, 2008; Costantino, 2008; Guest, Namey, & Mitchell, 2013; J. Smith et al., 2009), the strategy adopted by this investigation. In IPA, data analysis typically attempts to identify themes both within and across participants

(Brenner, 2008) and tends to take an inductive approach (J. Smith et al., 2009). As discussed below, the current investigation will employ inductive thematic analysis. This is a method compatible with IPA, that starts with, but should go beyond, a standard thematic analysis.

As a procedure there is 'no single definitive way to do IPA' (Smith and Osborn, 2003 p52) and it is suggested the method can be adapted to the particular needs, or topic, under investigation as a study progresses. It is argued that IPA complies with the description of it being a dual facet approach (J.A Smith, Jarman, & Osborn, 1999) with joint reflections of both the participant and researcher being brought together through the final account of an experience. Analytic procedures appropriate for the data set of this study were adapted to suit specific needs and the procedure.

In structuring the various elements of a participant's lived experience within an IPA framework, a particularly useful approach to be adopted is that pioneered by Urie Bronfenbrenner (Bronfenbrenner, 1979) and there is an inter-connectedness between the Bronfenbrenner (1979) 'ecological systems' model and phenomenological enquiry. Any investigation that highlights constitutional factors of a learning difficulty such as dyslexia should not overlook factors in the developmental environment of the individual

Bronfenbrenner's Bioecological model views individuals lying at the centre of the various factors that influence them: proximal influences such as family and peers, forming a microsystem; intermediate influences such as the local community and mass media, forming an exosystem; and more distal influences such as the attitudes and ideologies of the society where the individual lives, forming a macrosystem (Poole, 2003). For a slightly different schema, see Hudson, (Hudson, 2014).

Significantly for the current investigation, Bronfenbrenner's approach has been employed in examining dyslexia both within psychology and education studies (Bell, McPhillips, & Doveston, 2011; Bonifacci, Montuschi, Lami, & Snowling, 2014; Christie, 2011; Dilnot, Hamilton, Maughan, & Snowling, 2017; L. Dyson, 2010; Hudson, 2014; Poole, 2003; Reid & Guise, 2017; Reid & Wearmouth, 2009; Tanner, 2010a, 2010b).

4.5 Research Questions

The overarching research questions have been stated (See the previous Section 3.1)

- Which approach leads to policy being enacted as intended?
- Which approach appears to be of greater benefit to students with

dyslexia?

The overarching research questions have been stated (See the previous Section 3.1). They aim to examine two administrative systems, in i) two different jurisdictions, to look at the features in each one, and ii) with a regard to the intended enactment and administration of policy.

After investigating the features of the two systems, contrastive research questions then seek to find iii) which approach leads to policy being enacted as intended and iv) is of the greater benefit to the student with dyslexia?

Question 1 What are the identifying features of administration employing a *localist* framework

Question 2 What are the identifying features of a unitary administration under *centralism*?

Question 3 Which approach is the more effective in the delivery or enactment of policy as intended?

Question 4 Which approach appears to be of the greater benefit to students with dyslexia?

In order to answer these four-questions, related sub questions were developed, that focused on specific parts of each research questionnaires. These research questions collectively determined the eventual standardised questions on the constructed interview questionnaires.

Interviews and questions were directed at; *Special Needs Administrators* (Appendix 15 A); *Special Needs Teachers* (Appendix 15 B); *Parents/care givers*, (Appendix 15 C) *and Students* (Appendix 15 D).

Questions and sub-questions

Question 1 What are the identifying features of administration employing a *localist* framework?

- a) Senior administrators interviews; and
- b) School Principals interviewed;

Sub questions;

- a) How is policy enacted at the first level of administration?
- b) How is dyslexia framed in Scotland? How is policy for Dyslexia support enacted in Scotland?
- c) What is the line of command? Who makes the policies?
- d) Who oversees their application to practice?

Policy and administration questions were asked regarding; *Formulation and communication of policy; diagnosing and responding to Dyslexia; training and qualifications of special needs staff; Funding; Communication with parents.* (See Appendix 15A for interview questions).

Question 2 What are the identifying features of a unitary administration under **centralism?**

- a) Administrator interview
- b) Websites and Posting of information available in the Public domain

Sub question: How is policy enacted at this level?

- a) Senior administrator's interview:
- b) School support e.g. How is policy enacted at this level etc.
- c) What is the line of command? Who makes the policies?
- d) Who oversees their application to practice?

Features of centralism have been described elsewhere (See *Part 3.1*). In particular the features identified, place the centralist administration within a 'silo effect' model described elsewhere (See *Part 4.1*)

Data in the public domain was examined for additional information, and this included the final report of the NSW Education Inquiry into the provision of education to students with disability or special educational needs.

Information regarding parent perspective as to the quality and/or availability of support for their child in NSW is also sourced from this (2017) Legislative Council /NSW review.

Only one primary data source for NSW available, but as all other sources come from published information available in a public forum, the sources were considered a valid source.

The information found in the public domain, and from the author's knowledge of the NSW administration, was assimilated to respond to this question.

Question 3 Which approach is the more effective in the delivery or enactment of policy as intended?

- Sub questions:**
- a) How effective is the management of policy in terms of those who implement policy (Special Needs Administrators (See *Appendix 15A*) and delivering it? (*Special Needs Teachers -See Appendix 15B*).
 - b) Where is the most effective *end product* in terms of service delivery for the children and families? (See *Appendix 15C and 15D*).

Question 4 Which approach appears to be of the greater benefit to students with dyslexia?

- Sub questions:**
- a) What training do teachers receive regarding the teaching of dyslexic students? How are funding and resources allocated to the student with dyslexia? (*See Interview questions on Appendix 15B*)
 - b) How well does the student feel supported by the school and the system? What are her/his perceptions of having dyslexia, positive and negative? (*See Appendix 15D*)

4.6 Research Context

By examining education policy in two different countries, this is a comparative case study (Gerring, 2006). The study was analysed inductively, and from empirical data formulated general theoretical propositions. This approach is consistent with research that is centred on the collection and analysis of qualitative data. In presenting two different approaches to education policy in two different jurisdictions, this thesis presents two individual cases. Each case is examined in depth, inquiring into the impact of these divergent approaches on students with dyslexia.

Policy recipients (students, parents and teachers) were interviewed to discover the effects of the policies as implemented. In addition, the policies relevant to dyslexia have been scrutinised, and the regional (or local authority) policy administrators for those policies were interviewed. This implies two axes of comparison, as represented in Table 6.

Table 6. Two axes of comparison.

	Jurisdiction: NSW	Jurisdiction: Scotland
Policy administrators	Regional head (assistant principal) for Learning and Support + published policies	Local Authority head of Additional Support for Learning + published policies
Policy recipients	NSW students with dyslexia, their parents and teachers	Scottish students with dyslexia, their parents and teachers

NSW and Scotland are broadly comparable. The two 'first tier' jurisdictions in this study, Australia and the UK country Scotland, are frequently grouped together in typologies of countries, whether on economic grounds (Hall & Soskice, 2001), welfare regimes (Esping-Andersen, 1990) or common legal traditions and patterns of policy transfer (Therborn, 1993). Examining two jurisdictions with similar parliamentary and

legal traditions establishes a baseline for comparison, allowing differences to be interrogated more easily.

Furthermore, the 'second tier' jurisdictions chosen, NSW and Scotland, are analogous in many respects. The division of competencies is similar, with educational policy formulation largely the responsibility of this second tier of government. The demographics of education are also similar: NSW had 784,135 students in mainstream public schools in 2016; Scotland had 682,305 pupils in such schools in 2017; the numbers in special schools were 6,203 against 6,654 respectively (ABS 2018: category 4221.0; SG 2017). The critical difference between the two jurisdictions is their approach to public education policy, within a hierarchical silo in NSW versus delivery through a governance network or heterarchy in Scotland. This is the difference to be interrogated, along with the efficacy of policy delivery.

4.7 Participant Selection

Research was qualitative in category and used the strengths of the semi-structured interview method and qualitative analysis of data to provide in-depth insights relevant to the research questions. Provisionally it was suggested that 22 participants would be interviewed, as set out in Table 7. However, this was adjusted due to unforeseen circumstances involving a lack of access to participants in New South Wales, as discussed in section 5.3.

Table 7: Participants interviewed

Scotland Participants	Number
Students	4
Parents	4
Teachers	2
Policy Administrators	3
Total	13

The investigation did not have the breadth of scope seen in the survey of every Scottish local authority by Reid et al. (Reid, Deponio, & Petch, 2005) or the interviews with 100 children with dyslexia by Nugent (Nugent, 2008). On the other hand, the chosen data gathering methods and methodology are consistent with similar studies in this field.

The sample size of participants also falls within the range normally employed and met the recommendations of 8-15 interviewees needed for qualitative research for consensual qualitative studies (Hill, Thompson, Williams, Hess, & Ladany, 2005). Studies that are comparable to this study are summarised in Table 8.

Table 8: Studies broadly comparable to the thesis, in terms of methodology, sample size, method of data gathering and method of data analysis; adapted from Pino & Mortari (Pino & Mortari, 2014).

Author(s) and year	Methodology	Sample size	Method of data gathering	Method of data analysis
Palfreman-Kay 2000	grounded theory	8 students with dyslexia	semi-structured interviews	in vivo coding, identification of themes, reflexivity
Hadjikakou & Hartas 2008	qualitative	10 students with disabilities (2 with dyslexia), 4 tutors and 10 Heads	semi-structured interviews and focus groups	thematic analysis
Hanafin, Shevlin, Kenny & Mc Neela 2007	qualitative	16 students (7 with dyslexia)	semi-structured interviews	identification of categories
Riddick, Farmer & Sterling 1997	unspecified	16 students with dyslexia	interviews	unspecified
Ball 2007	mixed methods	20 senior figures in the education services industry	interviews	network analysis
Griffin & Pollak 2009	qualitative	27 students with learning disabilities	semi-structured interviews	thematic analysis using both NVivo 7 and a traditional paper-based approach
Pollak 2005	qualitative	33 students with dyslexia	interviews	coding of transcripts using NUD.IST
Riddell, Tinklin & Wilson 2005	case study	48 students with dyslexia	in-depth interviews	(data collection and analysis procedures not traceable)
Thesis study	qualitative	10 students with dyslexia, 22 adults	semi-structured interviews	thematic analysis using nVivo, together with further examination using interpretative phenomenological analysis (IPA)

4.8 The 'silo' effect

Published studies such as those cited above, and as in this study, gathers

qualitative data from interviews. While the number of interview participants is small here these studies attempt to gain in-depth insights into the perceptions and experiences of their subjects (N. Denzin & Lincoln, 2005). In the case of this study, the aim is to use such in-depth insights to try and gauge the impact of the two different policy styles on students with dyslexia. That impact is caused by factors at various levels or points in the hierarchy.

Some are system-level, institutional factors such as the operation of the NSW DoE within a 'silo', alongside that of the Scottish networked approach. The silo effect refers to a stagnation in the flow of information between departments, or different parts of an organisation or institution. This has a limiting effect in the sharing of information and ideas between different departments.

Others are meso-level factors, such as the effect of policy formulation and implementation within a Scottish local authority; then there are micro-level factors such as policy implementation within a particular school.

While a quantitative study, following a survey or experimental strategy, may be able to examine a small number of such variables, these multiple causal links are too complex for these methods (Yin & Campbell, 1989). On the other hand, well-constructed case studies can, by providing sufficient depth of detail concerning these multiple factors, allow the observer to trace various chains of causality and generate a great number of hypotheses (Denscombe, 2003; Gerring, 2006). Depth of detail also allows greater transferability — if enough information is provided about the cases being studied, judgements can be made about the extent to which findings can be applied more widely to other similar cases (Denscombe, 2010) and relating the data back to the theory can demonstrate theory relevance (Denscombe, 2010). Details of the study population are set out in Table 9.

Table 9: Details of the study population

Participant type	Scotland
Students	4 Secondary Fourth Year students with dyslexia
Parents (singly or pairs)	4 parents of the above students
Teachers	2 Additional Support Needs teachers working with the above students
Policy administrators	1 head of Additional Support for Learning of an LA.
Administration Quality Evaluation	1 Analysis and Improvement officer 1 Children's services assistant

Total	13
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Scotland, UK

Students: In Scottish jurisdiction four Year 10 students, all with a diagnosis of dyslexia; in Scotland Year 10 is termed Secondary Fourth Year (S4). Interviews with the students sought to record the experiences of teenage students with dyslexia. Year 10 (or S4) students were chosen because of their longer experience of living with the condition in an educational context, if compared with younger students. They were also chosen because of their greater expected potential to reflect on their condition and experiences, when compared to more junior peers.

Parents: Interviews were held with a parent, or parents, of each student to try and gain their perspectives on how their child's dyslexia had been diagnosed and accommodated by the school and education authorities.

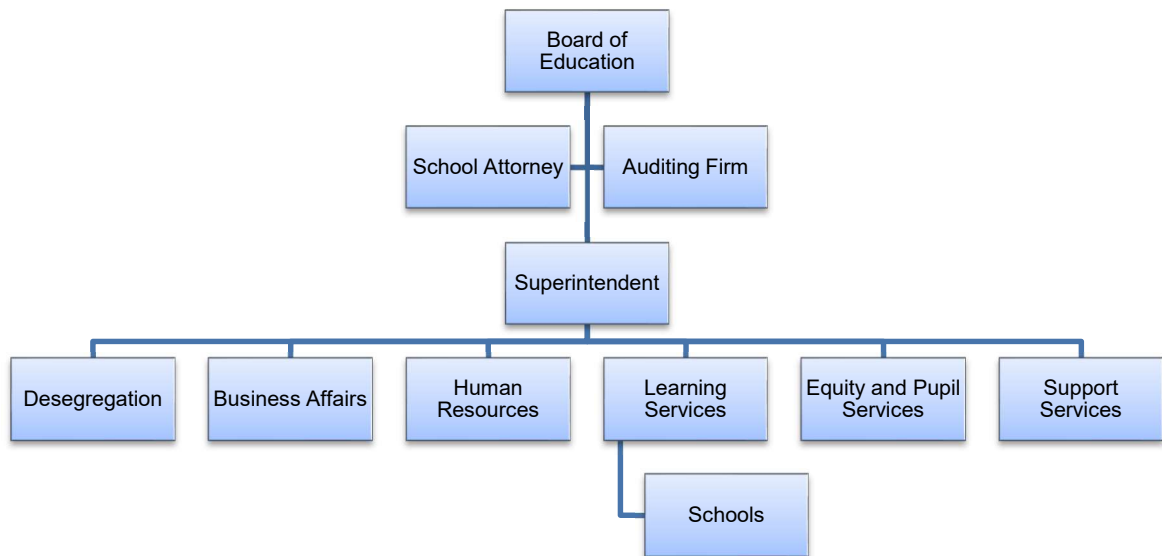
Teachers: Interviews were also carried out with the teachers who were supporting the interviewed students. Initially it was suggested that this be two teachers in each jurisdiction, but this was modified as the study evolved.

Administrators: Interviews were held with senior administrators and resource management

Chain of contact: Initial contact was made in Scotland with dyslexia experts at Moray House, the School of Education, University of Edinburgh, who then directed me to contact local authorities within the Scottish Education system. The local authorities directed me to a principal who then suggested a special needs administrator. This administrator advertised widely within the local authorities and educational groups for volunteers at all levels. Therefore, the teachers, parents and students that volunteered for the study were not specifically targeted or suggested by the local authority in any way. The schools, parents and students chosen were from an area of average socio-economic status, as it was felt this would be most representative of the larger population.

In Scotland the head of Additional Support for Learning for a local authority was a point of contact. Preliminary reading of the policies were matched with the experiences of students, parents and teachers to discover an identifiable implementation gap, originally in either of the jurisdictions. Due to the lack of response and contact from the administrators in NSW, this procedure was only followed in Scotland. The organisational structure of education in Scotland is illustrated in Figure 1

Figure 1: Organisational Structure of Education Scotland

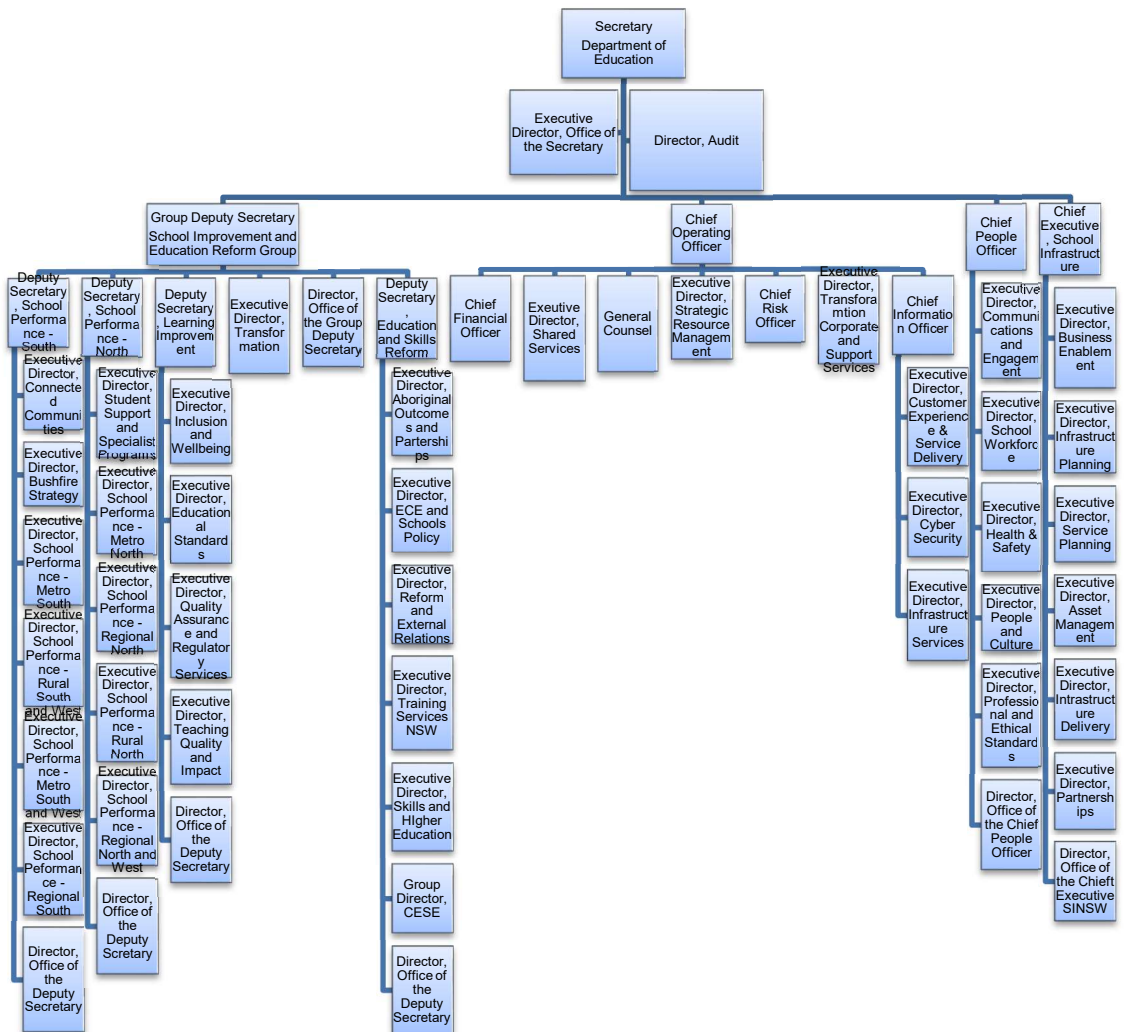


Any such difficulty in policy implementation, along with the experiences and observations of the other interview participants were put to the policy administrators. It was expected that, as I ascended the chain of command in the policy hierarchy, participants would become more aware of the factors impacting policy implementation. This is the level at which questioning enquired into the contrasts between the approaches of each jurisdiction, the Scottish localist approach compared to a centralist silo in NSW.

NSW Australia jurisdiction

In NSW initial contact was made with one of the Regional Executive Directors to seek approval to undertake the study within that geographical directorate was received via the NSW State Education Research Applications Process (SERAP), with approval to approach the principals of schools directly. However, reluctance of schools approached to be a part of this study resulted in the need to amend the planned interviews and alternative sources of information were sought. One interview was carried out with one of the executive directors in the third tier of the organisational structure of the NSW Department of Education. The top tiers of administration are illustrated in Figure 2.

Figure 2: Organisational Structure of NSW Department of Education



4.9 Data Collection Procedures

Empirical data has been collected from published material and interviews. Each data source has its own inherent emphasis and area of coverage, in that the material is 'edited' to suit a particular medium and audience. The use of multiple sources of evidence is a useful tool in accessing the accuracy of information, by a process of cross-checking (Della Porta & Keating, 2008; Denscombe, 2010; N. Denzin & Lincoln, 2005). The use of multiple sources also enhances the robustness and credibility of the study (Yin & Campbell, 1989).

In the study of Scotland UK, evidence was collected through semi-structured interviews carried out via SKYPE. These were recorded, transcribed, and imported into NVivo for processing. Sources were selected to cover the range from policy makers involved in a heterarchical system (see 3.1 for details) through to policy administrators, those responsible for administration, and receivers on the end of the policy chain, the children.

The most accessible material was found in academic papers analysing policy, media reports, speeches by key actors (particularly in Hansard) and government publications. These sources are especially important in establishing the wider context (Esterberg, 2002), including the overall intent of policy. Also, readily accessible are submissions to parliamentary inquiries published online, which publicise some of the failings of policy.

The greatest impact of policy on students with dyslexia was established through the participant interviews that were analysed using inductive thematic analysis, supported through the NVivo search for themes and presented in the following section of this thesis (see Part 5). Interview participants for Scotland were selected according to the key function they held in the administration of policy. The implementers of policy were interviewed, and levels of administration through to the examination of efficacy from policies and policy administrators. These were examined through interview data from the end of line 'user/clients, teachers; parent opinions and the opinions of the individual recipients -the children.

To establish more clearly the intent of policy and any perceived problems in its implementation (as well as solutions for resolving them) a small number of policy administrators operative in Scotland were interviewed.

For reasons discussed elsewhere, the enquiry in NSW involved careful scrutiny of

the published policies *only* that is available in the public domain.

4.10 Interviews

The interview was chosen as a method to obtain as much information as possible. Interviews were semi-structured, and all were carried out by the author. Interviews were conducted using zoom and skype platforms and followed an interview schedule for each of the participants. A structured approach was made in scheduling the interviews, with administrators interviewed first, followed by teachers, parents and finally students. The schedule of interview participants is illustrated in Figure 3 below.

Semi-structured interviews were conducted (Denscombe, 2003; Guest et al., 2013; Rubin & Rubin, 2005). Each interview was to be based on a series of open questions and prompts, that alluded to the topics to be covered. To guarantee ample responses, the topics were emailed in advance. This proviso also assisted the researcher, as an accommodation for his dyslexia. A guide to interviews is given below.

Interviews were held with participants in each of the following;

- a) Senior administrators interviews:
- b) School principals e.g. How is policy enacted at this level etc etc
- c) Parents
- d) teachers
- e) children

Guide to Interviews

Focus of each area under investigation

15 A. Interview Questions: Administrators Special Needs

- Formulation and communication of policy
- Diagnosing and responding to dyslexia
- Training and qualifications of special needs staff
- Funding
- Communication with parents
- Dyslexia Scotland and the Toolkit
- General

15 B. Interview Questions: Special Needs Teachers

- Class structure
- Class activities
- Accommodations for dyslexia
- Homework and assessment
- Communication
- Funding and training support
- Dyslexia Scotland

15 C. Interview Questions: Parents

- Identification
- Personalized support
- School environment
- Support organizations

15 D. Interview Questions: Students

- Dyslexia support
- Accommodations and technology

Questions asked in the interviews can be found in the appendix (*See Appendix 15A to 15 D*).

When conversation abated, or where a topic failed to be covered, the interviewer brought that topic into the conversation. The interviews were all recorded to a digital audio recorder, with an iPhone or iPad as a backup device. The interviews were then transcribed, and a finished copy sent to the respondent.

Figure 3 : Schedule of interview participants



Before the interviews, consent for each interview was sought in writing. The consent form also contained information about the topic to be covered in the interview. Consent was then additionally recorded at the start of each audio interview. Finally,

consent was sought in the form of a debrief, and consent form, after each interview where transcripts were sent to the participant for them to make a fully informed decision about whether to allow use of the individual's data or not.

4.11 Ethical Considerations

Written consent was gained from all interview participants in advance; this included parental consent where appropriate. Transcripts were sent to participants afterwards, allowing them to re-consent to the use of the material, or to renege and have the material deleted. An ethics application was lodged with the Social and Behavioural Ethics Committee, Flinders University. This application was further updated and re-lodged as necessary when the scope for interviewees was widened.

4.12 Data Analysis Procedure

For each interview a contact summary form was prepared (Miles & Huberman 1984: 25; Miles et al. 2014: 147-153). This provided a brief overview of the person interviewed, the main themes addressed, emerging hypotheses and any observations about issues to follow up in further interviews and further contacts. This may be regarded as a form of memo-ing. A memo may be defined as 'a brief conceptual look at some aspect of the accumulating data set: an insight, a puzzle, a category, an emerging explanation, a striking event' (Miles & Huberman, 1984).

The purpose of memos is to capture and focus the ideas, perceptions and decisions that occur to the researcher in response to the material at any stage of its collection and analysis (V. Peters & Wester, 2007). Such memos were used to inform data analysis and supported working practices for the author's dyslexia.

The interview transcripts constituted qualitative research, as discussed by Denzin and Lincoln, an activity in which 'researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them' (Norman K. Denzin & Lincoln, 2008), page 7. In order to interpret these imbedded meanings and understand their significance, Inductive Thematic Analysis was used (Guest et al., 2013). This is a process based on coding, in which the analysis seeks recurrent themes in the data and aggregates them inductively into higher order concepts, working towards theory building.

To facilitate efficient identification and retrieval of data, transcripts were set out assigning each line a line number (Denscombe, 2003), with additional page space allocated for 'jottings' (Miles, Huberman, & Saldana, 2014) or comments relating to the

significance of the data, drawn from the memos discussed above. Codes were assigned to the data. Peters and Wester (V. Peters & Wester, 2007) distinguish three types of coding, as the researcher moves from mere description (descriptive codes), to analysis of underlying concepts (analytic codes), to detection of emergent patterns .

In similar fashion Saldaña (Saldaña, 2009) distinguishes several types of coding, as the analysis proceeds through a first cycle of coding (involving codes closely linked to the data, termed *in vivo*, process and initial coding) and on to a second cycle of coding (in which the codes reflect higher order concepts and are termed focused, axial and theoretical coding). To track the accumulating and changing codes as the work progresses, a codebook was maintained (Gibbs, 2007; Saldaña, 2009).

This provided such details as the name of the code, the date it was last modified, its definition and any evolving ideas concerning its applicability. As material was coded and re-coded, codes were arranged into categories based on their common features. Then, as major categories are compared, concepts (also termed 'themes') will emerge as analysis progresses towards more abstract constructs (Saldaña, 2009). The identification of major concepts within the data allows theory building and the identification of possible answers to the research questions posed at the beginning of this research outline.

As NVivo 12™. was identified as the most appropriate software to allow flexible coding from semi structured interviews (Deterding & Waters, 2018), coding and analysis was carried out using NVivo 12™. software which allowed for semi-automated processes as identified above.

4.13 Validity and Reliability

Trustworthiness, credibility, transferability, confirmability are the important research criteria for qualitative research using a constructivist research orientation (N.K. Denzin & Lincoln, 2018) in contrast with positivist approaches relying on validity and experimental reproducibility. External validity was established in this study by the replication of the standardised questions in each of the tiers of interview questionnaires E.g., Parents /students/teachers (*See Appendix 15 A-15D for each of the questionnaires*). Social validity was addressed through the investigation of the students' views about being dyslexic, special support in schools, peer knowledge about their dyslexia.

While this study lacks the breadth of scope of a quantitative study, it takes a qualitative approach and explores in depth the experiences of students with dyslexia,

their parents/carers and families, educators and those responsible for policy implementation. The expectations of those formulating and implementing policy for them are also surveyed. If enough information is provided about the cases being studied here, judgements can be made about the extent to which findings can be applied more widely to other similar cases (Denscombe, 2010). As such, methods used for this study could partially support transferability in some parts. The limitations that follow, elaborate on the author's subjective influence and factors that should be considered before making claims about guaranteed transferability.

In addition, the use of multiple data types (published material, parliamentary inquiries and interviews), interviewing the range of participants who fulfil different roles (e.g. students with dyslexia, their parents and teachers, policy administrators), and the use of various levels of questioning within respective interviews, collectively are factors that allowed for triangulation of data, so enhancing the trustworthiness, credibility, transferability and confirmability of this study (Della Porta & Keating, 2008; Miles et al., 2014).

4.14 Limitations

On the issue of limitation, major factors that need to be considered are given below and referred to later in Part 6 of this thesis.

First, this study has a small sample of participants, and size can potentially restrict the generalisability of its research findings. This limitation is however offset, to some degree, by the depth of data produced by interviews, and when analysed in a robust way using thematic analysis software NVivo™ to support qualitative methodology.

More specifically, claims are made that the data is robust, because of the use of multiple data types, interviews with interview subjects from a variety of backgrounds. Additionally, the use of interview questions, and analysis, has been checked for integrity or internal coherence.

The second limitation is related to the research author's position. This study has his story running through it and his position is declared at various points throughout. This is an important factor with regards to any attempt to replicate such another enquiry. The author is placed in a subjective position having declared at the outset the many negative aspects of his experiences when growing up, and living with, dyslexia in Australia.

Australia lags behind in the identification and educational treatment of dyslexia. (Armstrong & Squires, 2014) when compared to other English-speaking countries such as USA and the UK. The past five decades in Australia have seen much controversial

debate and argument both for, and against, dyslexia as a specific learning disability, or even as a discrete phenomenon. During this period, as reported in his story in this study, the author has experienced discrimination first-hand, and also experienced negative attitudes in his work as an advocate and lobbyist. (See Part 1 and Part 2 for more details).

The third limitation concerns those who agreed to participate in this study. Letters of introduction and requests to carry out research were sent by the researcher to administrators, directors of education and school principals in both Scotland and NSW. The response from Scotland is best described as ‘convivial’ and accommodating.

The response from NSW was neither of these. As the timespan for this research was an issue, waiting for permissions and agreement from the different directorates and personnel, and their reluctance that seemed evident, was the guiding factor in the author’s decision to look at material that was out in the public domain. This included published NSW policies, publicly declared support, training and recognition of learning disability, so *not* the same range of sources that were followed up in the Scottish jurisdiction. The exception was a sole interview with one regional director in a senior tier of administration, as in the hierarchy tree of the organisational administration structures in the NSW Education department (See *Figure 2*).

Significant time was taken in contacting more than 200 school principals via email and follow up emails and phone calls to these schools resulted in less than ten percent of schools responding, and none of them ultimately indicating a willingness to participate. Striking differences between Scotland and NSW will be discussed elsewhere, but it is noted here the significant differences in the requirement process for this study.

Two typical examples exemplify these differences:

From the principal of a NSW school with more than 800 students:

“Thank you for your email regarding research into students with dyslexia in secondary schools. We aren’t able to assist with your request as we don’t have any students enrolled who have dyslexia.”

From an Education Manager in Scotland:

“I have arranged for [redacted] School to take part in your research. Please contact the head teacher in the first instance and he will give you every assistance in allowing you to arrange and conduct your interviews.”

The above two examples, together with the differing levels of engagement between the two jurisdictions show evidence of gatekeeping and defensiveness within the NSW

education system. This practice of gatekeeping within NSW has been noted in the Disability Royal Commission (Sackville, 2020) and is also reflected in the literature (Poed, Cologon, & Jackson, 2020). The findings of the 2016 NSW Auditor-General's report on supporting students with a disability in schools also concluded that barriers to inclusion and support for students often stems from attitudes to disability within the department. (Crawford, 2016)

The absence of interviews conducted in NSW then, has resulted predominantly in the presentation of emergent themes from data from Scotland to support descriptions of *localist* administration of policy. The negative responses to the researcher regarding proposed interviewing of personnel, with the exception of data that stems from a single interview with a NSW policy officer employed within the NSW hierarchy, and the ultimate selection of public domain data, support descriptions of a *centralist* administration.

In Part three of this study, the background to the setting of each jurisdiction has been described. Comment has been made elsewhere about the positive response to my requests from all of those approached regarding my research of the Education Scotland bureaucracy. This is given greater focus in the discussion following in Part 6.

4.15 Summary of Part 4

In this part four of the thesis, methodologies have been described along with the processes, and procedures employed to generate data for this study. The phenomenological paradigm, that underpins the framework of this study has been described, and the process of interpretative phenomenological analysis (IPA). With IPA the researcher seeks to understand people and the world they live in, within the boundaries of their social or cultural context, and as such, it is deemed and defended here as an appropriate method for examining the stated research questions.

This study has been placed within the traditions of constructivism that has been described in this section of the thesis. Constructivism also supports the reasoning behind adopting IPA as a complementary approach through which to interpret and to understand lived perceptions and experience.

The researcher's bias and preconceptions are 'bracketed', or suspended, throughout the study, and this allowed for the inter-relatedness of the author's past experiences, opinions, views and perceptions to be held in abeyance, yet also allowing for this facet to be brought into play and woven through the study as it has evolved. Bracketing is not considered a component of IPA. However, the author has chosen to

use it as an aid to become more aware of his assumptions, preconceptions, and experiences related to the phenomena under investigation, and how these considerations may be influencing researcher thinking.

The overarching research questions and subsidiary questions have been stated here, and this study contextualised in terms of the enactment of policy has been declared here. Through described methodologies the cultural perceptions of, and response to, the learning disability dyslexia in the two jurisdictions Scotland, UK and NSW Australia.

The selection of participants and their roles within their respective jurisdiction has been described, and this study has been placed against other qualitative studies that have been alluded to.

The 'silo' effect has been described and the features aligned to the centralist style of administration attributed to the DET in NSW. This has been contrasted with the localist network of administration attributed to Scotland. Key figures in the study population have been described and the organisational structures of Education Scotland, and NSW have been outlined.

Data collection procedures have been described, interview guide and areas of focus covered by each interviewee outlined. Ethical considerations and permissions have been detailed and the processes involved in the logging and analysis of data described.

Validity and reliability issues have been declared, and the limitation of this study given consideration. It is presumed however, that further limitations may become apparent through the evaluation and discussions of data, and in the final analysis of this study. In such an event, those will be declared in the final analysis of the study.

Part five follows, presenting next the emergent themes arrived at through inductive thematic analysis of interview responses. Analysis of the primary themes and cross-cutting sub-themes are offered, and the research questions examined against the evidence the data has generated.

PART 5 – ANALYSIS

5.0 Introduction

In this part of the thesis, I present cross cutting themes that emerged from the qualitative data generated are examined. These themes are the result of thematic analysis of data generated through interviews and transcriptions and using NVivo 12™. Using this software provided an objective analysis of emergent themes.

The three primary themes that emerged included:

- a) Engagement with the study
- b) Parental involvement
- c) Support, Assistive Technology (AT) and Accommodations given to students.

Within each of the primary themes, sub-themes also emerged. The subthemes are presented below.

To close this Part Five, I then argue that, through the development of policy, enacting legislation and improving community engagement with dyslexia as a specific learning disability, it can be normalised and embraced by the members of that community.

It is theorised here also, that the role of positive proactive policy makers and administration is crucial if inclusivity and normalisation of disability is to be achieved.

5.1 Thematic Analysis of Data

A frequency analysis of common themes emerging from all interviews was performed. With this, an auto-coding function was used to identify common wording and associated themes, and group these based on similarity.

The data generated through the research questions is examined here, and in Part Six that follows, the research questions are addressed and supplement the thematic analysis of generated data presented here. A frequency analysis of common themes emerging from all interviews was performed, again, using supporting software. The auto-coding function was used to identify common wording and associated themes, and group these based on similarity. Using NVivo 12™. software provided objective insights, connections and conduct an analysis of emergent themes

The results are presented here and juxtaposed with supporting data from interviews. This examined data will also form the basis of my discussion through the

phenomenological paradigm, in both this Part Five, and following Part Six. Here begins the construction of meaning for me, and the participants, to understand our respective lived experience, and that has a particular relevance to the research questions framed for this study.

Secondary themes that emerged within each of the three primary themes are:

5.3 Primary theme (a) Engagement with the study

5.3 (i) the localist response

5.3 (ii) the centralist response

5.3 (iii) Which culture embraces dyslexia?

Primary theme (b) Parental involvement

5.4.(i) Parent advocacy –parents experience supporting a child with dyslexia

5.4.(ii) Support for dyslexia in school -as a dyslexic student

5.4. (iii) home-school relationships

Primary theme (c) Support and accommodation given to students

5.5 (i) Assessment and identification

5.5.(ii) Teacher experience/ training/ professional development

5.6 (iii) Application of technology

5.2 Themes Identified

To recap, the interview process, described in Part 4 utilised skype for the participant interviews. Each one took place on a date and time nominated by each participant and were carried out by the author with the assistance of his academic supporter and facilitator provided by Flinders University disability support service.

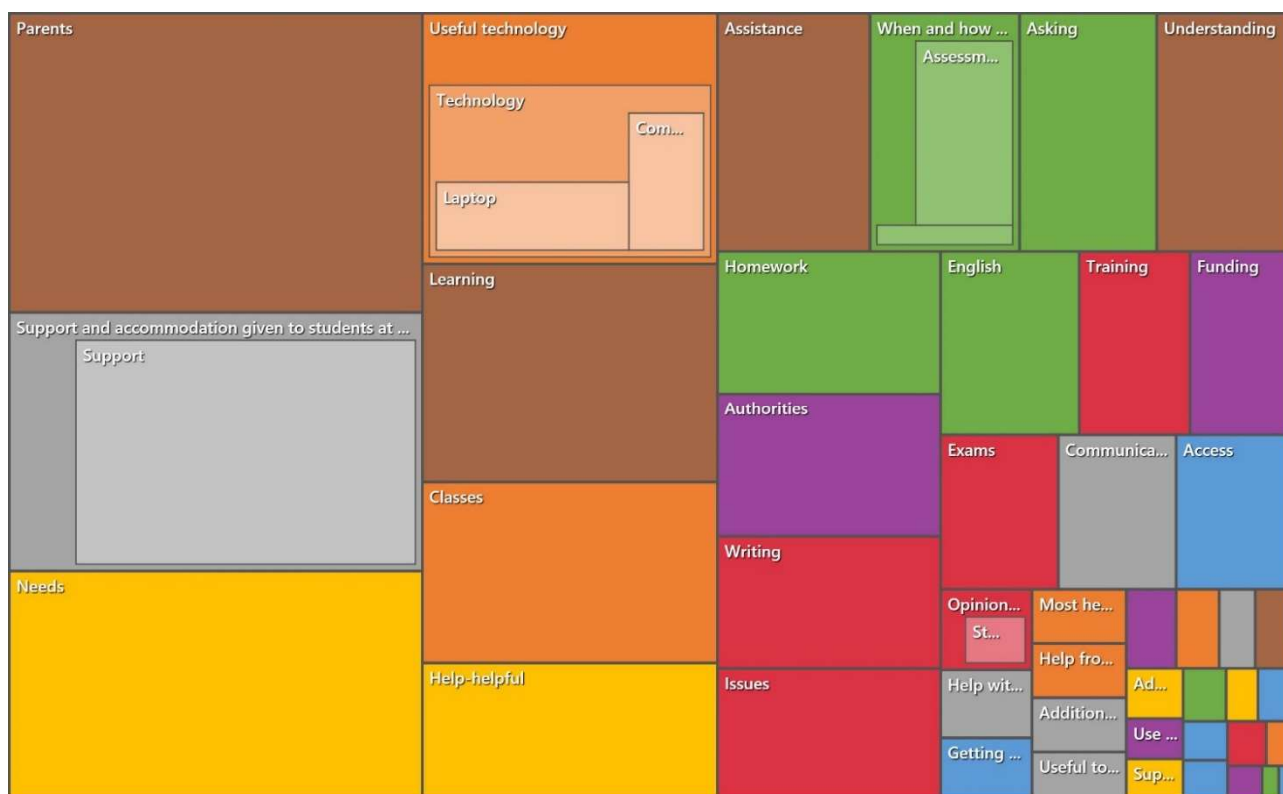
Following collation on transcribed interview data, inductive thematic analysis was supported with NVivo 12™. This was used to perform first level analysis and through which the described primary and secondary themes given above, emerged.

The primary identified themes are examined in the following section and supporting sub-themes presented and discussed. This qualitative research approach

constructs findings and the use of words rather than numbers (Hill et al.,2005) that a quantitative methodology would have offered.

The overall emergent categories are given in coded references for emerging themes, which guides the further analyses of these primary themes, that are illustrated in the Hierarchy Tree in Figure 4 below. The relative proportion of coding references for each theme are represented by the size of each theme, and sub-themes are grouped within each identified theme. Colours used in the figure are used to distinguish between themes. Themes identified with the same colour indicate a close relationship between themes.

Figure 4: Emerging themes visualised by relative proportion of coding references



5.3 Theme 1- Engagement with the Study

There was a marked difference in the levels of engagement with this study, between the Scottish response and the NSW education departments. In Scotland, without exception, every participant contacted, or referred on to the author by another participant, resulted in an interview.

The Scottish authorities were receptive, allowing for all planned interviews to take place, and offering introductions to other potential respondents that could contribute to the overall understanding of how education in the Scottish system was supported by the administrative model.

In contrast, the negative response to contact between myself and NSW personnel

is discussed further in *Subtheme 1 (ii) the Centralist approach*.

The volume and sentiment of responses and correspondence is illustrated in Figure 5 and shows the results from a coding by sentiment analysis of the body text of response emails received. The relative proportion of responses received is represented by the size of the responses within the figure.

Note that this does not include the lack of response from many schools that I received.

Figure 5 also identifies the larger volume of responses from Scotland, and a marked difference in the sentiment of these emails, with a larger portion of the Scottish emails showing a positive sentiment, when compared to NSW.

Figure 5: Coding by volume and sentiment of email responses from Scotland and NSW



5.3.1 Primary Theme 1 (a) - *the localist response*

Interviews held with parents and students showed that interviewees both engaged with the author, and shared their own particular story with candour and directness, whether talking about their child's journey, or in the case of the parent's own dyslexia. There were no reported difficulties with disclosing that they were dyslexic within their

community, either as a child or as adults.

The heterarchy system of managing human resources, the administrative roles and tiers are given in Figure 1. Deployment of staff, and allocation of resources in the localist enactment of policy, involved information being passed through some of the following, but not in a linear process. Access to one tier is not dependent on the individual or individual's family having been processed in the full range of those within the Board of Education in Scotland.

For the purposes of this research, from the administration leadership level within the Scottish system I interviewed a Senior administrator, a High School Deputy Head/Principal and an advanced support -Special needs teacher. My academic assistant joined these interviews and her support helped me to throughout the process.

Comment has been made elsewhere about the different structures of administration systems under question in this research (See Part 4) and features of the localist structures have been described, but the one major difference between the Scottish administration and that of NSW is the striking difference in levels or tiers of senior administrators.

Employee numbers in the latter system (NSW) are numerous when compared to the framework operating in Scotland, but it should be noted that In Scotland, teachers are employed by Schools not Education Scotland (See *Figure 1 and Figure 2 for a visual overview of each system*).

The participants interviewed, parents and their children explained that they were seen by representatives of the Learning Services, Equity and Pupils services, and any support teaching was operated through the Support Services. Indirectly, funding would have been directed to the schools, through the Board of Education, to the schools attended by the students during their education so far. One member of the Authority Presentation Team described how her leadership, and school/pupil involvement work sat under the umbrella of *Education Scotland*. It was explained that;

Education Scotland is a Scottish Government sort of learning body. So, they have their own website, and they employ specific people. They usually second teachers from the profession to come and work for them, and they look specifically ... not just at dyslexia, but a multitude of different areas, but there's specific people who work with dyslexia and bring their skills across and put them into practice. And then the communication is to pass that good practice on to the Education Scotland website, for people to then to take on this good practice.

Another of her roles was to look at schools to decide whether or not set

benchmarks towards improvement are being met or not, 'in the process of taking us forward in terms of a school's improvement'.

Describing other initiatives to disseminate information, and improve communication between home and school includes...

... we have a teacher improvement group, we have a parent improvement group, we have a pupil improvement group, we have done training of staff, taking different forms, so that's like twilight after-school events. We've also tried to have different department champions, so each subject department has a ... not an expert as such, but just a point of contact,

Looking at what translates into action in terms of the classroom, a classroom subject teacher (English language) explained how she utilised her class teaching assistant (TAs) within her high school.

We tend not to timetable our school assistants for dyslexic learners as such, because it is the class teacher's responsibility to support with their practice (...) there are children with more, with more learning difficulties type thing, as opposed to dyslexia specifically.

How the support was delivered for the dyslexic student's (K) described;

My English teacher, she'll go through everything we've been learning through the period (lesson), and then she'll put... upload all of what she's done on a PowerPoint onto Tunes. So, then I can look back and I don't have to take notes from the board, so then I can actually listen to what's being said in class, and not think about whether my writing's quick enough.

Further endorsement by a student, described further helpful teaching strategies in lessons.

My English teacher makes up a PowerPoint, and she goes through each part of what we're learning on a different slide. And that makes it easy, when it's up on the board, and she does it in different colours and stuff like that.

The agenda of one authority in Scotland was to become 'dyslexia friendly'. The dyslexia Friendly school framework described elsewhere (See Part 3.1) and the transition to this system of managing dyslexia better in school, was reported to have been on-going authority-wise, but the 'recent journey' in the school that the participating students' and one teacher were a part of.

Our recent journey, because it's been on the agenda of the Authority for

probably about ten years, and ... actually it's probably been recognised nationally for that in the sense that we've had an authority-wide approach to it. But as a school we've probably been really focusing on it in the last two. And since 2017, it's been part of our improvement plan.

Looking at how the leadership disseminated information to teachers, and particularly in terms of training, are discussed further in Theme 3 Primary theme (c).

The support systems in the localist approach and identified in Scotland's network approach to enacting policy described earlier (see Part 3.1) became apparent through the interviews. These will be discussed further when addressing the research questions in the section of this thesis that follows (Part Six).

5.3.2 Primary Theme 1 (b) - *the centralist response*

The absence of interviews conducted in NSW, and the response of the administration to approve, or deny approval, for anyone to be approached for interviews for this study, not only provided another example of the lack of engagement from NSW, but also alternatives had to be sought. To accommodate an alternative approach, the described research methods (see Part 4) had to be adapted.

Further signs of a lack of engagement with the study are reflected in the response rate from contact with NSW school principals. Over 200 schools were contacted via email, with follow up emails and phone calls in some instances. The majority of schools provided no response, and of those that responded, none indicated a willingness to participate.

The study request was broadened to include students from years 7-12, and to include students with all learning difficulties. This did not change the responses received from the NSW education system, and as a result, it was decided to formally end any engagement with the NSW State Education Research Applications Process (SERAP) in January 2020.

No student, teacher or parent interviews were able to be conducted in NSW, and only one policy/administrator-based interview was conducted. The top tiers of the hierarchical model the system of human resources, administrative roles and tiers have been alluded to and are visually represented in Figure 2.

This single interview with a member of the higher echelons within that framework, was the exception to the lack of response, and this data has been included in this thematic analysis.

In addition, documents in the public domain provided further data and a viable alternative through which to look at how administration of services to support the student with dyslexia, under a centralist model of enactment of policy, operates.

The primary documents that supported this analysis were a) the published evidence from *Review 37 Portfolio Committee: Education of students with disability or special needs in New South Wales* (2017) and b) *The NSW Department of Education Annual Report* (2019). From these sources, and the single interview with a NSW policy officer, evidence was sought to examine the efficacy of centralist regulation in the distribution of, or access to, resources to identify, and support, the student with dyslexia, and as managed through the policy enactment network in this jurisdiction.

Research that has examined inclusive education from the political economy have tended to examine the way that additional resources are allocated (R Slee, 2010), with fiscal arrangements across local education administration (A. Dyson, Millward, & Crowther, 2002) or funding models in other countries (Slee, 2010). Administrators as gatekeepers who hold the funds and determine the access to them, are reportedly the target of dissatisfaction by several parties, but not least the parents/carers of child(ren) with learning difficulties such as dyslexia.

From the submissions to the 2017 enquiry evidence cited long waits in accessing identification of dyslexia or even accessing information;

... my son was in Year 1, and unfortunately passing legislation and the reforms that are necessary take a long time to make it through to the classroom level. As recently as last year I had teachers tell me, "No, I don't believe in dyslexia." I think that we are beyond the debate of "Does it exist? What is it?" – Evidence, 8 June 2017, p 11 (Amato 2017)

"The Department of Education provides no assistance or support to parents of students with dyslexia. Because they are not being assisted, parents are seeking information from advocates such as myself. Parents must do their own research and make recommendations for their children" (Bond 2017)

Another submission suggests that the 'invisibility' of dyslexia masks the condition, and strategies to hide it can underlie this lack of recognition by educators, but with dire consequences for the individual;

Because it is an invisible disability, when you look at a child with dyslexia it is not obvious that they have a disability. They are often bright and have a very good vocabulary. They are often experts in finding ways to divert the attention away from what they cannot do, and they can easily fall through the cracks. Falling through the cracks brings with it a whole range of

problems—for example, self-esteem and mental health issues. A comment I will never forget was made to me by a GP who had just assessed a 17-year-old boy who had dropped out of school. He had dyslexia, anxiety and depression. The GP's comment to me was: 'Imagine being thrown on the scrap heap of life at just 17'. They are strong words, but this is reality.” – Evidence, Ms H, 8 June 2017, p 11 (Amato 2017)

The examples shown above indicate that the evidence given at the 2017 review reflect a lack of policy implementation at the school level. Teachers report a lack of training and funding to adequately support students with disability, parents report a lack of awareness and support at the school.

Administration within the centralist model could see administration officers as ‘gatekeepers’ to support and resources. But here, they are found to be wanting because ‘although the gatekeepers on the reserve fund demonstrate unassailable tenacity, the general effect was a growth of both community and school-based dissatisfaction’ (Slee, 2010 p 15).

Examples from the Scottish interviews offer contrast here;

So, he got some additional support with phonics on a one to one daily basis after diagnosis, for a couple of years, just doing the phonics and linking up, so that took about 18 months to do. He got some support from an additional support needs teacher, it wasn't very personalised to him but...

There was some 1:1 support in the form of a classroom assistant. An additional support needs teacher who would support [student] at times when she was falling behind with her literacy work, ... things ramped up a wee bit in secondary school, several conversations between myself, my wife and the teachers there. Specifically, the support for learning department have been very supportive in the last 2 to 3 years.

I posit here that key features of uniformity and consistency as expected features that are present in a centralist model. This was supported in transcription data from the sole interview with a NSW tier leader.

Yes, I strongly support uniformity across the system, because we are a system, and the strength of our system is the professional learning that is provided, but also the resourcing that is provided. and particularly in the last five years there's a significant increase in resourcing for schools

On the question of resources in NSW however, data from the Portfolio Committee review (2017) in the findings and recommendations stated in Finding 1...

...That, while there are many striking instances of excellence, the inclusive approach to education provision promoted in legislation and policy is not the reality experienced by many students with disabilities and special needs in New South Wales schools (p41)

While not referring specifically to dyslexia, or to students with special needs due to dyslexia, allocation of funds to address low levels of literacy have, according to the source interviewed, have been invested by the NSW government;

In the last five years there's a significant increase in resourcing for schools around literacy and numeracy with the Early Action for Success program, um, the implementation of funding to provide instructional leaders in schools, and the purpose of those instructional leaders is to work with staff to enhance their capacity to implement strong, research-based effective reading and literacy- and-numeracy programs, particularly in literacy. (Transcript -NSW 26.08.2019)

The policies and philosophies of inclusion discussed elsewhere (see Part 2) have been inherent and enshrined through international and national commitments Australia wide, since becoming signatories to the United Nations Convention on the Rights of Persons with a Disability-Article 24 (UN, 2008); and under the Disability Discrimination Act 1992.

Under UNCRC commitment, all of Australia's states and territories, are obliged to submit regular reports to the committee on how the rights are being implemented, and the review of Disability in NSW found that support was evident for...

...the cultural, legislative and policy shift from segregating students with disabilities and special needs to including them in mainstream schooling in all systems where reasonably practical. (Finding 2, p 41)

The response to this finding suggests the practice of inclusion was not as widespread as it could have been as the first recommendation by the committee that...

The NSW Government formalise a presumption applicable to all NSW schools that a child is to be educated in an inclusive mainstream setting, unless there are compelling individual reasons for other arrangements.

As such there is an implication that maybe inclusive practices were not always the case? However, the interviewee was adamant that NSW was...

... an inclusive system, so the aim is to ensure the young person has the opportunity to have high quality instruction, particularly around areas of need, and in each school, there is a Learning and Support Team, which will

identify the individual needs of each young person. And we will then put in place programs in relation to those needs (...) we are just in the process of identifying that every school will have a literacy goal in place, for 2020 and ongoing, ah.. ah... a period of ... teaching ... and a school planning process,

and in response to me asking 'will this include people with disabilities, like Dyslexia?' The respondent added that

We're an inclusive system, so the aim is to ensure the young person has the opportunity to have high quality instruction, particularly around areas of need, and in each school, there is a Learning and Support Team, which will identify the individual needs of each young person. And we will then put in place programs in relation to those needs.

Returning to the idea of centralist formulation of policy, the interviewee referred to 'consistency', adding that it ensures a 'common approach' that is consistent across the schools' and used the term of '*the MacDonaldisation of education*' to demonstrate the point, that no matter what public school you go to across NSW...

'...there should be the same high - quality teaching and learning programs, that you can expect, and that every parent can have that expectation. So, a centralised system needs to ensure that that's the case. That's what we work towards. But realistically we know that some schools are better than other schools for all sorts of reasons ...but, the opportunity that the (centralised) system has, is to provide resources ... and I think this has been a real strength in the last five years'.

Referring back to the implication mentioned above, the comments made here by the interviewee also imply that realistically, consistency across all schools isn't a fact, but rather an aspiration.

Distribution of command across the administration was described by the respondent who described his role as 'to work through' the administration adding

I have twenty-one directors. Each of those twenty-one directors has responsibility for about twenty principals, and their role is to hold principals accountable for the use of their funds to meet the needs of the young people in their care in their schools.

So, it is to ensure that there is high quality instruction, there is strong professional learning, and there's a recognition that the job of the principal is to ensure that the needs, of every young person is met. So, I think that's

a strength of the system now, and with the latest realignment, is that the increased number of directors means that we can have a much greater visibility over what is happening in schools ... public schools.

From such a framework emphasis would appear to emphasise the quality of education and instruction, strong professional learning support for teachers, perhaps through continued professional development, and equity in the allocation of funds to schools within their jurisdiction? Drawing on evidence from the 2017 NSW Enquiry into the Education of students with a disability or special needs in New South Wales (Amato 2017) submissions and evidence given in the enquiry threw up anomalies to refute this. Evidence to support this can be found in submissions from parents, presented in the pages that follow (Theme 5.4 below).

5.3.3 Which culture embraces dyslexia?

The rhetoric of both the centralist and the localist administrations with reference specifically to disability and more specifically to dyslexia support, makes clear that a commitment to improvement exists. However, contradictions are also evident.

Top heavy leadership, as in the centralist framework in NSW, does not appear to have reached the end 'user' E.g., the students, or in tangible improved services. But again, caution is given that the evidence is taken from documents in the public domain and cited elsewhere (2017 Report 37, 2017 and 2019 NSW Annual Report).

The committee heard of the compounding effect on a student's capacity to achieve academically when early intervention was not offered or failed (Report 37, p124:4.96)

(name) parent of a child with dyslexia, asserted that teachers are ill equipped through no fault of their own, particularly with regard to the students with specific learning difficulties. (Report 37, p151, 5.16)

The localist framework sees ideas trickle down to the end-users, the teachers, and schools, and this translates to the development of appropriate strategies and supports for the dyslexic student in the classroom. These are explored in the following sections.

The emergent themes discussed below present further evidence of devolved support and recognition of dyslexia in each of the two jurisdictions

5.4 Theme 2- Parental Involvement

Parental involvement emerged as a consistent theme throughout all interviews.

Students indicated that a lot of their support and accommodations came as a result of parental advocacy, and, that parents were a key conduit between the student and teachers/administrators in accessing accommodations. In terms of inclusiveness, the issues it raised in the NSW Review (Report 37, 2017) received a good deal of attention and will be referenced here.

Referring back to the evidence from the lone responder in the last section, and a significant gap is demonstrated between policy and practice. One family advocate reported that

... despite a policy and legislative framework in New South Wales that is meant to facilitate the inclusion of students with disability, in reality there remains a significant gap between this rhetoric and the realities of the young people that we have worked with. (Review Report 37 p 19)

The review also found that for many students with disability were educated in segregated settings and Family Advocacy stated that ‘until there is only one system of education for all students, continued discrimination is bound to occur’ (Submission 154). Talking as an Advocate for students with Special Learning Difficulties, this suggested the lack of understanding and action at the leadership level is required for change to happen (Ref: 2.129 Review Report). The need for greater transparency in the Department of Education was called for by a parent, and there was no clear process in any aspect of the department for parents to follow.

Parents and disability advocates recounted their difficulties in getting schools to agree to educational plans, even for students with a formal diagnosis and disability services. Advocates also expressed their unease over the lack of meaningful consultation with parents, during the development of Individual Education Plans (IEPs) for their child. Looking through this published review, parents have many concerns that were disclosed in this public arena.

Concerns and advocacy across both jurisdictions will continue in the examination of the data that support the following sub-theme.

5.4.1 Primary Theme 2 (a) - Parent advocacy-parents experience supporting a child with dyslexia

In both Scotland and NSW parents demonstrated a high level of advocacy for their children, detailing in Scotland, multiple instances of communication with the schools, individual teachers and authorities to ensure their children’s needs are identified and met. Data from interview transcripts from respondents in Scotland are included here.

Again, evidence presented here for NSW is taken from the Review Report (Amato, 2017) for the NSW information.

Teachers and administrators interviewed, support the author's view that the strength of parent's involvement, attitude and continuous advocacy support will impact greatly on the level of support and recognition that their child (children) will receive in school to address learning difficulties. The understanding of this, and this opinion, has been formed over years of personal advocacy work that the author of this thesis has been involved with.

Under the Scottish system, getting recognition and an eventual diagnosis of dyslexia was, in general, a response to Mothers' concerns and that 'gut feeling' that many mothers' report, believing something wasn't 'quite right'. Linking parent support to the interview data, the focus on advocating for their child appeared often to be a lengthy one:

D had a very long road, over many years before we actually got a diagnosis of dyslexia.

From my point of view, on reflection he was probably identified as dyslexic at nursery school, before he even went to primary school

We have always attended her parent nights but now we usually try and get hold of [redacted] who is the support worker, to just find out a bit more about what's going on

He couldn't say (...) all these words he should know, and we discussed it with the teachers at the start of his third year and suggested, do you think he might be dyslexic. To which they just shrugged, and said 'could be, might not be'

On the topic of getting a diagnosis for their child, the process appeared to have started for the participating students around age 8 or 9 years of age although earlier signs back in Primary Year 1 (age 5 years) or even before had been noticed.

We suggested that we would quite like for him to be assessed formally using the screening available. Which took about six months to do

Back in Primary 1 she struggled very much with the alphabet. She had more problems

Primary 1, she was five. They said, she's too young. Finally in Primary 3 (age 9 years). they sent her up [to Glasgow] to get, well not actually, never formally been diagnosed, but go up to this big sort of test, and to have

assessments, where they said, yes, it's highly likely she's dyslexic.

One parent also explained;

We have had issues within our own local authority with our local charity, that is parent-led, but also embattled. It wasn't a case of really wanting to work together. It was a case of really trying to hold the authority to account. There have been cases where it's gone to court, a tribunal.

In Scotland procedures for the First Tier Tribunal for Scotland Health and Education Chamber Rules of Procedures (2018) is open for parents and young people to apply for educational support. Children age between 12 and 15 years of age can submit a reference on their own behalf, if they believe their additional needs are not being supported or addressed. This is legislated for (The First-tier Tribunal for Scotland Health and Education Chamber (Procedure) Regulations 2017)

Relief was expressed by one parent and clearly, the diagnosis set things in perspective:

...having been officially red rubber stamped as dyslexic was an absolute triumph for us. We were delighted. because that then gave us the kind of framework to hang around everything else that we needed to do to support [student] moving forward.

The heritability of dyslexia has been alluded to elsewhere (See *Part 2.1*) and the incidence of dyslexia in the parents of students interviewed, provided an example of this genetic connection. One student disclosed that

My Mum is also dyslexic, so she is expectedly (sic) supportive, in that sense

Talking about her own dyslexia, when parent *R* was interviewed, she disclosed that

At forty-two, I was trying to do my Masters, and I was struggling to keep up with the workload, for me to get good grades (..) well they tested me although I had a good idea that I was dyslexic, but I didn't know I had Meares-Irlen's syndrome too.

To clarify, and without deviating too far here, Meares-Irlen Syndrome is described as a visual perceptual condition responsible for reading problems. It should be commented on here that the condition is not recognised in the medical field and is described through several names e.g., Meares-Irlen syndrome, Scotopic Sensitivity Syndrome, and Irlen syndrome (Hyatt, 2010).

When speaking about her daughter's identification of dyslexia, the subject of the Irlen syndrome arose again when Parent *R* explained,

She's got special glasses for the Meares-Irlen's aspect of it (dyslexia). She was seen for her visual stress, and she's got blue glasses. They've also provided her with [blue] overlays in the past, to try and help with her reading.

Although not an endorsed or recommended remedy, or support for dyslexic difficulties, Irlen lenses, and coloured overlays to support reading, are frequently given recognition when screening for dyslexia.

Returning to the subject of advocacy, linking parent support to the interview data, advocacy appeared to be ongoing throughout the child's progression through its education, and parents up-skilling themselves in order to be able to support their child more efficiently.

Although she's now supported very well, it's taken a bit of a battle from myself and my wife. I used the Scottish Dyslexia Toolkit, I recently completed that myself

The Dyslexia Toolkit (Dyslexia Scotland, 2017) is an on-line resource funded by the national charity *Dyslexia Scotland* and the *Scottish Government Education Scotland*, a national body for supporting quality and improvement in learning and teaching. The charity Dyslexia Scotland is a national charity dedicated to enabling people with dyslexia in Scotland. The *Toolkit* had been produced by a specialist working group, and the first version was the '*Assessing Dyslexia Toolkit*' launched in 2010, and then re-named in 2012 when launched at the Scottish Learning Festival and in 2017 the *Toolkit* was redeveloped to make easier the experience of using it. It aims to improve outcomes for learners with dyslexia, fosters development of inclusive practices, and is accessible to parents and teachers alike.

It's widely available and covers support and strategies for pre-school children, school-age children and young people in a professional educational setting. It offers support to parents as well as teachers. As B's Mum explained:

I found the Dyslexia Scotland website is very useful, and I've pointed a lot of people towards that, myself at my work, and I would say, just because I'm a dyslexic, it doesn't mean I'm an expert on dyslexia

Dyslexia Scotland was very good. I didn't actually speak to anybody, but I have used the website an awful lot.

One teacher interviewee also endorsed the organisation as a source of information for colleagues adding

So next week in Scotland it's Dyslexia Awareness Week, so that gives

me an opportunity (...) the Scottish online modules for teachers, three modules that were produced by Open University and Dyslexia Scotland in collaboration with Education Scotland. My thing would be to use that week for signing up to do that training,

Out of 75 teachers, 73 have completed it, which is pretty excellent actually. Dyslexia Scotland... would be ...yes, that's the place I would be sending people as the first port of call for information about dyslexia.

A spin-off from the advocacy demonstrated by parents is the level of self-advocacy some of the young people also demonstrated and evidenced in parent comments about these adolescent respondents.

She is one of the most independent young women, I have ever come across.

Like a lot of dyslexic people, she has found general coping strategies

She doesn't really need much help from us. She used to ask me questions from time to time.

They have a little study group for homework with her friends, but I suspect quite a lot of the time she's the one helping them, more than them helping her.

None of the young people interviewed showed any reluctance to talk about being dyslexic, were open talking to the author about it, and even when in the company of either a parent or a teacher. Counter to this though, one Mother with dyslexia spoke about her own experience explaining that:

When I was younger, I didn't actually want to be diagnosed because I knew I wouldn't be allowed to be a nurse if I was diagnosed, and I wanted to be a nurse.

Yet she also demonstrated how culturally, opinion, or maybe even her perception about having dyslexia, has shifted when she added...

Now I find I have been asked to speak to groups of nurses about dyslexia, about things that we can put in place to try and manage that. And I think that's the wider community as well. You know, the minute you say I'm a terrible dyslexic, it's amazing how many other people say, 'My child is dyslexic too'.

It isn't an issue, that people don't see it as ... I don't know about ... when I was younger, but that you were somehow stupid.

The deputy Head teacher and learning support teacher at one high school added some thoughts that also showed cultural attitudes changed over time. First the Deputy Head's comments:

We have a shortage of educational psychologists, so our school doesn't actually have an educational psychologist attached to us. No school in [district] and no school in Scotland has got an educational psychologist attached to it, so that as a resource is quite rare.

So, the onus is for pupil support teachers, with that sort of knowledge and the capacity is to do the identification themselves.

There is a reason for using the term 'identification' rather than diagnosis, because we don't have that sort of clinical background. Also, in our society we should talk about 'identification' rather than 'diagnosis' because people get a little bit frightened of the word, diagnosis, a medical term with unwanted connections.

And from the support teacher:

We still get this, that you can cure it. To me dyslexia is a learning difference, as opposed to something that is a difficulty, something... that it can be ... it can actually be a gift.

The thing is though, in Scotland you don't need to have a label. So, if you've got identifying barriers to learning, then you're entitled to support.

In the examination of the sub-theme that follows, the views and opinions are examined, about the level of support that each student in Scotland receives both in school and at home.

5.4.2 Support for dyslexia in school - as a student with dyslexia

The students interviewed in Scotland were all in the Secondary stage of their education and had been identified as having dyslexia mainly around the ages of 8 and 10 years. Each interview was recorded and transcribed to preserve descriptive details and ensure accuracy. All spoke willingly about what dyslexia meant to each of them and the response given below offers one such candid response.

I feel okay about it now, like it was a bit of a struggle at the beginning, because I struggled during First and Second Year [Secondary] because then I didn't have any support because there wasn't any evidence that I was dyslexic. My family didn't know that I was, so it took an amount of time to get recognition, for doing my stuff. I must say it has helped me a lot

since, though.”

Another student described how she liked subjects that were not just more reading and writing, adding,

I like PE, the physical aspect of it, because it's a nice break from always having to write things down and listening to everyone ... so, I like the physical aspect of PE

One teacher reported that:

We do try, as a staff, to limit the amount of copying that we do, so that we distribute notes where possible. But I don't think that's consistent.

And from the student's perspective, copying posed a problem,

When I'm copying sometimes, because I'm trying to rush it, I can't keep up with everyone else. I'm copying wrong and skip words.

With another student describing his own response to this particular difficulty

In most classes I do sit near the board, so that when we do take down notes, I don't have to strain my eyes as much.

Talking about accommodations that the students had access to in tests one student reported

I get separate accommodation for tests. I get a laptop to use for my written subjects, but if it's just maths I used pen and paper

I just use a laptop, but there are possibilities where you can use a scribe

Microsoft Teams, my fitness teacher has some notes on there, but not all of them use it, and wouldn't life be easier if it was just there for every subject?

Evidence that self-advocacy is not an issue was found in parent and student data where D asks for his own accommodations. This student's mother reported that...

He gets, he's going to get longer for his exams, but in terms of class tests, he had to go and negotiate additional time for maths tests, (...) he's been quite bold at times and gone and negotiated that and fed back when he's not been happy about how that took place. He's starting to realise he's going to have to do that.

Technology has impacted on the students' learning support, and this will be explored later (see 5.5 (iii)). The overall impression that the young people gave was favourable, and with emerging self-confidence about advocating for themselves and

taking control of their own strategies to cope;

I do sit near the board, so that when we do take down notes, I don't have to strain my eyes as much;

I've been revising for our exams by sort of looking at model answers and things like that.

I like to highlight stuff, but I don't know whether it works. And I do some mind maps.

Mostly there's a common section with the homework where you can ask your teacher.

Some teachers don't reply back, but I do try asking a teacher.

Dyslexia as a higher incidence learning difficulty, with a frequently reported 10% of the population being dyslexic (Rose, 2009) appeared to be a commonly recognised condition, or disability, in Scotland as suggested by participants in the study.

Talking about 'dyslexic students in her school,' one student (F) said '*quite a lot of our friends are dyslexic so... We're all kind of the same*'. The students in the main spoke favourably about their school and how their needs are being met. Measures that drive diversity and inclusion certainly appear to be positive, and with positive awareness and attitudes towards dyslexia, although one teacher commented in conclusion that '*I still think we have a long way to go*'.

Author comment: *When I consider the experiences of my own schooling however, I would say that they have also come a long way!*

5.4.3 Home school Relationships

In Scotland although parents felt their complaints were eventually listened to, and that teachers were more aware of dyslexia, inconsistencies were demonstrated. One parent who explained that;

A lot of the teachers are very good, and the support is great, but some of the teachers – and we've had it before – where one of the teachers has said, "What? She's dyslexic?". So when we were talking again [to the English teacher] about how she struggles to read, she understands it okay, but struggles to read it very well. And I said, well, that's probably because she's dyslexic. She went, 'Oooh! She's dyslexic, I'll have to find out about that". So, it's not consistent I think, is my feeling.

One parent reported how sometimes her daughter was feeling different or not as good as other children,

The further she's gone up the school, the better the recognition and the more support she's had. In primary school. It was very, very hard and I remember sitting with her one year and she was crying and telling me she was stupid, the worst reader in the school, the worst reader into her class, and her self-esteem was rock bottom. It was heart-breaking.

Parents showed no reluctance about contacting school regarding their child's difficulties, and their concerns were listened too, in most cases. Getting dyslexia identified, or diagnosed, varied but by around the age of 5-6 years, the symptoms, or signs of dyslexia were becoming apparent. This corresponds with the experiences elsewhere (Riddick, 2009) and by the parents in this study, and with final identification happening around 8 to 10 years of age.

5.5 Theme 3- Support and Accommodation Given to Students

5.5.1 Assessment and identification

In 2014 a published report from Education Scotland followed an independent review of education for children and young people with dyslexia, was carried out on behalf of the Scottish Government. This particular initiative was the final report of work that had been undertaken by a working group the *Making sense: Dyslexia and Inclusive practice programme 2014-2019*. The point has been made elsewhere that Scotland's education system is based on inclusive philosophical underpinnings, and this they strive to achieve as a rule, with few exceptions to that rule.

In terms of identification pathways, through professional learning opportunities and engagement with schools and local authorities, there is a range of effective resources to support early identification of dyslexia and literacy difficulties that all teachers have access to. Sections of the dyslexia Toolkit that is discussed below, give teachers a clear pathway for 'holistic identification of dyslexia' (p32). In the recommendations of the *Making sense* report, schools are recommended to 'use collaborative pathway to support identification-preferably early identification from approximately the end of Primary 2 (age 6-7 years) onwards.

Identification with the students who participated, was, without exception, initiated by parents, and the school's response was positive in essence, but slow in fact. A general 'wait and see' response, and one dismissive of suggestions regarding dyslexia and as one mother reported, 'he was left to flounder, he didn't fall into any of their

categories'. Generally, it was the mother that made the initial observation of something being 'not quite right;

We had a very long road, over many years before we actually got a diagnosis of dyslexia. And I guess from my point of view, on reflection he was probably identified as dyslexic at nursery school, before he even went to primary school.

One parent reported

It took until stage two intervention failing, which is taking him out of class into a small group with his peers and supporting him that way, it took another three years, to the beginning of primary 5. So, it was Primary 3 when we first asked for an assessment, and primary 5 when we actually got him assessed by the educational psychologist, who agreed that he was dyslexic.

School support across the interviewees was generally initiated by parent motivation, and following a diagnosis, support appeared to be almost immediately forthcoming.

5.5.2 Teacher experience /training and professional development.

In Scotland, Dyslexia specific identification and assessment is accounted for in practice, and policy, with school awareness training, professional learning sessions, and collaborating with dyslexia charities such as Dyslexia Scotland. In addition, the establishment of training websites provides opportunities for teachers to access three free online Dyslexia & Inclusive Practice professional learning modules. These were developed in collaboration with Education Scotland, Scottish Government, Dyslexia Scotland and the Open University OpenLearn Create.

New teachers, or probationary staff, receive a pack of information that aims to raise awareness amongst new entrants to the profess, and instructions as to how to use the Dyslexia Toolkit and introduce them to the Identification Pathway.

One Scottish administrator interviewed, described a training session that involved parents, and that provided parents with students workshops and working with both parties.

She explained that,

We've done workshops with parents. Well basically they were for parents and their child with dyslexia. We did parent workshops, because we

actually ... well with the licence for a programme that had been paid for, we were able to let them have home access with it for their children. We trained up the parents to run the programme at home.

In NSW In 2019, and in compliance with the terms of the Annual Reports (Departments) Act 1985 and the Public Finance and Audit Act 1983 and Regulations under those Acts, the NSW Department of Education submitted a reported summary of achievements to the NSW Parliament. This Annual Report showcased all of the considered successes but the area of interest to this study is the reported '*Supporting students with disability and learning support needs*' (Education NSW, p38).

With specific reference to dyslexia, there is a reported investment in training with professional learning for teachers expanded, a new Inclusive Practice in Education Master's Degree Scholarship programme that almost 200 teachers were offered in the first year of its being. The Budget Estimates for the New South Wales Legislative Council reported 238 successful scholarship receivers as of March 2020 (Legislative Council, 2019).

Additionally, further Professional Learning is reported and in February 2019, the department released *The Disability Strategy*, which was a response that built upon the NSW Legislative Council's 2017 Inquiry. This is the document from which much of the evidence cited in the previous section was 44 teachers completing a master's degree through the *Every Student, Every School* scholarship, with 251 teachers obtaining their degree since 2012.

Professional development, it was stated in the 2017 review, is a requirement for all NSW teachers who 'must engage in 100 hours of ongoing professional development over five years to maintain teacher accreditation' (Report 37-2017: 147). However, the choice of which on-line or blended-learning modules was by a self-identified need according to what determines a teacher's own professional learning need. But in the suite of courses offered 'dyslexia and reading difficulties' was listed as being available.

In the NSW 2020 Progress Report: '*Improving outcomes for students with disability*' it was reported 'Disability Standards for Education had become mandated, and all school leaders were/are to complete training, to be made available to all school staff regarding the strengthening of support for students with disability. Additionally, awareness of disability, the *Disability Strategy* and how it connects with their work is being strengthened with some 2,220 staff completing this professional learning by April 2020 (p15).

In total it was reported that 3,600 course completions on the Disability Standards

for Education, and 3,444 course completions recorded on key areas of student need, including autism, challenging behaviours and dyslexia. At face-value, it can only be presumed that teachers will take advantage of such training options.

NSW is just one jurisdiction in Australia and comparison with others is revealing. Victoria, which is comparable in population with NSW as well as economically, announced a 1.6 billion dollar investment in greater educational inclusion in November 2020 (Vic. Gov, 2020). Students with dyslexia were announced as a target group (together with those who have autism) for greater inclusion in the Victorian public school system. The statement by premier Hon Daniel Andrews announcing funding implied that the support needs of students with dyslexia in Victorian Schools had been inadequately accommodated previously stating:

'All schools will benefit from the change, enabling them to better support students who may have previously been ineligible for targeted support – such as those with autism, dyslexia or complex behaviours.' (Andrews, 2020)

This admission suggests that in Australia, NSW is not alone in providing an inadequate policy framework for schools to meet the needs of students with dyslexia.

5.5.3 Application of Technology.

Themes identified within the Scottish interviews highlighted some of the occasional issues that arose with access to assistive technology and using technology to support the student's learning. One issue was being singled and she explained that;

To get a laptop, to use a laptop, she has to go to a certain area in the school, pick it up, go back to the classroom, and then at the end of the class take it back, and that takes about 10 or 15 minutes out of the class.

I usually do it on my laptop at home is its homework. It's easier.

We'll just get a laptop from the support bit, if we needed a laptop for lots of writing.

We really only go to the computer suites, when we're doing research or something. And if we're not doing research, then we'll just get a laptop from the support bit, if we needed a laptop for lots of writing.

And the student, about her teacher

She helps me, and she reminds me to use laptops and technology.

Views were mixed in response to the question 'would you like to have a laptop full time'? The student added that *'personally, I wouldn't like to, because I would feel like I was singled out.'*

Another student continued *'It's a lot to carry around with you as well'*. The observation is made here though, that at the current time, tablets, iPads and other smaller technological devices including smart phones and iPhones, have been, and are being, developed. It is probable that these devices are used by more students in schools, and thus not 'singling out' or 'identifying the student with dyslexia', as having to use a technological aid to support their learning.

The use of particular Apps that were mentioned included the *Show my Homework* app that two of the students reported they use it all the time *'... because, well it's amazing'*. *Show my homework* is an App that was launched in 2011 and taken up by a third of UK schools at that time. It has since been rebranded and updated as the *Satchel One* App that offers a learning platform that is appropriate to support the student with dyslexia, as well as all students. It also supports both home and school to assist students, parents and teachers in content delivery, behaviours and classroom management as well as families and home learning or homework.

Again, speaking about the software called *'Read and Write'* by a company named Texthelp a student commented *'I absolutely love it'* and a teacher further commented *'We are lucky to have it supplied for us'* and adding *'it is actually networked across every school in Scotland'*. This software also offers a range of technology for teaching and learning.

It appeared amongst the sample of respondents, that parents were the primary means by which students learned to use assistive technology, including a 'reading pen', and then worked with schools to get the technology more widely used in the classroom. This was working well even when the student was further up the education system towards Year 11 and 12.

Students in Scotland also worked with the software *Read -Write Gold* provided by the school, and this supported *'when I needed to read back to me, to figure out punctuation'*. However, one parent reported that;

Unfortunately, we've never been able to afford to buy her a laptop. We got her a laptop, but the one she's got isn't big enough to hold Read and Write Gold. It's not got enough capacity or something. But she does very well with it.

Another parent, talking about the provision of technology for support for her child defended the school saying,

To be fair, the school is looking at having laptops in the different departments there so that children who need them don't have to go out. It seems the technology is there, much more than it was then when we were at school.

Commenting on how teachers support their teaching using technology students identified that,

My English teacher, she'll go through everything we've been learning through the period, and then she'll put, upload all of what she's done on a PowerPoint onto Tunes. So then I can look back and I don't have to take notes from the board, so then I can actually listen to what's being said in class, and not having to think about whether my writing's quick enough.

5.6 Summary

In summary, in this part of the thesis the identified themes, and subthemes that emerged through analysis. The data cited in this part five was taken from the recorded interviews and transcriptions, and have been presented and supported here, with comments from the cumulative data the interviews generated.

In Theme 1, the identified 'localist' approach best describes the administration and enactment of policy emerged from collective data. There information reaches parents through support systems that are a part of the heterarchy model of administration and made clear that Scotland's education system is an inclusive one, with entitlement to support for all students.

In NSW the 'centralist' was identified, that followed a tightly structured hierarchy whereby the power distribution was top heavy, unwieldy even, and the evidence, scant though it is, indicated control from the top for resources and administration. How resources reach the student is through a tightly controlled system of allocation, and this 'silo-effect' style of management sees a limited 'sharing' of ideas or management. The centralist approach and 'silo effect' indicates create functional departments that obstruct the spread of innovation or break down of barriers to change.

Theme 2 looked at the role of parent advocacy, and in turn, the development of the student's ability to self-advocate for themselves. Collective parent advocacy has been shown here to be the keystone to getting the recognition of specific learning difficulties and demonstrates how home-school engagement supports the student in positive ways. The parents here were not in constant conflict with schools to get needs met, they worked together to achieve the best they could for the child(ren). Research in

advocacy of parents whose child has a disability connects with this analysis. Bacon and Causton-Theoharis (2013) for instance emphasise the value of non-conflict based, collaboration where schools and parents perceive themselves as partners in providing the best educational experience for a student. Furthermore, studies on effective inclusion highlight the importance of professional's attitudes toward inclusion, specifically the belief that it can work (Savolainen, Malinen, & Schwab, 2020). It is possible that the parent attitudes to advocacy captured in research were, in part, a reciprocal response to positive pro-inclusion attitudes by many teachers in Scottish schools.

Young people who participated in research in Scotland often indicated a level of psychological acceptance about having dyslexia and connected this identity to the impacts of dyslexia on their study as well as support offered to mitigate these impacts. This observation must be tentative, however, since this study was not a detailed psychological study and also because other England-based studies have indicated that many students were less accepting of this identity (Armstrong & Humphrey, 2009).

None showed any feelings or thoughts about 'wishing they did not have dyslexia' and appeared to be growing and learning with an acceptance of 'being dyslexic'. There was a general acknowledgement that they were coping well enough, and certainly accepting of the support they were offered. The relationship between the home and school appeared affable, and both parties seemed to work together in the interest of the student.

Theme 3 and subthemes raised the question of assessment, with similar timelines and action across the families interviewed in Scotland. Features of dyslexia begin to show pre-school, and this was the case with the children in this study. Schools' response too was similar, with the eventual identification of dyslexia at around the same age range. Methods of identification described the role of the teacher, and the lack of psychologists, as the motivator for equipping teachers with the skills to identify dyslexic difficulties. The training of teachers has been discussed and continuing professional development opportunities in Scotland, and according to public documents, in NSW. There is no verification as to how many teachers in NSW take opportunity of courses on-line, but they are available. The role of technology for the young people in this study has been alluded to.

In the following Part Six of this thesis the research questions are addressed.

PART 6 - CONCLUSIONS

6.0 Introduction

In this Part 6 of the thesis, I address and discuss through the presented data the questions that underpinned this research project.

The overarching questions asked:

'Which approach leads to policy enacted as intended?'

And

'Which approach appears to be of greater benefit to students with dyslexia?'

In this Part 6 I will draw upon the data generated and presented in the thematic analysis in the previous section, to address the research questions. (See Section 3.1 and 4.5).

A discussion follows summarising the identified features in each of the two administrations in action. This is as evidenced through the interviews with administrators, who enact policy and provide the support and recognition of dyslexia in their judiciary. For the end user of any support, their perception of efficacy of the systems is also of value.

In Scotland the interviews provided primary sources of information, but for NSW the evidence is from a secondary source, Review Reports or Annual reports to the NSW Government from the NSW Department of Education and as such, are interpreted at face value.

6.1 Significance of Findings

6.1.1 Scottish interviews

The process of contacting the relevant Scottish Education Authorities, including obtaining security and ethics clearance, was a seamless and quick process, and supports my view that there was both a lack of 'red tape' or a more stifling bureaucratic system, with complex organisation, processes and multilayers of control.

I believe the response to my contact with authorities demonstrated and an attitude of openness and engagement with my research, and behaviours that I would argue would be found within a system defined within localist traditions.

Several schools indicated their willingness to take part in the research. None of the schools contacted responded negatively. Additionally, to ensure research was not skewed by such factors as favouring one particular social class over another, key

administrator's, even offered to ensure that schools I selected for the study, had a student population that represented a broad spread of students with a range of socio-economic standing.

As the data presented in the previous section (see Part 5) students, teachers, parents and administrators willingly gave their time to be involved in the interviews and demonstrated an enthusiastic interest in my research. Children interviewed were very forthcoming in terms of having dyslexia, and expressing self-perceptions about their dyslexia, and demonstrated a healthy positive, attitude of acceptance of their disability.

This openness of attitude was further reflected in the interviews with parents, teachers and administrators, and mirrored the research demonstrating an acceptance of dyslexia at all levels of the education system and indeed culturally (Burden, 2005; Fink, 1996). Such openness about this disability broadly went against my life's experience of living with dyslexia in Australia where having dyslexia was, and is, something many dyslexics would never openly disclose.

Returning to the examination of the research questions, the openness and lack of 'gatekeeping' that I experienced in due process working with participants in Scotland, reflected a sound level of awareness of dyslexia as a disability, and presenting notable learning differences in the Scottish education system. There, legislative and policy directives support Scotland's inclusive rights-based educational system.

This places responsibility upon those in administration, to place centrally the student with dyslexia, but also that provision to support is not dependent on a formal label such as dyslexia. However, it is made explicit too, the importance that the use of the term 'dyslexia' is used appropriately as this can support the understanding of what dyslexia means.

Failing to do so can result in consequences for those who are considered, and found to be, negligent in both addressing and supporting the student with dyslexia. This I found distinctly in contrast to my reception when seeking permission to set my study in New South Wales, and in particular, enquiries into systems and the hierarchy that is the NSW education authority *modus operandi*.

The responsibilities outlined above not only cut across the education system in Scotland, but also the wider community, in employment law too in Scotland, within the legislative framework on disability, and this, for me, provided a stark contrast to my own life's experience. Scotland has National legislation and policies that support children and young people with dyslexia, and these were last reviewed in 2019 (Education Scotland, 2020) and findings were published in the *'Making sense: Education for children and young people with Dyslexia in Scotland.'* The resulting independent review

and report was launched publicly in January 2020 and outlined where positive progress had been made since the previous review in 2014.

Elsewhere the detailed structure of human resources involved in both the Department of Education (DET) in NSW (91,017) and Education Scotland (282) shows a huge disparity between these two jurisdictions (see 3.1 for detailed breakdown). Teachers though are employed by the schools in Scotland, and in NSW teachers are appointed by, and work for, the DET. Information pathways and communication routes appear to work well. Yet in all public schools (local authority and comparable to public schools in NSW) the awareness of dyslexia is high profile. Not only does the Toolkit present all teachers with on-going, easily accessible support.

Additionally, schools received free copies of booklets for staff '*Supporting pupils with dyslexia in Primary Schools*' and '*Supporting pupils with dyslexia in the Secondary Curriculum*'. Dyslexia Scotland send quarterly copies of 'Dyslexia Voice' a magazine to support families and teachers. Further, all new entrants to the teaching profession have an 'awareness raising package' to ensure that they are informed and know what to look for, and what to do about dyslexia when they meet this in their classes.

From my perspective the process of contacting the relevant Scottish Education Authorities, including obtaining security and ethics clearance, was a seamless and quick process. This is indicative of both the lack of "red tape" and bureaucracy that I believe arises from a system based on localism, and an attitude of openness and engagement with research.

Contact with authorities resulted in several schools indicating willingness to partake in the research. There were no schools contacted in Scotland that did not respond positively. The authorities even offered to ensure that schools selected were of average socio-economic standing, so as to ensure research was not skewed by this factor.

Students, teachers, parents and administrators were willing to give up their personal time to be involved in the interviews conducted in the naturalistic setting for each person and using the skype platform. Without exception, the demonstrated level of enthusiasm and genuine interest in the research I found heartening if not uplifting, after living with dyslexia, and even still seeing how for many dyslexics, live with covert dyslexia in Australia. This openness is something we should all be working for in the Australian culture.

Children interviewed were very forthcoming with information about their dyslexia, demonstrating an attitude of acceptance of their disability, but not negatively. This attitude was further reflected in the interviews with parents, teachers and administrators,

and mirrored the research demonstrating an acceptance of dyslexia at all levels of the education if not cultural systems.

The openness and lack of “gatekeeping” experienced in the process with Scotland reflected the awareness of dyslexia as a disability and provided a stark contrast to the experience in approaching the New South Wales education authorities.

Themes identified within the Scottish interviews did highlight occasional issues with access to assistive technology, and relevant training for teachers and, based on the author’s advocacy work within NSW, it is assumed that these issues would be reflected in NSW schools also. However, it appeared that when these issues arose, parents and teachers were able to approach local experts (such as educational psychologists and dyslexia associations) to rectify issues in a timely manner, whereas this process would most likely be more protracted in NSW and possibly due to chain of command that is involved with a centralist system.

The Scottish localist system is set up in such a way that the education authorities are guided by local associations with specific expertise in dyslexia, whereas the NSW education department is restricted to policy enacted by various levels of government, which may not have direct input from dyslexia associations and subject matter experts.

6.1.2 NSW updating and gatekeeping in NSW

In 2019, and in compliance with the terms of the *Annual Reports (Departments) Act 1985* and the *Public Finance and Audit Act 1983* and Regulations under those Acts, the NSW Department of Education submitted a summary of achievements to the NSW Parliament. This Annual Report showcased all of the considered successes but the area of interest to this study is the reported ‘*Supporting students with disability and learning support needs*’ (Education NSW, p38). With specific reference to dyslexia, there is a reported investment in training with professional learning for teachers expanded, a new Inclusive Practice in Education Master’s Degree Scholarship programme that almost 200 teachers were offered in the first year of its being.

Additionally, further Professional Learning is reported and in February 2019, the department released The Disability Strategy, which was a response, built upon the NSW Legislative Council’s 2017 Inquiry. This is the document from which much of the evidence cited in the previous section. It was reported that 44 teachers had completed a master’s degree through the *Every Student, Every School* scholarship, and with 251 teachers obtaining their degree since 2012. Neither made specific reference to being dyslexia orientated. This omission is pronounced because dyslexia is considered to be a ‘high-incidence’ (relatively common) disability by numerous research published since the 1990s (Armstrong & Squires, 2014; Jim Rose, 2009).

6.1.3 Review of Scottish and NSW Legislation, Policy

Many reviews are reported in both of the jurisdictions and discussed further and are summarised in Table 2-NSW summary of Resolutions and Progress, and in Scotland, Table 3-Issues and Resolutions. Table 4 -presents comparative legislation in both NSW and Scotland. These are discussed further elsewhere (See Part 3.1)

6.1.4 Inquiries in Scotland and NSW

The 2017 Enquiry into the Education of students with a disability or special needs in New South Wales (Amato, 2017a) highlighted the significant difference in the implementation of policies and recommendations in New South Wales and Scotland, and the subsequent impact on teachers, students and their parents.

From the submissions and evidence given to the NSW Enquiry, the following situations involving evidence from parents and advocacy contributors is highlighted:

The Department of Education provides no assistance or support to parents of students with dyslexia. Because they are not being assisted, parents are seeking information from advocates such as myself. Parents must do their own research and make recommendations for their children. (J. Bond, 2017), see Appendix 16.

Because it is an invisible disability, when you look at a child with dyslexia it is not obvious that they have a disability. They are often bright and have a very good vocabulary. They are often experts in finding ways to divert the attention away from what they cannot do, and they can easily fall through the cracks. Falling through the cracks brings with it a whole range of problems—for example, self-esteem and mental health issues. A comment I will never forget was made to me by a GP who had just assessed a 17-year-old boy who had dropped out of school. He had dyslexia, anxiety and depression. The GP's comment to me was: 'Imagine being thrown on the scrap heap of life at just 17'. They are strong words, but this is reality."

Evidence: Ms H, 8 June 2017, p 11 (Amato, 2017a)

Very slow and very little in terms of resourcing and supporting schools. Governments are big on initiatives but dollar poor in providing support. Applications for support can be long winded and require extensive detail but deliver little in the actual support to schools. (Slater, 2016)

In 2008 my son was in Year 1, and unfortunately passing legislation and the reforms that are necessary take a long time to make it through to the classroom level. As recently as last year I had teachers tell me, "No, I don't believe in dyslexia." I think that we are beyond the debate of "Does it exist? What is it?" Evidence, Ms Duncan, 8 June 2017, p 11 (Amato, 2017b)

Contrasting examples from the Scottish Interviews conducted for this thesis:

So, he got some additional support with phonics on a one to one daily after diagnosis, for a couple of years, just doing the phonics and linking up, so that took about 18 months to do. He got some support from an additional support needs teacher.

There was some 1:1 support in the form of a classroom assistant. An additional support needs teacher who would support [student] at times when she was falling behind with her literacy work, ... things ramped up a wee bit in secondary school, several conversations between myself, my wife and the teachers there. Specifically, the support for learning department have been very supportive in the last 2 to 3 years.

The examples shown above, I believe, indicate through evidence given at the 2017 Review reflects a lack of policy implementation at the school level, and even the denial that dyslexia is a bone fide learning difficulty even though it is considered a disability in Australia. The Australian Dyslexic Association states on its webpage that;

Dyslexia is recognised in Australia under the Disability Discrimination Act 1992 and under the Human Rights Commission. The issue with schools is that dyslexia needs to be recognised under the special needs section in every Education Act in Australia.

The Australian Working Party (2010) produced an excellent document "Helping People with Dyslexia: A National Agenda" which outlines key recommendations. The ADA supports this worthwhile document. The governments written response to the working party clearly states that dyslexia is a recognised disability in Australia (Australian Dyslexia Association, 2021).

Teachers report in the Review a lack of training, and funding, to adequately support students, parents and further report a lack of awareness and support at the school level.

6.2 Policy into Practice

Data given in Part 2 regarding legislation and policies across the two jurisdictions, Scotland, UK and NSW highlights prime Inquiries and hearings that were held over approximately the same time frame. Documents, directives and actions published by Education Scotland contained more detailed information and specificity than the information publicly available from the NSW Department of Education.

What I found was a social justice issue. The public education policy area in NSW has a closed architecture. Once legislation is enacted, further policy making and implementation is then largely carried out within a single authority, the Department of Education (DET). Obvious exceptions are agencies such as the NSW Education Standards Authority (NESA). Scotland has a more open architecture, in which (once legislation is enacted) *Education Scotland* formulates higher level education policy and regulations but expects 32 local authorities to implement policy and formulate their own lower-level policies. The open architecture allows room for Non-Government Organisations (NGO) players like the charity *Dyslexia Scotland*.

The one area in which NSW provides far more detail is with syllabuses. NSW syllabuses within the Australian curriculum, available from NESA (formerly the Board of Studies) are specific even down to content. In contrast in Scotland each KLA and stage simply has a short statement of 'outcomes and experiences (O&Es)'. The difference may be due to the nature of the level implementing the syllabuses/O&Es; in NSW syllabuses are implemented on a mandatory basis by teachers in all three school sectors, government, Catholic and independent; in Scotland there appears to be a fair degree of latitude between the 32 LAs as to how their teachers implement the O&Es.

In responding to the official enquiries, a similar pattern emerges. The NSW DoE responds by making changes in-house; the Scottish Government and Education Scotland respond by enlisting a significant number of external agencies, such as *Dyslexia Scotland* and the *Enquire advocacy service*.

More specifically, the adequacy of the response to dyslexia was the subject of an inquiry in 2014 by *Education Scotland* (the Making Sense review). In response to its recommendations, and in partnership with *Dyslexia Scotland*, *Education Scotland* developed a policy document entitled the '*Route Map through Career Long Professional Learning for Dyslexia and Inclusive Practice*' and addressed the assurance that teachers, support staff and local authority staff are adequately trained and resourced for addressing the needs of pupils with dyslexia.

What is a 'disability' and what is a 'learning difficulty' in NSW, and the Education Act 1990 treats them as separate categories. The Integration Funding Support program deals with disabilities but *not* with learning difficulties; but this terminological dichotomy

between 'disabilities' and 'learning difficulties' does not occur everywhere in the NSW policy landscape. The NSW Education Standards Authority (NESA, formerly the Board of Studies) explicitly states: 'Examples of disabilities include, learning difficulties or disabilities such as dyslexia, dysgraphia and dyscalculia.'

The policy and programs in Scotland appear to be more targeted towards those implementing policy. The National Framework for Inclusion is a learning tool for teachers; the Embedding Inclusion program interprets legislation and policy (such as the ASL Act and GIRFEC) into inclusive practice; and the *Included, Engaged and Involved* guidance specifically requires that a pupil should *not* be excluded because of a disability.

On 10th January 2018, amendments to the Education (Additional Support for Learning) (Scotland) Act 2004 came into force, and as mentioned briefly in Part Five, this heralded an extension of rights for Scottish teenagers, and said to be unprecedented anywhere in Europe. Now pupils aged between 12 and 15 now have the right to ask their school or local authority if they need extra educational support, and the right to have a say in how that is provided, advocacy to support them in expressing their views and have legal representation at Tribunal should they need it.

6.2.1 Addressing the Research Questions

Which approach leads to policy being enacted as intended?

Scotland has an entire act about special needs, with a great level of detail (see above). NSW has only four brief mentions of students with a disability in *The NSW Education Act*, none of which are specific to dyslexia and there is only one brief mention of learning difficulties. The NSW policy document spells out the share of responsibilities but not the level of detail that appears in the 2004 Scottish act. The 10-year strategy in Scotland, to deliver appropriate and co-ordinated services to pupils with complex additional support needs has no equivalent in NSW.

It could be argued that the NSW DET simply carries this out 'in-house', while Scotland needs to co-ordinate the central administration (Education Scotland) with local authorities; but this structure in Scotland provides the opportunity to include and co-ordinate a range of national and local, government and voluntary bodies. It can be observed that the Scottish arrangement is more transparent, while the 'in-house' arrangements by the NSW DET are less open to scrutiny, where even parts of their website requiring a DET log-in. There is a contrast between ESES in NSW and GIRFEC in Scotland: under Every Student, Every School, funding is granted at a school level, to be allocated at the discretion of the principal, while under GIRFEC in Scotland the pupil with additional support needs has an individualised and detailed Child's Plan.

The degree to which policy implementation and adoption of legislative changes within the respective education departments appears to reflect the complexity that arises from the centralist approach in NSW and the simplicity of the localist approach in Scotland. Figure 1 shows the organisational structure of *Education Scotland*, showing relatively few levels of hierarchy between teachers within the schools and the wider department. Contrasting with this, Figure 2 that shows *only* the upper-level organisational structure of the NSW Department of Education, and the large number of 'Executive Director' positions.

This organisational structure, whilst more complex than that of Scotland, only shows the higher levels of the hierarchy. An organisational chart showing the hierarchy to the level of the local school site is not publicly available on the government website, but it could be extrapolated from the existing chart that there are many more levels of direct authority between the wider department and school staff in NSW than in Scotland. This appears to have had a marked decrease in the dissemination of information and implementation of policy to teachers, students and parents in NSW when compared with Scotland.

The weight of evidence, even taking into account the limitations of primary, or first-hand information from NSW, suggests to me that the Localist model of policy enactment leads to enactment of policy as intended. That intention plays out as the service providers reaching the end-user, in this case, the students. The findings provide an insight into the Scottish delivery of policy and legislation that suggests greater efficiency results from the localist system, but the limitations that have been inherent in this research, and commented on throughout, must be taken into account before making a final judgement.

Finally, I look to address the second question:

Which approach appears to be of greater benefit to students with dyslexia?

The evidence provided in Part Five and this Part Six has been presented, and in terms of the students with dyslexia, the benefits of the localists model of enactment of policy appear to far outweigh those of the centralist 'silo' jurisdiction in NSW. But the limitations and impact of those limitations on this study follows are briefly summarised in conclusion of this Part Six.

First, how frequently are policies for dyslexia shared between Local Authorities (LA) under localism, multiple test sites used, and feedback given? The localised approach to developing policy in Scotland, results in policy being developed and implemented at a local level. Schools develop policy, which is then discussed and reviewed on a monthly basis at local authority meetings. Evidence of this was apparent in the interviews with Scottish parents and Administrators, referencing parents working

directly with local authority administrators to ensure support for their children. The localised approach potentially ensures that review of the effectiveness of policies can occur quickly, as they are assessed at the local school level or local authority level, contrasting with the NSW structure, which reviews policy far less frequently and at a state-wide level in Australia.

When questioning what role is played by charities and Non-Governmental Organisations (NGO) in providing funding and solutions, the Scottish approach of engaging charities and dyslexia organisations to provide services and inform policy, also ensures that local policy is informed by those with a deeper understanding of dyslexia. This also appears to increase the ease of access to programs and support for students and their parents, as all funding is allocated at the local level.

In the United Kingdom (UK) of which Scotland is one of the four countries, organisations such as *the British Dyslexia Association (BDA)*, *Dyslexia Foundation* and *Made by Dyslexia* are just three of the many support and advocacy groups that are accessible to parents, and teachers, and these are in addition to Scotland's *Dyslexia Scotland*. There are many more but the three mentioned above are the most influential.

The BDA have developed professional criteria that underpin specialist training courses in dyslexia and dyscalculia (Maths in dyslexia) and that form the syllabus of courses that the BDA accredits in the training of teachers to teach and assess children with dyslexia. Courses are run by Universities in the UK and accredited through a stringent process by the BDA. This provides a qualification that allows teachers to diagnose dyslexia and recommend and teach intervention teaching that is appropriate for the student with dyslexia. The successful completion of the post graduate qualification entitles the candidate to apply for Associate Membership of the BDA (AMBDA). This award then is confirmation of an adequate training and experience, for assessing students for special arrangements by the external examination boards. The BDA also work with schools to aim for Dyslexia Friendly Quality Mark Schools Awards. This award ensures that all in the school have a good knowledge of the needs of the dyslexic students, and a range of school-wide strategies support those needs. This also referred to elsewhere in this thesis (*See Part 5.5*)

In Australia, there is the Australian Dyslexia Association, (ADA) who oversee the courses from the Institute of Multi-Sensory Teaching (ISML) and is under the umbrella of the International Dyslexia Association (IDA) so is not an independent Australian organisation. It also only oversees one course, the Orton -Gillingham method of teaching, through the IMSL, and which has credence in the teaching of students with dyslexia. The ADA award the status of Associate Member of the ADA (AMADA). Additionally they offer a recognised accreditation to schools in Australia where schools

can show they are lifting the language and literacy standards in every classroom 'whilst also applying suitable modifications and adjustments where required'. (<https://dyslexiaassociation.org.au/schools/>)

Whilst no interviews with parents and students in NSW took place in this study, my experience in the provision of advocacy work with parents in NSW over the last 20 years has indicated that similar policies are either non-existent, or not implemented, and, that support from organisations such as SPELD is viewed as a separate resource, rather than an integrated support system within the education framework. It also offers teaching or coaching sessions, but this is a private arrangement that parents pay for.

Finally, I look to address the second question '*Which approach appears to be of greater benefit to students with dyslexia*'? The evidence provided in Part Five and this Part Six has been presented, and in terms of the students with dyslexia, the benefits of the localists model of enactment of policy appear to far outweigh those of the centralist silo jurisdiction. But the limitations and impact of those limitations on this study are briefly summarised in the conclusion of this Part Six.

6.3 Limitations of this Study

I began this thesis by introducing my own story, life events and limitations imposed on my opportunities due to being severely dyslexic. My experience of campaigning and advocating for individuals and families in NSW over the past decades, has seen limited changes. Those changes that have emerged and evolved have been hard fought and won but with a lot of disappointment along the way.

This study has found a picture of two contrasts, and for me, highlights what can be achieved, when policies and policy enactment is organised with the end user in sight. In NSW there has been so much rhetoric, so many reviews, enquiries, and examination of policy enactment in the past four decades. However, the 'end product' in terms of supplying the consumer, or the individual with dyslexia, with the identifying services and intervention teaching that the student requires being delivered when needed. Ideally too, it should not be necessary to fight for these entitlements, when legislation is in place that endorses the rights that are enshrined in Australia's laws.

I began by declaring my subjective position and declared also my position as a 'user' of the systems that have enabled me to arrive at this point academically. But also, I have declared how dyslexia has impacted on my life because supports were not in place when they were needed. The evidence I have been able to present in this study as far NSW is concerned has been taken at face value from documents in the public

domain and therefore open for all to read. As with the rhetoric that I have experienced in the state over the years, there is also much written, and given open access regarding policy and procedure.

The Review (Amato,2017) presented some damning evidence against the state's lack of support or identification of dyslexia and other learning difficulties. Recommendations were made and follow up enquiry in 2019/20 and published Annual Report from the DET to the NSW Government provided some evidence for improvement, but still with little evidence as to the delivery, or uptake, of resources, and little mention of the word 'dyslexia' in the documentation. Without access to interviews with employers or HR employee staff it is not possible to present a balanced, or even accurate picture about whether things have improved for those who have dyslexia, in school or further education for children and young people from Kinder to Year 12 and 16 to 18 years. My advocacy work suggests little has changed, and certainly, when I compare it to what I have found in Scotland.

I believe the causes are multi-factored, consisting of:

- 1) Engrained lack of transparency in state educational institutions and a culture of problem-denial;
- 2) Wider federal trends connected with school performance which are supporting exclusionary and socially conservative attitudes towards difference. Recent literature has highlighted how wider federal trends driving exclusion in Australia could be reinvigorating negative attitudes towards disability at local or state level in school systems, counteracting official policy in favour of inclusion (Armstrong, 2022). The establishment of the NDIS which aims to provide better futures for individuals with disability is a possible example of this situation and is, arguably, undermined by an increasingly unsupportive school system for students with dyslexia.

I believe the cultural differences between Scotland and NSW are also very different. The disclosure and openness about dyslexia in Scotland was actually a shock to me when this was becoming apparent as the interviews progressed. In adults and the young people there was no reserve, nor reticent participant, all were quite comfortable discussing or talking about how dyslexia affected them or impacted on their life. I am only disappointed that I was unable to interview a similar range of participants in NSW to get a balanced picture of similarities and differences. If such a study were repeated with a wider range of Scottish respondents, would a different picture emerge, or would it substantiate what I found in this study?

This study would be difficult to reproduce in part, taking out my position, however,

the methodology for the Scottish case-study would stand alone for a similar comparative study. By telling my own story I believe it adds to the understanding of my status, as an 'insider' doing this doctoral research, yet also an 'outsider' who brings to the table, my own experiences, and real-world experience, as an Australian, born and raised as a disabled dyslexic adult living with the phenomenon that underpins this study, 'dyslexia'.

In Part Seven, the final section of this thesis, I reflect on what this investigation of two systems has found, and link findings I have made along the way, to my own story. I then make recommendations based on this research. I bring the story full circle and bring my own story up to date.

PART 7 – REFLECTIONS AND RECOMMENDATIONS

7.0 Introduction

In this final Part Seven, I reflect upon the importance of advocacy, lobbying and the continued need to raise public awareness of dyslexia in Australia. The need for a cultural shift is discussed and what lessons have been learned in this research into Scotland's approach towards dyslexia. How was that achieved and what was the motivating impetus for the change that was affective, in just one generation?

In part six of this thesis, I presented one parent's view of dyslexia in her childhood in Scotland, and how different things have been for her own child. Taking the long view from this study then, I consider here what changes have already gained momentum in terms of raising public awareness of dyslexia in Australia. I then ask what needs to change and in what ways can this study make a difference. In principle then, I consider also how we can change societal attitudes and acceptance of dyslexia in Australia, and in doing so, achieve greater equity for those members of our community with disability.

A research study should always begin and end with questions, it should start with the research question(s) and end by questioning what should happen next. The research questions here have examined the efficacy of policy enactment, and primarily, which model of policy enactment brings the greater benefit for the end-user of policies defined here as the student with dyslexia.

To conclude, I question and consider, does this study present a positive outlook for the children in Australia with dyslexia now, and in the future, and what should happen next? Finally, I reflect upon how far Australia has come in terms of dyslexia awareness, since my own experiences in school and the workplace.

7.1 Advocacy, Lobbying and Public Awareness

The growth of dyslexia advocacy groups in Australia supports my view that parents hold the key information and play a critical role in the education of their children. They are the experts of their child, they have unique strengths, knowledge, and experience to contribute and share about the needs of their children. To this end, the growth of parent advocacy groups in Australia, that has gained momentum in recent years, can only be advantageous to the future growth of dyslexia awareness nationally.

The publication of 'Falling Between the Cracks' (J. J. Bond, 1999) was to spearhead an increase in advocacy, awareness and ultimately, it influenced the formation of advocacy groups such as the Australian Dyslexia Association-ADA ("Australian Dyslexia Association," 2021), which formed in 2007 and became

incorporated in 2009. The widespread introduction and accessibility of the internet around this time further enabled communication and awareness of legislation, and resulted in information finally reaching those advocating for, and those with, dyslexia. This enabled parents to join forces over great distances, and parent advocacy for change is now being made loud and clear.

An example of this can be found in the already mentioned ‘*Code Read Dyslexia Network*’ inspired by a parent who in 2015 and inspired by her own daughter who is dyslexic began her campaign. She collected several other parents who, similarly, were exhausted fighting, or advocating for their own children over time, and together they formed this activist group. Collectively they began to work together to overcome barriers that were preventing their children from achieving their true potential and their dyslexic needs were not being met. This parent was a witness cited in the previous pages (see Part Six) and cited originally in the NSW Review (Amato, 2017, Evidence no: 465,503,636, 637,648). This parent, far from hitting back at teachers saw instead that teachers,

... want to know how they can assist the child to get them in the space where they are best able to learn and have good outcomes, but to do that they need appropriate training and the appropriate resourcing and appropriate expertise... (Evidence 636)

and added that

I would like to be clear that I do not blame teachers. I know that they are poorly prepared at university for dyslexia and learning difficulties in general. Very few have access to professional development in this area.

Similarly, in Tasmania *Square Pegs* Tasmania Dyslexia Support Group was formed by parents, who equally felt they were disenfranchised by the system, and the needs of their children were not being met in the education system. Alone they were not listened to, but from 2013 their group has grown, become informed, provide conferences that bring high profile international experts in dealing with dyslexia to Australia, and to Tasmania. These have been over-subscribed events, which signifies a need. They are attended by teachers, psychologists and parents, allied professionals, and representatives from the Department of Education, all who take something away that hopefully broadens their understanding and awareness of dyslexia.

For those in Australia with dyslexia over the age of 16 years, another advocacy group aims to improve things for them, young people 16+ and adults. The *Dear Dyslexic Foundation* (DDF) has been active since 2015 and is a group for dyslexics and mostly run by dyslexics, and that are making huge inroads in terms of advocacy, education,

mentoring, and educating those in the workplace, colleges and universities. The three cited groups here also have some professional credence, where their contribution, knowledge, and networking, are being recognised as valid and valued, by policy makers, political representations, disability legislation and policy enactment.

When I reflect on my own advocacy work, and the representations I have made in the past, my contribution was often made as a 'solo advocator'. When I look at what advocacy groups such as those mentioned bring to campaigns, the impact of many voices, this will surely bring greater momentum to the raising of awareness about dyslexia within communities. The visions held by these advocators are compatible, and generally, as expressed in the mission statement of *Code REaD*, aim '*for all people with dyslexia to be understood, acknowledged, empowered and to have equal access to opportunity*'.

Policy can be reformed and based on philosophies that nurture resilience and motivation, through initiatives such as the previously mentioned '*dyslexia friendly*' schools. This advocates for changing practice to accommodate dyslexic individuals because an evidence-base has shown the results can be good practice for everyone, and standards can thus be raised for all children (BDA –Dyslexia Friendly Quality Mark). With similar initiatives in Australia as outlined elsewhere (See Part Six), the ADA also has the commitment to pursue positive changes for children with dyslexia in schools where the will is strong enough.

As with the parent witness cited above, I too make the case for better teacher education, and this is an urgent one. Teachers should offer learning opportunities that include, high levels of teaching practice, and good teaching being modelled to student educators by experienced teachers or teacher educators. Explicit teaching and more literacy learning, based on phonological approaches to learn reading skills securely and must be recognised and adopted in schools. These are features of qualitatively sound teaching that all children should experience, but they are also strategies that benefit learners with dyslexia, and as such, suggests teaching can be fit for all, but, with amendments and adjustments where required. But teachers cannot teach what they don't know.

In Scotland the dyslexia charity *Education Scotland* on behalf of the Scottish Government published a report (see 6.1.1) that highlighted five interlinking recommendations to improve the outcomes of learners with dyslexia which the Scottish Government supported. As with Australia-wide education systems, underpinning philosophy is inclusion and this is overtly embedded in Scotland's education system. It is designed for all children and young people in Scottish early learning and childcare setting, schools and other educational establishments with, or without additional support

needs. This programme and subsequent reporting from it, demonstrates a bonded cohesiveness between government and the dyslexia community, the *Dyslexia Scotland* charity not-for-profit group. Together they have made it possible for teachers to pick up on students 'at risk' and identify the specific nature of their difficulties.

As I see it, teachers are valued in terms of their professional judgements, their information is valued and by identifying a need earlier rather than later and they can apply an appropriate intervention. It is also the responsibility of *all* who work with children to respond appropriately to their needs, no question. Just how do we begin to achieve such a standard in Australia, or to be specific how could this be achieved in NSW? Add into this the fact that since the 2016 Education Act legislation has granted children in Scotland between the ages of 12 and 15 years, have the right to ask for additional support for learning, a right that was extended in 2018 under additional legislation. Again, this was a partnership initiative, government partnered with charities, and providing legal representation to mediate or adjudicate services and supports to enhance professional practice in listening to children's views. How different is this approach? To consider the child's view is one thing, to actively bestow rights upon them to have their difficulties investigated and addressed, through legislation, takes the rights of the child to a whole new level. Currently, children and young people in Australia who may suspect they are dyslexic have no clear pathway to reach a diagnosis or support, even though under Australian disability law dyslexia is recognised as a disability.

When I look at the advocacy work and lobbying that I have been a part of for nearly four decades and documented in my story and the Appendices to this thesis, much has been talked about although changes have not gathered much in pace. The working party that I was a part of in 2010, and the resulting national action agenda, and response from the government in 2012, it should have accelerated the pace of change. Yet more than ten years have passed, and we are still having some of the same conversations. This supports my view that the pace of change, is somewhat disappointing, and particularly considering the passage of time since my earlier campaigning. My encounters and contribution towards reforms in policies, in disability equity and advancement of legislative law to protect the rights of the individual with dyslexia in Australia have been many. Yes, it has led to some changes being effective, but the wheels of change have turned very slowly indeed.

Through all my involvement though, it has become apparent through my lobbying and advocacy work, that even though the technology and connectivity of the internet has allowed for greater communication, it was, and I believe it is, face to face lobbying that can achieve the greatest results.

7.2 Societal attitudes and acceptance

I have spoken about many struggles to get more recognition about dyslexia amongst the policy makers, but also highlighted the growth in the band of parent advocates. Parents that are 'skilling up' so that they can continue to make informed representations on behalf of their child, or children. But in Australia, there needs to be more. There is a need for a cultural change. Brenner (2008) suggests that we understand culture as a 'world of common meanings' practices and habits, even skills that we accept socially, as individuals and collectively. In a way, seeing 'norms' around us because they are there, embedded within our culture.

Having, through this research, engaged in the world of the experiences of the study's participants, what I found in Scotland was beyond surprising, it was enlightening. Dyslexia in Scotland is not an issue, its enshrined culturally in laws that children must have their needs met, not just met, but 'adequate and efficient provision' made, to meet the child's need for additional support. It is their right, and the responsibility of authorities to see that right is delivered. For that to happen something more binding must have happened. Collective responsibilities within a community must be accepted, and enacted.

The language used in the interview with a specialist teacher (See 5.5) was the first notable difference. In the Scottish education system dyslexia 'is identified' and not 'diagnosed', the difference being more than just semantics. One is aligned to the medical model of disability, the term 'diagnosis' coming directly from medical vernacular, but the term 'identified' fits with the social model of disability, that says people are disabled by barriers in society, not by their impairment of difference.

When I interviewed one of the parents, she spoke of her own experience as a child with dyslexia (one generation ago), and that she had felt the need to 'keep it to herself' fearing she would be barred from her aspirational career in Nursing. Yet when her daughter was identified, it was 'no big deal'. It did not affect any of her future aspirations, she was dyslexic so...? What had to happen for this change to occur? How do you change societal attitudes, and how do you create social acceptance of something like dyslexia? Is there a formula that can be identified in Scotland that could translate and be enacted in NSW and wider still Australia?

A group that has evolved in the past few years is an organisation named '*Made by Dyslexia*'. This is a global charity that are trying to raise the awareness worldwide about dyslexia. As the title suggests, those who are helping to promote dyslexia as a different way of thinking and working, have dyslexia, are diagnosed dyslexics, or have been diagnosed or identified as being dyslexic. There are different ways of describing the individual's dyslexia, and it is a change in this language that demonstrates an uncomfortable truth, that dyslexia costs! If you name it you have to do something about

it, and then it becomes a resource issue. But returning to *Made by Dyslexia*, those behind this organisation are dyslexic, they describe themselves as 'dyslexic' and the fact that they are what they are, which is successful, high profile successful actors, artists, scientists, entrepreneurs, extraordinary people *who just happen to have dyslexia*.

This group not only raise awareness, but they are working for change, and this is perhaps an unusual way, but it brings dyslexia into the open, gets people talking about it, openly, not covertly, and successful dyslexics are '*helping the world to understand, value and support dyslexia or redefining dyslexia*'. It's a difference that is celebrated and the language they use is perhaps an inroad into changing societal attitudes.

Their mission embraces a pledge for companies, educators and governments '*to pledge to value dyslexic thinking and to spot, support and empower every dyslexic mind*' ("Made By Dyslexia,"). Famous names for example include, business entrepreneur Richard Branson, actors Orlando Bloom, Kiera Knightly and Harry Potter star Daniel Radcliffe, and astronomer and space scientist Maggie Aderin-Pocock, and many more socially well-known individuals, from a wide range of occupations and backgrounds. They have all publicly 'outed' themselves as being 'made by dyslexia'.

The list of the great and the good is growing, and with it, the understanding that these people have made their mark, or their fortune, or even a difference, *regardless* of having dyslexia. What also is happening though, is the 'coming out' about their journey through the education system, and more often than not, it has not been a pleasant one, but they have managed somehow to put that experience behind them, shown a great deal of resilience, and gone about getting what they wanted to do, or make, or achieve.

The main issues appear to go right back to school, and it's here where change is needed. Too many stories have illustrated how dyslexia has shaped the self-concept, self-esteem and resilience (Alexander-Passe, 2015). I know only too well that experiences during my education have had a lasting impact on my emotional health and psychological well-being.

The philosophical perspectives underpinning this study, as I declare earlier (See *Part Four*) adopts a constructivist research orientation. This is based on the understanding that knowledge is constructed by social interaction (Costantino, 2008) and the theory of such an approach has been discussed by multiple researchers (Della Porta & Keating, 2008; Kratochwil, 2008; Lincoln & Guba, 2000; Risse & Wiener, 2001) Is this perhaps the key to how we can begin looking to changing societal attitudes in Australia towards dyslexia?

We need to bring dyslexia into focus through the vernacular, by using the very

name of it and not naming it broadly in terminology such as 'Learning Disability (LD) or specific learning difficulty (SpLD). We must continue to raise awareness in the public domain, louder, longer and clearer. In 2020 the *Code Read* dyslexia network raised enough funding to commission a huge campaign through television and other social media outlets entitled '*Read my frustration*'(Code Read Dyslexia Network, 2020). Huge billboards on prominent highways were included in the campaign and the response to the public bombardment regarding dyslexia not only made a social impact, it got people talking publicly about it.

The campaign was motivated by a need and a belief that '*addressing dyslexia properly in Australia will have profound impact on the lives and prospects of 10% of Australians*' and in '*turn the prospects of Australia as a whole*'.

A spokesperson for the group said

"Our 'Read My Frustration' campaign aims to raise awareness of the prevalence of dyslexia in Australia, while conveying the unnecessary pain and frustration caused by unrecognised dyslexia. We know early identification, reading instruction informed by science, and supportive classroom environments would allow all dyslexics to achieve their potential. But that's not happening"(Staff Writer, 2020).

The campaign did achieve its aims in terms of raising public awareness, through television and radio interviews, and this being not only in South Australia where the campaign had its roots, but also in wider Australia. It also wanted to draw attention though, to the lack of education about dyslexia in Australia stating in one such interview with the media that,

Teachers in Australia are currently not trained to teach reading in the most effective way for all children and they receive little to no training about dyslexia, with the current teaching practice to wait for children to fail before intervening.

This has led to 19% of Australian Year Four students not achieving proficient reading levels; this is equivalent to more than 50,000 students per year and 20% of children at risk of reading failure.

"The failure and underachievement of students with dyslexia at school is both a human right and a public health issue." (Code Read Dyslexia Network chairperson, 2020)

Such a campaign gets people talking, and we need to keep those conversations going, and to be increased tenfold, twentyfold or as many times as it takes, to get the

message out there, and work towards getting dyslexia on the 'education' agenda, into policy for change, and better regulated enactment and application of policy. For NSW, adopting some of the features of the Scottish 'localist' approach would not go amiss.

We must begin to make the message louder in the education sector and this certainly, needs to be the case in NSW. It is not enough to set up training courses for teachers, and then not insist that teachers complete any extra training. The authority that employs teachers needs to make the time available for teachers to study, and meet any costs incurred. An example of some issues were demonstrated in the evidence from the 2017 NSW review (Amato, 2017). This was regarding the implementation of Disability Standards for Education (DSE) and obligations under the Disability Discrimination Act. According to a Director for Public Schools NSW, speaking about the implementation of Every Student, Every School (ESES) policy it was declared that;

There has been 'a significant enhanced understanding and awareness for all teachers and principals relating to the Disability Discrimination Act and the Disability standards for Education,

and that the improvement...

...is a significant recognition of the changing profile of students in our schools and the increasing number of students with a disability. (5.28 Amato, 2017)

This was further questioned, not least because representations to this review had produced a weight of evidence to suggest, and was frequently reported, that '*teachers are not adequately trained to differentiate*' or to teach through differentiation, students with learning disabilities. However, it was argued that,

...a greater awareness in their legal obligations has meant that teachers are increasingly focused on differentiation and are providing appropriate support to students based on their assessments.

The subject of training, was debated at length and evidence put forward by policy enactment officers to the review committee found that,

Since 2013, more than 81,000 e-learning courses on the Disability Standards for Education have been undertaken by more than 59,300 principals, teachers and school learning support officers. However, it is understood that out of the total number of staff who have completed a registered training course on the legal obligations (5,937) only 1,392 were school principals in 2016-2017.

The training offered was not mandatory, but it was argued by one Director of

School Services, *'that making training mandatory does not automatically equate to changes in practice'*. No, it doesn't, I wouldn't argue against that statement, but what I would add is that it should at least equate to change, but that without training, nothing changes. Without education or training dyslexic people can be disenfranchised and live within close confines in terms of what opportunities in life they can access.

I postulate that this has contributed to the awareness and acceptance of learning difficulties such as dyslexia in the UK, and therefore Scotland. Contrasting with my personal experience, because of family ties to politics and tertiary education, and as a dyslexic person in Australia, I had continued contact with politicians and academic administrators. Had I been a neuro-typical individual, those connections would certainly have been advantageous in achieving success in life, and yet, as I see it, because of my dyslexia, those advantages were not available to me.

A consideration of the differences in societal attitudes towards neuro-divergent individuals between Australia and the UK may be drawn from the different political structures. It is often stated that "it's not what you know, but who you know" with regards to achieving success in life. In the UK, until recently, the succession rules in the House of Lords enabled higher diversity of individuals in powerful positions with regards to neuro-divergence. As such individuals are granted positions, regardless of their academic achievements.

7.3 Reflections and Recommendations

Notwithstanding the limitations of this study, it provides a lens through which to view the assimilation of dyslexia that has been achieved in Scotland's community. Yet in Australia the term 'dyslexia' continues to raise controversy and a challenge, often with a high financial cost to parents in pursuit of formal recognition of dyslexia for their child or children. Yet this condition is recognised under Australia's disability law. This must change. Historically change in education policy comes through social change, but the process of re-imagining policy could actively involve having conversations about how changes can happen.

Sadly, I refer to the Appendices of this study as testimony of the many 'conversations' that have occurred in NSW and wider Australia. Many of these I have personally been involved in over the years, and certainly with respect to changing legislation (*See Appendices 7 and 10*). As such I consider that a shift should occur from rhetoric to reality. Now it is time for change to be actioned. How then could this study potentially, promote positive change for children and people with dyslexia in Australia, and what lessons could be learned from Scotland's approach that could translate into practice? My response to such questions would be 'yes' it could and reflecting on my

research, and lived experiences, I expound on ways this study could promote change, but I also add a caveat.

The caveat is that the change must come from within the powerhouse in state government at any given time, and those elected to that group will need to respond to the call for change. It can be in response to a collective need, from those who demand change loud and clear, who can describe the specific nature of that need, and it is within the rising advocacy groups in Australia where I believe these collective voices are emerging. The composition of such groups carries strong collective voices, they have a growing credence with the policy writers, and have a membership of parents and professionals from a range of services and professions including teachers, psychologists, educators, lawyers, medical practitioners, and researchers in the field of neurodevelopmental disorders such as dyslexia. They bring with their voice, passion, an informed understanding of what dyslexia is, and more to the point, how it is affecting their child, *their* family, *their* lives.

The formation of Dyslexia Scotland saw it evolve from 1972, with name changes and the merging of charities along the way, but with most of the administration being undertaken by volunteers, usually with a family interest in dyslexia. As with Australia's growing advocacy groups, membership of Dyslexia Scotland comprises parents of dyslexic children, dyslexic adults, teachers, psychologists, doctors, health workers, adult education tutors and any other professionals with an interest in dyslexia.

Undoubtedly, their aims of 'raising dyslexia awareness' have led to the spreading of information through membership across so many fields and community groups. Their collective voices also inform statutory bodies and include, the Scottish Prison Service and various employers, and believe their shared ideas would make an impact. The aims of this organisation were little different from the aims of the advocacy groups discussed earlier, to raise awareness of the nature of dyslexia as a syndrome of abilities, and how it affects dyslexic people and their families in their daily lives at home, in school, college, higher education or in the workplace. The *Dyslexia Scotland* organisation strives to influence educational policy at both local and national level and serves as a resource base, with regional offices holding a wide range of resources for parents and teachers. They also provide 'Teacher Information Packs' and work with the prison service education adviser to produce a 'Resource Pack' held in every prison in Scotland. Contextualised in terms of Australia, we are on the brink of such involvement and collaboration with our support and advocacy groups too.

Consensus is undoubtedly instrumental in any successful adoption of change, and through directives that come from the top down. The policy makers, the political college, through to community leaders and education institutions are where impetus and

motivation for change can be accelerated when the community become involved. The evidence presented here from Scotland has shown how schools alone cannot evoke change, and social institutions changed in parallel alongside the changing of attitudes, or a change of mindset.

Teacher education in Australia must be reformed, and continued professional development needs to continue beyond graduation and entry into the teaching profession. Those who educate the teachers, and who decide upon the curriculum content of education degrees also need to change policies, so teachers will enter the profession with the knowledge and understanding about dyslexia that they will need when they meet that 10% of children that have dyslexia or are 'dyslexic'. Speaking on this very issue back in 2007, and while discussing the *Educational Support for Dyslexic Children Bill* (See Appendix 8) it was stated that;

'Developmental disabilities in learning and behaviour are not widely accepted for political and economic reasons. Should the prevalence of this condition (dyslexia) be acknowledged by governments or other authorities, it would then be incumbent upon those authorities to provide the necessary assistance for these children'.

However, it is a right enshrined in Australia's commitment as a signatory of International Law, in Article 23 of the United Nations Convention on the Rights of the Child that states...

Any child with a disability should have access to and receive an education in a manner conducive to achieving the fullest possible social integration and individual development.

I would add that to ignore the needs of the child with dyslexia, is to risk a far higher probable cost to society later in the life of that individual. As mentioned earlier, high percentages of incarcerated offenders have been found to be dyslexic, suicide or ideations of suicide are higher amongst those with dyslexia, and mental health issues in young people and adults with dyslexia (Alexander-Passe,2015) are just some of the unfortunate reported consequences of ignoring the issue. This potential cost is partially recognised by the implementation of the NDIS, with a stated purpose being;

'Providing support to a person, either a child or an adult, as early as possible to reduce the impacts of disability or developmental delay and to build their skills and independence.' (www.ndis.gov.au)

However, this is illustrative of a disconnect between the Federal Government's recognition of the support required, and the State's implementation of support in an educational setting.

This study has shown a light on some of the gaps in Australia's educational and social development in terms of recognising dyslexia as a neurodevelopmental disability. It has also shown one nation's response to dealing with dyslexia that offers a useful model as to how dyslexia can be dealt with, when collaboration is effective and not combative, where all parties are respectful of each other's perspective, and position, and where outcomes are informed and beneficial to all parties involved.

Schools alone cannot evoke change, social institutions and governance need to change first and manifest policies that can support change. From this could determine how well we train our teachers, or for that matter, train our trainers. It is all about doing the right thing at the right time, and the right time is now. Governing bodies need to work with dyslexia charity groups to inform the development of policies that meet the needs of all parties concerned. This is happening. Politicians from cross-party representations need to put aside their differences and find some common ground to support policy making that has the interest of Australia's dyslexic community at its heart.

This study began with declaring my position as an adult with severe dyslexia, and the history of my involvement to promote greater equity and education opportunity as someone who is not dyslexic. It is my hope that this thesis will, in some way, take my advocacy to the next level and in turn lead to better opportunities for Australia's dyslexic community. I belong to a PhD support group for doctoral students who have dyslexia, and this group membership is a testament to the ability and determination of the many dyslexics that are pursuing higher education and in many different disciplines. It is also disheartening to hear how many would never disclose their dyslexia for fear of unfavourable consequences, and that must change.

I close this thesis with a testimony to my fervent campaigning. Taken from NSW Legislative Council Reading of the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008, the full text of which can be found in the Appendix (see Appendix 9).

'No-one has fought harder or more consistently to have dyslexia recognised as a disability and therefore eligible for educational department special support than Mr Jim Bond, a regular visitor in the public gallery, where he has waited for four and a half years for this bill to come to its final reading today. Along the way Jim has had some good victories. Recently, the New South Wales Department of Ageing, Disability and Home Care was forced to apologise for discriminating against him. Staff at the department refused to help Jim Bond complete an application form to be a member of the New South Wales Disability Council. He has had victories over a Federal department and the Australian Protective Service. The Anti-

Discrimination Board ruled in favour of Jim Bond, and the director general of the department was forced to issue a written apology. It has promised to conduct staff training about such discrimination.

I have known Jim Bond for six years, (...) with his urging I have become an active supporter of dyslexic people and have lobbied the State Government to consider dyslexia as a disability. One in seven Australians suffers from dyslexia. The effects of dyslexia in society include unemployment, poverty, alcoholism, drug abuse and dependency, and even family breakdowns. This legislation is long overdue.’ (Reverend the Hon. Dr Gordon Moyes AC, 2008)

Regrettably the Bill that was the subject of this 2008 reading began its life as the Educational Support for the *Dyslexic Children Bill, 2007*, the first such proposed legislation in any state or Territory in Australia. It morphed into legislation with a broader remit, and it has gone some way to improve learning support for children with severe and complex learning difficulties. This too was severely needed.

We are now in the third decade of the 21st century and change must and will come. I end with my commitment to making this happen sooner, rather than later.

REFERENCES

- Adams, C., & van Manen, M. (2008). Phenomenology. In L. M. Given (Ed.), *The Sage Encyclopedia of Qualitative Research Methods*. Thousand Oaks CA: Sage Publications.
- Alexander-Passe, N. (2015). *Dyslexia and Mental Health: Helping people identify destructive behaviours and find positive ways to cope*. London and Philadelphia: Jessica Kingsley.
- Amato, L. (2017a). *Education of students with a disability or special needs in New South Wales*. Retrieved from New South Wales Parliamentary Library:
- Amato, L. (2017b). *Report on Proceedings Before Portfolio Committee No. 3 - Education Students with a Disability or Special Needs in New South Wales*. Retrieved from New South Wales Parliament. Legislative Council:
- Anastasiou, D., & Kauffman, J. (2011). A Social Constructionist Approach to Disability: Implications for Special Education. *Exceptional Children*, 77(3), 367-384.
- Andrews, D. (2020). Inclusive Education: Making Sure Our Kids Can Be Their Best [Press release]. Retrieved from <https://www.premier.vic.gov.au/inclusive-education-making-sure-our-kids-can-be-their-best>
- ANTI-DISCRIMINATION (AMENDMENT) ACT, 28, New South Wales Parliament (1994).
- Anti-Discrimination Amendment (Miscellaneous Provisions) Bill, Pub. L. No. 79/2004 (2004).
- Armstrong, D. (2014). Educator perceptions of children who present with social, emotional and behavioural difficulties: a literature review with implications for recent educational policy in England and internationally. *International Journal of Inclusive Education*, 18(7), 731-745. doi:10.1080/13603116.2013.823245
- Armstrong, D. (2022). Exclusion and the "wicked problem" of behaviour in Australian schools: A Research Agenda. In E. Done & H. Knowler (Eds.), *Off-Rolling and Illegal School Excursions*: Palgrave.
- Armstrong, D., & Humphrey, N. (2009). RESEARCH SECTION: Reactions to a diagnosis of dyslexia among students entering further education: development of the 'resistance–accommodation' model. *British Journal of Special Education*, 36(2), 95-102. doi:<https://doi.org/10.1111/j.1467-8578.2008.00408.x>
- Armstrong, D., Price, D., & Crowley, T. (2015). Thinking it through: a study of how pre-service teachers respond to children who present with possible mental health difficulties. *Emotional and Behavioural Difficulties*, 20, 1-17. doi:10.1080/13632752.2015.1019248
- Armstrong, D., & Squires, G. (2014). *Key perspectives on dyslexia*. London & New York: Routledge.
- Australia. Productivity, C. (2004). *Review of the Disability Discrimination Act 1992 : Productivity Commission inquiry report / Productivity Commission*. Melbourne: Productivity Commission.
- Australian Dyslexia Association. (2021). Retrieved from <https://dyslexiaassociation.org.au/>

- Australian Dyslexia Association. (2021). Dyslexia in Australia. *Australian Dyslexia Association*. Retrieved from <https://dyslexiaassociation.org.au/dyslexia-in-australia/>
- Ball, S. (2009). Privatising education, privatising education policy, privatising educational research: Network governance and the 'competition state'. [http://lst-iiiep.iiep-unesco.org/cgi-bin/wwwi32.exe/jin=epidoc1.in/?t2000=027011/\(100\)](http://lst-iiiep.iiep-unesco.org/cgi-bin/wwwi32.exe/jin=epidoc1.in/?t2000=027011/(100)), 24. doi:10.1080/02680930802419474
- Ball, S. J., & Exley, S. (2010). Making policy with 'good ideas': policy networks and the 'intellectuals' of New Labour. *Journal of Education Policy*, 25(2), 151-169. doi:10.1080/02680930903486125
- Ball, S. J. M., Meg; Braun, Annette. (2012). *How Schools Do Policy: Policy Enactments in Secondary Schools*. Abingdon, UK: Routledge, Taylor & Francis Group.
- Bede, H. (2009). The Bill of Rights Debate in Australia - A Study in Constitutional Disengagement. *Journal of Politics and Law*, 2. doi:10.5539/jpl.v2n3p2
- Bell, S., McPhillips, T., & Doveston, M. (2011). How do teachers in Ireland and England conceptualise dyslexia? *Journal of Research in Reading*, 34(2), 171-192. doi:<https://doi.org/10.1111/j.1467-9817.2009.01419.x>
- Blackman, S. (2011). Using pupil perspective research to inform teacher pedagogy: what Caribbean pupils with dyslexia say about teaching and learning. *Journal of Research in Special Educational Needs*, 11(3), 178-185. doi:<https://doi.org/10.1111/j.1471-3802.2011.01197.x>
- Bond, J. (2017). *Inquiry into Students with a Disability or Special Needs in New South Wales Schools - Submission No. 416*. Retrieved from New South Wales Parliament. Legislative Council:
- Bond, J. J. (1999). *Falling Between the Cracks: How the System Fails Dyslexics*
- Bond, J. J. (2009) 'Helping young minds' at Mind & Its Potential 2009/Interviewer: M. Demasi. Mind & Its Potential Conference, Youtube.
- Bond, J. J. (2014). *Different - yet equal: the historical development of disability discrimination legislation in the US, the UK, Canada and Australia*. (Master of Research). Sydney, Australia : Macquarie University, Retrieved from <http://hdl.handle.net/1959.14/1135577>
- Bonifacci, P., Montuschi, M., Lami, L., & Snowling, M. J. (2014). Parents of Children with Dyslexia: Cognitive, Emotional and Behavioural Profile. *Dyslexia*, 20(2), 175-190. doi:<https://doi.org/10.1002/dys.1469>
- Booth, T., & Ainscow, M. (2002). *Index for Inclusion - developing learning and participation in schools*. Retrieved from
- Boyle, C., & Topping, K. (2012). *What Works In Inclusion?* : Open University Press.
- Bradford, D., & Wan, W.-Y. (2015). *Reading Recovery: A Sector-Wide Analysis*. Retrieved from Sydney, Australia:
- Brenner, P. (2008). Interpretative Phenomenology. In L. M. Given (Ed.), *The SAGE Encyclopedia of Qualitative Research Methods*. London and Los Angeles: Sage Publications.

- Bronfenbrenner, U. (1979). *The Ecology of Human Development: Experiments by Nature and Design*. Cambridge, MA: Harvard University Press.
- Burden, R. (2005). *Dyslexia and Self-Concept: Seeking a Dyslexic Identity*: Wiley.
- Burnswoods, J. (2003). *Realising Potential: Final Report of the Inquiry into Early Intervention for Children with Learning Difficulties* (30).
- Cairney, P. (2016). *The Politics of Evidence-Based Policy Making*. London: Palgrave Macmillan.
- Cairney, P. (2017). Evidence-based best practice is more political than it looks: a case study of the 'Scottish Approach'. *Evidence & Policy: A Journal of Research, Debate and Practice*, 13(3), 499-515. doi:10.1332/174426416X14609261565901
- Cairney, P., & Rummery, K. (2017). Feminising Politics to Close the Evidence-Policy Gap: The Case of Social Policy in Scotlad. *Australian Journal of Public Administration*, 77(4), 542-553.
- Cairney, P., Russell, S., & Denny, E. (2015). The 'Scottish approach' to policy and policymaking: what issues are territorial and what are universal? *Policy & Politics*. doi:10.1332/030557315X1435333126453
- Cameron, D., & Valentine, F. (2001). *Comparing policy-making in federal systems: the case of disability policy and programs — an introduction*. Montreal QC and Kingston ON: McGill-Queens University Press.
- Carling-Jenkins. (2014). *Disability and social movements: Learning from Australian Experiences*. . Farnham, Surrey: Ashgate.
- Chapman, J. W., & Tunmer, W. E. (2019). Reading Recovery's unrecovered learners: Characteristics and issues. *Review of Education*, 7(2), 237-265. doi:<https://doi.org/10.1002/rev3.3121>
- Chong, P. W., & Graham, L. J. (2017). Discourses, decisions, designs: 'special' education policy-making in New South Wales, Scotland, Finland and Malaysia. *Compare: A Journal of Comparative and International Education*, 47(4), 598-615. doi:10.1080/03057925.2016.1262244
- Christie, C. (2011). *Commission on the Future Delivery of Public Services*. Retrieved from Edinburgh:
- Cochrane, K., & Saunders, K. (2012). *Dyslexia Friendly Schools Good Practice Guide*. Retrieved from Bracknell, UK:
- Code REaD. (2021). Retrieved from <https://codereadnetwork.org>
- Code Read Dyslexia Network. (2020). Read My Frustration [Video]. Youtube: Code Read Dyslexia Network Australia.
- Coltheart, M., Bond, J., Connell, T., Firth, N., Hardy, M., Nayton, M., . . . Weeks, A. (2010). *Helping people with dyslexia: a national action agenda*.
- Commonwealth of Australia. (2008). *Australia 2020 Summit Final Report*. Paper presented at the Australia 2020 Summit, Canberra.
- Connor, L. (2017). Understanding dyslexia: competing theories, expanding

definitions and ongoing controversy. . *The STeP Journal: Student Teacher*

Perspectives, , 4 (2). pp. 11-18.

Downloaded from: <http://insight.cumbria.ac.uk/id/eprint/3154/2>, 11-18. Retrieved from <http://insight.cumbria.ac.uk/id/eprint/3154/>

Costantino, T. (2008). Constructivism. In L. M. Given (Ed.), *The SAGE Encyclopedia of Qualitative Research Methods*. London and Los Angeles: Sage Publications.

Coutts, P., & Brochie, J. (2017). *The Scottish approach to evidence - A discussion paper*. Retrieved from London:

Crawford, M. (2016). *Supporting students with disability in NSW public schools: Department of Education*. Retrieved from

Crow, L. (1996). *Including all of our lives: renewing the social model of disability*. Leeds: The Disability Press.

Danermark, B. (2001). Interdisciplinary Research and Critical Realism: The Example of Disability Research. *Journal of Critical Realism*, 5(1), 56-56.

Dear Dyslexic Foundation. (2021). Retrieved from <https://www.deardyslexic.com>

Della Porta, D., & Keating, M. (2008). *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*. Cambridge: University Press.

Denscombe, M. (2003). *The Good Research Guide: For Small-scale Social Research Projects*: McGraw-Hill Education.

Denscombe, M. (2010). *The Good Research Guide for small-scale social research projects* (5th Edition ed.). Berkshire, England: Open University Press.

Denzin, N., & Lincoln, Y. (2005). *The Discipline and Practice of Qualitative Research*.

Denzin, N. K., & Lincoln, Y. S. (2008). *The landscape of qualitative research, 3rd ed.* Thousand Oaks, CA, US: Sage Publications, Inc.

Denzin, N. K., & Lincoln, Y. S. (2013). *The Landscape of Qualitative Research* (4th Edition ed.). Los Angeles & London: Sage.

Denzin, N. K., & Lincoln, Y. S. (2018). *The SAGE Handbook of Qualitative Research* (5th Edition ed.). Thousand Oaks, CA: Sage Publications.

Department of Education Employment and Workplace Relations. (2012). *Report on the Review of Disability Standards for Education 2005*. Retrieved from

Deterding, N. M., & Waters, M. C. (2018). Flexible Coding of In-depth Interviews. *Sociological Methods & Research*, 1.

Dilnot, J., Hamilton, L., Maughan, B., & Snowling, M. J. (2017). Child and environmental risk factors predicting readiness for learning in children at high risk of dyslexia. *Development and Psychopathology*, 29(1), 235-244. doi:10.1017/S0954579416000134

Disability Discrimination Act, 135 Stat. (1992).

- Disability Inclusion Act, 41, 41 Stat. (2014).
- Dobbin, F., Simmons, B., & Garrett, G. (2007). The Global Diffusion of Public Policies: Social Construction, Coercion, Competition, or Learning? *Annual Review of Sociology*, 33, 449-472.
- Dolowitz, D. P., & Marsh, D. (2012). The Future of Policy Transfer Research. *Political Studies Review*, 10(3), 339-345. doi:<https://doi.org/10.1111/j.1478-9302.2012.00274.x>
- Dyslexia Scotland. (2017). Addressing Dyslexia. Retrieved from <http://addressingdyslexia.org/>
- Dyslexia Scotland. (2018). What is dyslexia? In D. Scotland (Ed.), <https://www.dyslexiascotland.org.uk/sites/default/files/library/WhatIsDyslexia.pdf>.
- Dyson, A., Millward, A., & Crowther, D. (2002). *Decision-Making and Provision within the Framework of the SEN Code of Practice*, . Retrieved from
- Dyson, L. (2010). Unanticipated Effects of Children with Learning Disabilities on Their Families. *Learning Disability Quarterly*, 33(1), 43-55. doi:10.1177/073194871003300104
- Education (Additional Support for Learning)(Scotland) Act, www.legislation.gov.uk (2004).
- Education (Scotland) Act, 44 (1980).
- Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008, (2008).
- Elbaum, B., Vaughn, S., Hughes, M. T., & Moody, S. W. (2000). How effective are one-to-one tutoring programs in reading for elementary students at risk for reading failure? A meta-analysis of the intervention research. *Journal of Educational Psychology*, 92(4).
- Equality Act, www.legislation.gov.uk (2010).
- Esping-Andersen, G. (1990). *Three Worlds of Welfare Capitalism* Cambridge.
- Esterberg, K. (2002). *Qualitative methods in social research*. Boston: McGraw-Hill.
- Fawns, R., Misson, R., Moss, J., Stacey, K., & Ure, C. (2007). *Top of the class report on the inquiry into teacher education, University of Melbourne Faculty of Education submission*. Retrieved from Canberra:
- Findlay, E., & Sloan, P. (2014). *The Scottish Approach to Government*. Retrieved from Edinburgh:
- Fink, R. P. (1996). Successful dyslexics: A constructivist study of passionate interest reading. *Journal of Adolescent & Adult Literacy* , , 39(4). doi:
- Stable URL: <https://www.jstor.org/stable/40013413>
- Finnemore, M., & Sikkink, K. (2001). TAKING STOCK: The Constructivist Research Program in International Relations and Comparative Politics. *Annual Review of Political Science*, 4(1), 391-416. doi:10.1146/annurev.polisci.4.1.391

- Firth, N. (2010). Dyslexia in the United Kingdom and the 'dyslexia friendly' quality mark. *Learning Difficulties Australia Bulletin*, 42(2), 7-10.
- Forlin, C. (2006). Inclusive Education in Australia ten years after Salamanca. *European Journal of Psychology of Education*, 21(3), 265-277.
- Forlin, C., Chambers, D., Loreman, T., Deppeler, J., & Sharma, U. (2013). *Inclusive Education for Students with Disability*. Retrieved from
- Foucault, M. (1976). *The Birth of the Clinic*. London: Tavistock.
- Gearing, R. E. (2004). Bracketing in Research: A Typology. *Qualitative Health Research*, 14(10), 1429-1452. doi:10.1177/1049732304270394
- Gerring, J. (2006). *Case Study Research: Principles and Practices*. Cambridge: Cambridge University Press.
- Gibbs, G. R. (2007). Thematic Coding and Categorizing. In G. R. Gibbs (Ed.), *Analyzing Qualitative Data*. London, England: SAGE Publications, Ltd.
- Giddens, A., & Griffiths, S. (2006). *Sociology* (5th Edition ed.). Cambridge: Polity Press.
- Gliedman, J., & Roth, W. (1980). *The Unexpected Minority: Handicapped Children in America*. New York: Harcourt Brace Jovanovich.
- Goffman, E. (1961). *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. Ann Arbor: University of Michigan Press.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identity*. London: Penguin.
- Goodman, R. (1997). The Strengths and Difficulties Questionnaire: a research note. *J Child Psychol Psychiatry*, 38(5), 581-586. doi:10.1111/j.1469-7610.1997.tb01545.x
- Goodman, R. (1997). The Strengths and Difficulties Questionnaire: A Research Note. *Journal of Child Psychology and Psychiatry*, 38(5), 581-586. doi:<https://doi.org/10.1111/j.1469-7610.1997.tb01545.x>
- Goodman, R., Meltzer, H., & Bailey, V. (1998a). The Strengths and Difficulties Questionnaire: a pilot study on the validity of the self-report version. *Eur Child Adolesc Psychiatry*, 7(3), 125-130. doi:10.1007/s007870050057
- Goodman, R., Meltzer, H., & Bailey, V. (1998b). The strengths and difficulties questionnaire: A pilot study on the validity of the self-report version. *European Child & Adolescent Psychiatry*, 7(3), 125-130. doi:10.1007/s007870050057
- Graham, L. (2013). *Much confusion about inclusion in Australia's largest education system*. Retrieved from
- Graham, L. J., & Spandagou, I. (2011). From vision to reality: views of primary school principals on inclusive education in New South Wales, Australia. *Disability & Society*, 26(2), 223-237. doi:10.1080/09687599.2011.544062
- Grimaldi, E. (2011). Governance and Heterarchy in Education - Enacting networks for school innovation. *Italian Journal of Sociology of Education*, 2, 114-150.

- Guest, G., Namey, E., & Mitchell, M. (2013). *Collecting Qualitative Data: A Field Manual for Applied Research*. Los Angeles: Sage Publishers.
- Gwernan-Jones, R. (2012). Socio-Emotional Aspects of Dyslexia: We're all in this Together. In N. Brunswick (Ed.), *Supporting Dyslexic Adults in Higher Education and the Workplace*. Chichester: Wiley-Blackwell.
- Hahn, H. (1985). Toward a politics of disability: Definitions, disciplines, and policies. *The Social Science Journal*, 22(4), 87-105.
- Hahn, H. (1993). The Political Implications of Disability Definitions and Data. *Journal of Disability Policy Studies*, 4(2), 41-52. doi:10.1177/104420739300400203
- Hahn, H. (1994). The Minority Group Model of Disability: Implications for Medical Sociology. In R. Weitz & J. Kronenfeld (Eds.), *Research in the Sociology of Health Care* (Vol. 11). Greenwich CT: JAI Press.
- Hahn, H., Albrecht, G. L., Berkowitz, E. D., Berkowitz, M., Johnson, W. G., Murphy, E. H., . . . Podair, S. (1982). Disability and Rehabilitation Policy: Is Paternalistic Neglect Really Benign? [Cross National Rehabilitation: A Sociological Perspective, Gary L. Albrecht; Disability Policies and Government Programs, Edward D. Berkowitz; Public Policy toward Disability, Monroe Berkowitz, William G. Johnson, Edward H. Murphy; Handicapping America: Barriers to Disabled People, Frank Bowe; Rehabilitating America: Toward Independence for Disabled and Elderly People, Frank Bowe; Disabled People as Second-Class Citizens, Myron G. Eisenberg, Cynthia Griggins, Richard J. Duval; The Unexpected Minority: Handicapped Children in America, John Gliedman, William Roth; Disability: From Social Problem to Federal Program, Irving Howards, Henry P. Brehm, Saad Z. Nagi; Voluntary Agencies in the Welfare State, Ralph M. Kramer; P. L.94-142: An Act of Congress, Erwin L. Levine, Elizabeth M. Wexler; Beyond Paternalism: Local Governments and Rights of the Disabled, Michael J. Murphy, Nancy T. Stark, Betty L. Cheatham; The Handicapped Speak, William Roth; Alternatives in Rehabilitating the Handicapped: A Policy Analysis, Jeffrey Rubin, Valerie La Porte; Rehabilitating People with Disabilities into the Mainstream of Society, Allen D. Spiegel, Simon Podair]. *Public Administration Review*, 42(4), 385-389. doi:10.2307/975983
- Hall, P. A., & Soskice, D. (2001). *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*: Oxford University Press.
- Hancock, L. (2001). Australian intergovernmental relations and disability policy. In D. Cameron & F. Valentine (Eds.), *Disability and Federalism: Comparing Different Approaches to Full Participation*. Montreal QC and Kingston ON: McGill-Queens University Press.
- Hill, C. E., Thompson, B. J., Williams, N. E., Hess, S. A., & Ladany, N. (2005). Consensual qualitative research: An update. *Journal of Counseling Psychology*, 52(2), 196-205.
- Hogan, A. (2016). NAPLAN and the role of edu-business: New governance, new privatisations and new partnerships in Australian education policy. *The Australian Educational Researcher*, 43(1), 93-110. doi:10.1007/s13384-014-0162-z
- Hoskin, J., Boyle, C., & Anderson, J. (2015). Inclusive education in pre-schools: predictors of pre-service teacher attitudes in Australia. *Teachers and Teaching*, 21(8), 974-989. doi:10.1080/13540602.2015.1005867

- Hruby, G. G. (2001). Sociological, Postmodern, and New Realism Perspectives in Social Constructionism: Implications for Literacy Research. *Reading Research Quarterly*, 36(1), 48-62. doi:<https://doi.org/10.1598/RRQ.36.1.3>
- Hudson, J. P. (2014). *A Practical Guide to Congenital Developmental Disorders and Learning Difficulties*. London: Routledge.
- Hunt, P. (1975). *Union of the Physically Impaired Against Segregation: Comments on the discussion held between the Union and the Disability Alliance on 22nd November, 1975*. Retrieved from Leeds, UK: <https://disability-studies.leeds.ac.uk/wp-content/uploads/sites/40/library/finkelstein-UPIAS-Principles-2.pdf>
- Hyatt, K. (2010). Irlen Tinted Lenses and Overlays. In M. B.-M. University (Ed.), <http://auspeld.org.au/wp-content/uploads/2014/08/Irlen-Lenses-and-Overlays-MUSEC-Briefing.pdf>.
- Khan, T. (2007). *Inaugural Speech, Legislative Council of NSW*. Hansard Retrieved from <https://www.parliament.nsw.gov.au/member/files/46/Hon%20Trevor%20Khan%20-%20Inaugural%20speech.pdf>
- Kirk, J., & Reid, G. (2001). An examination of the relationship between dyslexia and offending in young people and the implications for the training system. *Dyslexia*, 7(2), 77-84. doi:doi.org/10.1002/dys.184
- Kratochwil, F. (2008). Constructivism: what it is (not) and how it matters. In D. Della Porta & M. Keating (Eds.), *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective* (pp. 80-98). Cambridge: Cambridge University Press.
- Legislative Council, N. (2019). *Budget Estimates 2019-2020*. Retrieved from
- Leith, M., McPhee, I., & Laxton, T. (2012). *Scottish Devolution and Social Policy*. Newcastle-on-Tyne: Cambridge Scholars Publishing.
- Lewis, S. (2017). Policy, philanthropy and profit: the OECD's PISA for Schools and new modes of heterarchical educational governance. *Comparative Education*, 53(4), 518-537. doi:10.1080/03050068.2017.1327246
- Lightfoot, E. (2002). A Comparative Study of Social Policy Transfer. *The Social Policy Journal*, 1(4), 5-22. doi:10.1300/J185v01n04_02
- Lincoln, Y., & Guba, E. (2000). Paradigmatic controversies, Contradictions, and Emerging Confluences. In N. Denzin & Y. Lincoln (Eds.), *Handbook of Qualitative Research*. London: Sage Publications.
- Livingston, L. A., Colvert, E., Bolton, P., & Happé, F. (2019). Good social skills despite poor theory of mind: exploring compensation in autism spectrum disorder. *J Child Psychol Psychiatry*, 60(1), 102-110. doi:10.1111/jcpp.12886
- Louden, W., Chan, L. K. S., Elkins, J., Greaves, D., House, H., Milton, M., . . . Kraayenoord, C. (2000). Mapping the Territory--Primary Students with Learning Difficulties: Literacy and Numeracy. Volume 1: Overview.
- Lubienski, C., Brewer, T. J., & La Londe, P. G. (2016). Orchestrating policy ideas: philanthropies and think tanks in US education policy advocacy networks. *The Australian Educational Researcher*, 43(1), 55-73. doi:10.1007/s13384-015-0187-y

- Macdonald, S. J. (2009). *Towards a Sociology of Dyslexia: Exploring Links between Dyslexia, Disability and Social Class*. Saarbrücken: Verlag Dr. Müller.
- Made By Dyslexia. Retrieved from <https://www.madebydyslexia.org>
- McBride, G. (1994). 0403 - EMPLOYMENT APPLICATION OF JAMES BOND. NSW *Legislative Assembly House Papers*.
- McPhail, G. (2016). The fault lines of recontextualisation: the limits of constructivism in education. *British Educational Research Journal*, 42(2), 294-313. doi:<https://doi.org/10.1002/berj.3199>
- Mickelborough, P. (2010, 6/7/2010). Victorian Premier John Bruby won't apologise to dyslexic Man. *Herald Sun*. Retrieved from <https://www.news.com.au/national/premier-wont-apologise-to-dyslexic-man/news-story/83ce20ec9dc438b7876f3ea2003aa8d7?sv=fb2e1878b99081382e18275737c2c251>
- Miles, M. B., & Huberman, A. M. (1984). *Qualitative data analysis*. London: Sage.
- Miles, M. B., Huberman, A. M., & Saldana, J. (2014). *Qualitative Data Analysis*. Thousand Oaks, CA: SAGE Publications.
- Morken, F., Jones, L. Ø., & Helland, W. A. (2021). Disorders of Language and Literacy in the Prison Population: A Scoping Review. *Education Science*, 11, 77. doi:[doi.org/10.3390/](https://doi.org/10.3390/10.3390/)
- Nelson, J. M., & Harwood, H. (2010). Learning Disabilities and Anxiety: A Meta-Analysis. *Journal of Learning Disabilities*, 44(1), 3-17. doi:10.1177/0022219409359939
- New South Wales. Law Reform, C. (1999). *Review of the Anti-Discrimination Act 1977 (NSW)*. Redfern, N.S.W: New South Wales Law Reform Commission.
- NSW Department of Education and Communities. (2012). *Every Student, Every School: Learning and Support*. Retrieved from Sydney, NSW:
- NSW Government. (2021). Integration funding support. Retrieved from <https://education.nsw.gov.au/teaching-and-learning/disability-learning-and-support/programs-and-services/integration-funding-support#Funding4>
- Nugent, M. (2008). Services for children with dyslexia – the child's experience. *Educational Psychology in Practice*, 24(3), 189-206. doi:10.1080/02667360802256741
- Oliver, M. (1981a). Disability, adjustment and family life: some theoretical considerations. In A. Brechin & P. Liddiard (Eds.), *Handicap in a Social World: a Reader*. Sevenoaks, Kent: Hodder and Stoughton.
- Oliver, M. (1981b). A new model of the social work role in relation to disability. In J. Campling (Ed.), *The Handicapped Person: a New Perspective for Social Workers*. London: RADAR.
- Oliver, M. (1990). *The Politics of Disablement*. London: Macmillan.
- Oliver, M. (2009). *Understanding disability: From theory to practice*. Basingstoke, Palgrave: Macmillan.

- Oliver, M. (2013). The social model of disability: thirty years on. *Disability & Society*, 28(7), 1024-1026. doi:10.1080/09687599.2013.818773
- Olmedo, A. (2017). Something old, not much new, and a lot borrowed: philanthropy, business, and the changing roles of government in global education policy networks. *Oxford Review of Education*, 43(1), 69-87. doi:10.1080/03054985.2016.1259104
- Parker, R. (2008). *Inquiry into the Program of Appliances for Disabled People (PADP)*. Retrieved from
- Parker, R. (2010). *The provision of education to students with a disability or special needs*. Retrieved from New South Wales Parliament:
- Peppler Barry, U. (2000). *The Dakar Framework for Action*. Paper presented at the World Education Forum, Dakar, Senegal.
- Peters, B. (2016). A model for enhancing social communication and interaction in everyday activities for primary school children with ASD. *Journal of Research in Special Educational Needs*, 16(2), 89-101. doi:<https://doi.org/10.1111/1471-3802.12059>
- Peters, V., & Wester, F. (2007). How Qualitative Data Analysis Software may Support the Qualitative Analysis Process. *Quality & Quantity*, 41(5), 635-659. doi:10.1007/s11135-006-9016-8
- Pino, M., & Mortari, L. (2014). The Inclusion of Students with Dyslexia in Higher Education: A Systematic Review Using Narrative Synthesis. *Dyslexia*, 20(4), 346-369. doi:<https://doi.org/10.1002/dys.1484>
- Poed, S., Cologon, K., & Jackson, R. (2020). Gatekeeping and restrictive practices by Australian mainstream schools: results of a national survey. *International Journal of Inclusive Education*, 1-14. doi:10.1080/13603116.2020.1726512
- Poole, J. (2003). Dyslexia: A wider view. The contribution of an ecological paradigm to current issues. *Educational Research*, 45, 167-180. doi:10.1080/001388032000103253
- Public hearing 7: Barriers to accessing a safe, quality and inclusive school education and life course impacts. Closing Address.*, Public Hearing 7 Sess (2020).
- Reid, G. (2011). *Dyslexia: A Complete Guide for Parents and Those Who Help The* (2nd ed.). Hoboken, NJ: Wiley-Blackwell.
- Reid, G., Deponio, P., & Petch, L. D. (2005). Identification, assessment and intervention—implications of an audit on dyslexia policy and practice in Scotland. *Dyslexia*, 11(3), 203-216. doi:<https://doi.org/10.1002/dys.300>
- Reid, G., & Guise, J. (2017). *The Dyslexia Assessment*. London: Bloomsbury.
- Reid, G., & Wearmouth, J. (2009). Identification and Assessment of dyslexia. In G. Reid (Ed.), *The Routledge Companion to Dyslexia*.
- Riddick, B. (2006). Dyslexia Friendly Schools in the UK. *Topics in Language Disorders*, 26(2), 144-156. Retrieved from

- Riddick, B. (2009). *Living With Dyslexia* (2nd ed.). London & New York: Routledge.
- Risse, T., Ropp, S. C., & Sikkink, K. (1999). *The Power of Human Rights: International Norms and Domestic Change* (T. Risse, S. C. Ropp, & K. Sikkink Eds.). Cambridge: Cambridge University Press.
- Risse, T., & Wiener, A. (2001). The Construction of Social Constructivism. In T. Christensen, K. Jorgensen, & A. Wiener (Eds.), *The Social Construction of Europe*. London: Sage Publications.
- Rose, J. (2009). *Identifying and Teaching Children and Young People with Dyslexia and Literacy Difficulties*. Retrieved from Nottingham:
- Rose, J. (2009). *The Independent Review of the Primary Curriculum: Final Report*. Retrieved from Nottingham:
- Rose, R. (1991). What is Lesson-Drawing? *Journal of Public Policy*, 11(1), 3-30. doi:10.1017/S0143814X00004918
- Roth, L. (2007). *Government Policy and Services to Support and Include People with Disabilities* Retrieved from
- Row, K. (2005). *Teaching Reading: Report and Recommendations* (S. a. T. Department of Education Ed.). Canberra, Australia: Department of Education, Science and Training.
- Rubin, H. J., & Rubin, I. S. (2005). *Qualitative Interviewing: The Art of Hearing Data* (2nd Edition ed.). Thousand Oaks, CA: Sage.
- Sackville, R. (2020). *Interim Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. Retrieved from
- Saldaña, J. (2009). *The coding manual for qualitative researchers*. Thousand Oaks, CA: Sage Publications Ltd.
- Savolainen, H., Malinen, O.-P., & Schwab, S. (2020). Teacher efficacy predicts teachers' attitudes towards inclusion – a longitudinal cross-lagged analysis. *International Journal of Inclusive Education*, 1-15. doi:10.1080/13603116.2020.1752826
- Scheff, T. J. (1966). *Being mentally ill: A sociology theory*. Chicago IL: Aldine.
- Scotch, R. K. (2000). Models of Disability and the Americans with Disabilities Act. *Berkeley Journal of Employment and Labor Law*, 21(1), 213-222. Retrieved from <http://www.jstor.org/stable/24051164>
- Scottish Government. (2021). Getting it right for every child (GIRFEC). Retrieved from <https://www.gov.scot/policies/girfec/>
- Shakespeare, T. (2004). Social models of disability and other life strategies. *Scandinavian Journal of Disability Research*, 6, 8-21. doi:10.1080/15017410409512636
- Shakespeare, T. (2014). *Disability Rights and Wrongs Revisited* (2nd Edition ed.). London and New York: Routledge.

- Sheehy, M. (2002). Illuminating constructivism: Structure, discourse, and subjectivity in a middle school classroom. *Reading Research Quarterly*, 37(3), 278-308.
doi:<https://doi.org/10.1598/RRQ.37.3.2>
- Shelley, M. (1991). *Report of the national consultations with people with a disab.*
Retrieved from Canberra:
- Slater, A. (2016). *Inquiry into Students with a Disability or Special Needs in News South Wales Schools - Submission No. 6.* Retrieved from New South Wales Parliament. Legislative Council:
- Slee, R. (2008). Beyond special and regular schooling? An inclusive education reform agenda. *International Studies in Sociology of Education*, 18(2), 99-116.
doi:10.1080/09620210802351342
- Slee, R. (2010). Political economy, inclusive education and teacher education. In C. Forlin (Ed.), *Teacher Education for Inclusion: Changing Paradigms and Innovative Approaches* (pp. 13-22): Routledge.
- Slee, R. (2011). The Irregular School: Exclusion, Schooling and Inclusive Education. *The Irregular School: Exclusion, Schooling and Inclusive Education*, 1-220.
doi:10.4324/9780203831564
- Slee, R. (2013). Meeting Some Challenges of Inclusive Education in an Age of Exclusion. *Asian Journal of Inclusive Education*, 1(2), 3-17.
- Smith, J., Flowers, P., & Larkin, M. (2009). *Interpretative Phenomenological Analysis: Theory, Method and Research.*
- Smith, J. A. (2003). *Qualitative Psychology- A practical guide to research methods:* Sage publications. UK London.
- Smith, J. A., Jarman, M., & Osborn, M. (1999). *Doing interpretative pehnomenological analysis.* London: Sage.
- Snow, P., & Powell, M. (2011). Oral language competence in incarcerated young offenders: Links with offending severity. I. *International Journal of Speech-Language Pathology*, 13, 480-489. doi:10.3109/17549507.2011.578661
- Square Pegs Tasmania. (2021). Retrieved from <https://www.squarepegstas.org>
- Staff Writer. (2020, 24/08/2020). Code Read Dyslexia Network launches Read my Frustration campaign. *AdNews.* Retrieved from <https://www.adnews.com.au/campaigns/code-read-dyslexia-network-launches-read-my-frustration-campaign>
- Szasz, T. S. (1971). *The Manufacture of Madness.* London: Routledge.
- Tanner, K. (2010a). *Reframing dyslexia as a result of customised educational provision in an adult learning environment.* Retrieved from
- Tanner, K. (2010b). *The lived experience of adults with dyslexia: an exploration of the perceptions of their educational experiences.* (Doctor of Philosophy). Murdoch University,
- The General Teaching Council for Scotland. (2021). Designed for Diversity - The National Framework for Inclusion challenges teachers to think deeply about their role in

promoting equality and social justice. Retrieved from
<https://www.gtcs.org.uk/News/teaching-scotland/71-designed-for-diversity.aspx>

- Therborn, G. (1993). The politics of childhood: The rights of children in modern times. *Families of Nations: Patterns of Public Policy in Western Democracies*, 241-291.
- Tran, L., Sanchez, T., Arellano, B., & Lee Swanson, H. (2011). A Meta-Analysis of the RTI Literature for Children at Risk for Reading Disabilities. *Journal of Learning Disabilities*, 44(3), 283-295. doi:10.1177/0022219410378447
- UNDESA. (2018). *Article 24 – Education*. Paper presented at the Convention on the Rights of Persons With Disabilities.
- Victoria, S. O. (2012). *Held back: The experiences of students with disabilities in Victorian schools*. Retrieved from Carlton, Victoria:
https://www.humanrights.vic.gov.au/static/a6db183a9b13ac2dd426637e362d55eb/Resource-Held_back_report-2012.pdf
- Victoria, S. O. (2017). *Held back: the experiences of students with disabilities in Victorian Schools - Analysis paper*. Retrieved from Carlton, Victoria:
- Warnock, H. (1978). *SPECIAL EDUCATIONAL NEEDS: Report of the Committee of Enquiry into the Education of Handicapped Children and Young People*. Retrieved from London:
- WCEFA. (1990). *Meeting basic learning needs: a vision for the 1990s*. Paper presented at the World Conference on Education for All, Jomtien, Thailand.
- Williams, G. (2001). *The Australian Constitution and human rights: a centenary view*. Retrieved from
- Williams, R. (2009). 5145 - USE OF WYNN OR KURZWEIL TECHNOLOGY FOR DYSLEXIA. Hansard Retrieved from
https://www.parliament.nsw.gov.au/la/papers/Pages/qaprofiles/use-of-wynn-or-kurzweil-technology-for-d_221003.aspx
- Yin, R. K., & Campbell, D. T. (1989). *Case Study Research: Design and Methods*: SAGE Publications.

APPENDICES

Appendix 1 – Falling Between the Cracks; How the System fails Dyslexics

James Justice Bond JP 8 September 1999

PAPER - FALLING BETWEEN THE CRACKS; How the System fails Dyslexics

For the Human Rights, Disability and Education Conference, 17 September 1999

I was born in 1959 in Gosford NSW. From 3rd class I first recognised that I was somehow different from the other children, who harassed me for reasons I didn't understand. Teachers were also impatient with me, marked me as a dummy and sat me at the back of the class, ignoring me. My parents tried to assist me by hiring extra tuition, but they did not have the knowledge or skills to help me beyond the most rudimentary learning. I had a speech impediment, which was not corrected until 1969 by Professor Delbridge of Macquarie University, who also the first to recognise my Dyslexia. You may be wondering how long has this mysterious condition been known about?

Well, Dyslexia was first identified in 1912 in England, and has had that name since then. The majority of the teachers then did not know what dyslexia was. I suspect many still don't. People in broad society still do not know what it is. Perhaps people like Kerry and James Packer could move mountains by publicly acknowledging their dyslexia? The list of famous and successful people with dyslexia would surprise many :

Thomas Eddison, Albert Einstein, Paul Erlich, the actress Susan Hampshire, William James, General George Patten, Nelson Rockefeller, the sculptor Auguste Rodin, US Presidents George Washington and Woodrow Wilson, and most poignantly perhaps the American celebrity Bill Cosby's son - who was completing a Masters in Education shortly before he was tragically shot and killed.

In addition to my attendance at Epping Boys High School, I also enrolled in the Macquarie University School of English in 1970 where for the next 2 to 3 years they attempted to teach me how to read write and use numbers. This did advance my education to a basic level, but not a competitive level compared to my peers at school. This was despite various tests and the opinion of professionals 'that I was above average intelligence. In 1973, at the ripe age of 14 years and 9 months, I received the school's "Citizenship Award" and completed school - with a letter to my father from the Principal stating that they could not teach me anything further given my condition, which they could not address, and that I should do better leaving school and seeking manual employment. They had no hope of giving me academic skills, and had instead concentrated on giving me labouring skill's and expected that to be my only option in the workforce.

My inability to read and write had a catastrophic effect on my employment prospects. I have applied for hundreds of jobs. Because I could not get jobs requiring literacy, like many thousands of people who cannot read and write I took on labouring jobs. As an indication of my frustration and increasing sense of alienation, and in order to get attention with employers I even went to the extreme of changing my surname - well, it worked, people remember the name!

Eventually I obtained work with the State Rail Authority where I did various labouring jobs - I had failed the Trainee Engineman Test (because I could not read) so instead I became a loco

cleaner! I became an Acting Plumber by way of on- the-job training (because I could not take part in TAFE courses). Then in 1982 I injured my back at work and my employment was terminated. This left me with 2 disabilities - Dyslexia and a back condition. For someone who could only rely on labouring work, this effectively shut me out of the workforce and condemned me and my family to poverty.

I used to hide the fact that I could not read. But after X my injury, I needed help. More and more I "came out" admitting my Dyslexia, which I had previously hidden through embarrassment. Now I could not afford to do this anymore. CRS became involved. They assessed me and suggested that I tried for Security Work. The CRS and CES financially assisted me with training for this. However, my applications were unsuccessful with State and Federal Government agencies.

In 1994 I settled a long legal dispute with the NSW Government concerning employment discrimination in a public sector job that I had applied for in 1989. This received some publicity in local papers and Parliament. With wider public knowledge of my condition I immediately found rejection and alienation from people I had considered friends and neighbours. From then on our social life stopped. My family was snubbed and ceased attending social functions at schools and so on. My children suffered humiliation from mates at school who had heard about me from their parents. The legal battle was combative and stressful to me and my family, and though it came down in my favour, the settlement included a non-publicity clause that effectively stopped me speaking about my case. This further increased my alienation.

My solicitor recommended psychological help, particularly after the protracted legal dispute and associated alienation. After 12 months of intense psychological help, they recommended that I do a TAFE course in Small Business Enterprise. I completed this, with the assistance of a scribe, achieving a credit level certificate, proving that I was not stupid and could achieve academically at Tertiary Level.

My alienation turned around and I realised that I should become an active lobbyist for my rights and the rights of the 1 in 7 people with Dyslexia and the 1 in 5 with Learning Disabilities - incidentally these are Government figures. My life since then has been incredibly busy fighting ignorance and obstinacy, and the tendency of institutions to be confrontational and litigious rather than cooperative and pragmatic when confronted by citizens claiming their right to participation in society. I should point out that when I describe myself as a "lobbyist", I mean an unpaid lobbyist!

Dyslexia and associated "Learning problems" are contentious issues today in Education and Employment. The Department of Education carefully refers to "Learning Difficulties" rather than "Disabilities", presumably in order to exclude these conditions from special funding. In the US, they more confidently refer to Learning Disabilities, and expend a lot of money and academic energy trying to find remedial technology and teaching methods.

Some time in 1988 I was showing my kids the State Library of New South Wales, and almost accidentally I overheard a voice miraculously coming from a machine they had there called the "Kurzweil Reading Edge", reading out the text of a book that it had scanned. I was dumbstruck. In all my years of struggle, nobody had told me that such technology existed. I wept to think how this technology could have helped me in my education and employment and how different my life might have been. Since that day I have lobbied State Federal and Local Governments, Rights Groups, Employers, Libraries, Universities, Colleges and Schools to have this kind of technology instated to assist people with a literacy, learning or a vision disability, including Dyslexia. It has been a long struggle, with many successes and failures, but in that time technology has improved remarkably and the only excuse is political and institutional. The means are there. It is either ignorance or opposition that blocks the way.

The current Kurzweil technology is called Kurzweil 3000. It is a computer program that scans printed material onto the computer screen. This is an exact colour image of the original, which can

include diagrams and photographs as well as text. The image can be magnified and spoken out loud by the computer. As the computer speaks, a coloured highlight tracks the spoken word, which can be magnified in a separate window. This complementary of speech and visual image is highly effective for people with reading disabilities. The colour of the text can be changed to suit,

as can the reading voice and rate of speaking, and at any time Dictionary definitions can be obtained as well as pronunciation. There are many other features, including using these tools to read the Internet, that are of proven benefit to people with reading disabilities including Dyslexia and learning disabilities, and even for people whose first language isn't English, which may be of help to our immigrant communities. There are scientific studies from the United States that show significant improvements in reading speed and comprehension for these people. Where this technology has been demonstrated to Special Education Teachers, they have all been convinced of its effectiveness. Their problem has only been access to funds to purchase it.

The problem is this; in theory, certain disabled children are allocated by the Department of Education, on a per head basis

\$1800 per annum to meet their special needs. This money is pooled and administered to the schools on a proportional basis, but it is up to the schools to spend the money as they see fit. This does not necessarily result in direct spending on special education for individual children. For example, how is it that I was told at a recent meeting at Woy Woy High School that they have a budget of only \$500 for all remedial tools including books and software for 40 special needs students? The problem is partly mysterious budgeting but also partly definitions - the Department of Education is very careful to refer to Dyslexia as a "difficulty" rather than a "disability", and this extends to all "Learning Difficulties". In addition, The Department of Education advises that it cannot recommend, review or prescribe technology, that it is up to individual schools to find out about and decide upon themselves. Unfortunately, I don't have all the time in the world to personally visit every school to evangelise this technology, which seems to be the only way left open by the Department's attitude.

On another tack, the effectiveness of standing up for my rights has been demonstrated by legal rulings in my favour. For example, the establishment of Kurzweil 3000 at my local Library at Wyong Shire was only after legal dispute with the Council. I had tried everything short of legal action before this, two years of talking with committees, before I was compelled to use the sledgehammer of the law. The matter was settled by way of conciliation through the Human Rights Commission. The conciliation included the purchase of Kurzweil 3000 by the Library and a ruling that the technology be shown to local schools at a special demonstration with media publicity. This led to it being seen by Dr Michael Slattery, Principal of the Mater Dei Catholic College, Tuggerah, who immediately saw its application in remedial literacy. He raised funds for it and successfully established it at the school. Incidentally, despite the confrontational start, Kurzweil 3000 is, now considered a valuable resource at Wyong Shire Library.

On 17 September 1998, The Honourable Brian Vaughan (Chairperson Standing Committee Law and Justice) raised the issue of Dyslexia in State Parliament of New South Wales and recommended the Kurzweil 3000 system be adopted. He said:

"The use by Mater Dei college of this computer technology illustrates what all State schools and community libraries should possess to ensure that a comprehensive service and adequate education is provided to those who suffer, for example, a visual impairment, not only dyslexia ... bearing in mind that the Premier announced in a media release on 15 September that the Labor Government has implemented a \$2 million literacy strategy, it seems that this technology ought to be adopted. I agree that it cannot be purchased by every school or library, but surely it is up to this State, our Government, and the education system to provide this technology to regional schools and libraries."

(Hansard page 7603, Legislative Council of NSW, 17 September 1998)

The effectiveness of this speech and Mr Vaughan's involvement shows the importance of political leadership on these issues. Since then we have seen the beginnings of success - awareness of the needs of Dyslexics, new teaching methods and technology, and the will to implement solutions. My struggle to make people aware, in tandem with improvements in technology, the effectiveness of the law in protecting the rights of disadvantaged people, all in combination with political leadership over-riding bureaucratic inertia, has resulted in real solutions for people like myself.

So, where am I today? I am on the Board of the Mater Dei Catholic College and representative of the Broken Bay Diocese, advising on special education and other issues. My most recent success? Another legal case between myself and Public Recruitment Services Australia, over my long standing attempt over many years to enter the Public Service; I have taken the entrance exam 5 times over the last 10 years. once again, I have had to use the sledgehammer of the law, taking the case to the Human Rights Commission, once again successfully. This will result in changes to the test Procedure taking into account the needs of Dyslexic applicants.

This is good news, but I should like to end on a sombre reminder of the appalling consequences of not helping Dyslexics - including social failure, depression, and suicide.

Thank you for giving me this opportunity to give a voice to the thousands of Dyslexic people who, like me, were never given the opportunities taken for granted by every other schoolchild.

I should like to acknowledge, in no particular order, and with apologies to those

too numerous to mention: Dr William Allport (Killarney Vale)
Dr George Miller (Killarney Vale)
Dr Michael Slattery (Principal Mater Dei Catholic College, Tuggerah)
Dr Greg Robinson (Newcastle University, Senior Lecturer, Special Education) Dr Paul Whiting (Sydney University)
Dr David Kemp (Minister for Education and Training)
Michael Lee (Shadow Minister for Education, Member for Central Coast) Senator John Teeney (Chairperson Senate Standing Committee on Education) Tim Fischer (ex Deputy Prime Minister)
Brian Vaughan (ex Chairperson Standing Committee on Law and Justice)
Kurzweil Educational Systems and their distributor in Australia and New Zealand, Optek Systems Anna Cody Director of Kingsford Legal Centre, Faculty of Law University of NSW
Chris Public, President of the Anti Discrimination Board of NSW Reverend Father Robert Brogan (The Entrance Parish)

1999-State Council Representative Broken Bay Catholic Schools 2001-Board Member St Peters Catholic College, Tuggerah
2002 Employment Workplace Relations and Education References Committee. Education of Students with disabilities 2003 Vis. Lecturer of Special Needs. Catholic Universities.
2004

There is no doubt in my mind that the DET disability criteria discriminates against dyslexic students. Recommendation that the disability criteria should recognise all disabilities, and adoption of the technology like the Kurswell 3000, so special needs students can achieve their full potential

2003-Enquiry into early intervention for N.S.W. Learning Difficulties

Appendix 2 - Timelines and Areas of Focus of Commonwealth and NSW Enquiries, with Progress and Resolutions

Area	Issue	Inquiry	Progress
Inclusion	Inclusion in the mainstream	1996 McRae Report	Largely resolved
		2002 Vinson Inquiry	
Funding	Funding to learning difficulties support groups	2003 Upper House Inquiry, rec. 14	
	Increase funding for students with disabilities and special needs	2010 Upper House Inquiry, rec. 1	
	Develop a funding model which better reflects the needs of students	2017 Upper House Inquiry, rec. 8	
Assessment of need to determine funding / funding mechanism	Comprehensive screening and assessment system on entry to Kindergarten	2003 Upper House Inquiry, rec. 22	
	Develop an assessment tool to decide access to disability funding	2010 Upper House Inquiry, rec. 6	
	With the Commonwealth advocate a transparent funding mechanism	2010 Upper House Inquiry, rec. 2	
	That the NSW government use data collected through the Nationally Consistent Collection of Data on School Students with Disability instead of NAPLAN in the Student Learning Needs Index	2017 Upper House Inquiry, rec. 5	
Staffing and resourcing	Expand the role of learning support teams	2003 Upper House Inquiry, rec. 21	
	Require all government schools to have a learning support team	2010 Upper House Inquiry, rec. 13	Learning and Support Teams (L&STs) introduced under the <i>Every Student, Every School</i> initiative. Elements: Learning Support Program, Learning and Support Teacher
	Increase resources for students with disabilities in mainstream classes	2010 Upper House Inquiry, rec. 20	L&STs found to be inadequately resourced or staffed, 2017 finding 4.70
	Ensure that School Learning and Support Teams are adequately trained, resourced, staffed and remunerated	2017 Upper House Inquiry, rec. 14	
Teacher training	Increase the proportion of teachers with early childhood training assigned to K-2 classes	2003 Upper House Inquiry, rec. 19	
	Ensure that all Support Teachers Learning Difficulties are adequately trained	2003 Upper House Inquiry, rec. 24	

	That the NSW Institute of Teachers review the content of pre-service teacher education courses including the mandatory unit in special education	2010 Upper House Inquiry, rec. 27	
	That all Learning and Support Teachers have appropriate special education qualifications	2017 Upper House Inquiry, finding 5.170	Australian Professional Standards for Teachers established in 2012, 2017 finding 5.7
	Having all Learning and Support Teachers with appropriate special education qualifications	2017 Upper House Inquiry, rec. 35	
IEPs	Provide additional resources, including relief time for teachers to develop Individual Education Plans (IEPs)	2010 Upper House Inquiry, rec. 25	
	Ensure that Individual Education Plans are developed and implemented, as a mandatory requirement for all students with disabilities and special needs, and with the support of adequate funding and resources	2017 Upper House Inquiry, rec. 22	IEPs found to vary in quality, 2017 finding 4.81
Advocacy	Establishing a Statewide learning difficulties advocacy organisation	2003 Upper House Inquiry, rec. 14	
	That the DoE establish a case manager role to assist parents and carers in navigating all aspects of the education system	2017 Upper House Inquiry, rec. 39	

Appendix 3 - Timelines and Areas of Focus of Scottish Enquiries, with Progress and Resolutions

Area	Issue	Inquiry	Resolution
Inclusion	The issue of inclusion was largely settled by the time the Scottish Government was established in 1999		
Funding	Surprisingly this is not a big issue in the inquiries. This may be because the bulk of funding comes from Westminster (Barnett formula).		
Data collection	no reliable local authority data collection on the number of looked after children with ASN, the type of ASN, or the ASL provided	Cundy and Duffy 2010	The Additional Support for Learning (Collection of Data) Regulations 2017 requires the Scottish Ministers to collect from education authorities, and to publish annually, specified information about additional support needs.
	The Scottish Government, Education Scotland and the Care Inspectorate develop a performance management framework to quality assure the implementation of GIRFEC and Additional Support Legislation.	2012 Doran Review, rec. 12	Education Scotland and the Care Inspectorate will regularly review their inspection and reporting systems
	The Scottish Government and COSLA should ensure there is an effective system for the national collection of data on children with ASN	2012 Doran Review, rec. 18	Response: the Advisory Group for Additional Support for Learning will convene a sub group to consider the collection of data
	Local authorities should review the quality of their data on numbers of children with dyslexia; the government should review what data should be collected	2014 Making Sense Report, rec. 5	Response: interim measures enacted in 6 months, permanent measures phased in over 3 years
Staffing and resourcing	establishment of a register of teachers with qualifications in meeting ASNs	2012 Doran Review, rec. 5	Response: Education Scotland will work with the the General Teaching Council Scotland (GTCS) to do this
	Local authorities should ensure that sufficient numbers of suitably qualified learning support staff continue to be available	2012 Doran Review, rec. 6	Response: It is for local authorities to plan their resources
	The Scottish Government, Education Scotland, and local authorities should	2012 Doran Review, rec. 9	Response: In 2012-13 Education Scotland will work with other national

	provide more specific guidance and support to teachers of children with ASN		agencies such as Dyslexia Scotland, the Association of Support for Learning Officers and the Scottish Guidance Association to develop guidance and advice
	Teachers, support staff, learners and parents should have access to up-to- date practical advice and guidance on dyslexia	2014 Making Sense Report, rec. 1	Response: this is up to local authorities working with Dyslexia Scotland
	The Scottish Government should work with Dyslexia Scotland to consider national accreditation schemes for Dyslexia Friendly Schools and Dyslexia Friendly Authorities	2014 Making Sense Report, rec. 4	Response: the SG agrees to implement this
Teacher training	Inadequate teacher training in special needs	2010 Donaldson Report	2011 establishment of a National Partnership Group to deliver effective teacher education; initiative Teaching Scotland's Future
	develop learning communities of expert professionals at local, regional and national levels to advise, support and contribute to the professional learning of teachers	2012 Doran Review, rec. 2	Response: Education Scotland will work with other national agencies such as Dyslexia Scotland, the Association of Support for Learning Officers and the Scottish Guidance Association to develop guidance and advice; also GTCS review of the Guidelines for Courses of Initial Teacher Education
	Teachers, support staff and local authority staff should have access to a wide range of high quality career- long professional learning opportunities	2014 Making Sense Report, rec. 2	Response: this is largely up to local authorities working with Dyslexia Scotland
	Initial teacher education should prioritise knowledge and skills in relation to dyslexia	2014 Making Sense Report, rec. 3	Response: this is largely up to the Scottish Teacher Education Committee (STEC), the GTCS and ITE insitutions
Coordinated Support Plans (CSPs)	CSPs are rarely used	Cundy and Duffy 2010	Under the ASL Act 2009, local authorities are also expected to check whether or not children with ASN require a Co-ordinated Support Plan (CSP)
	all agencies should be clear about their responsibilities under the single proposed in the Children and Young People Act 2008, the	2012 Doran Review, rec. 13	Response: the relationship between the single Child's Plan and the co-ordinated support plan (CSP) will be made clear

	Child's Plan		
Advocacy	There is a lack of advocacy services with expertise in education matters	Cundy and Duffy 2010	Section 31A of the ASL Act 2009 requires the Scottish Ministers to secure the provision of a support service to be available and free of charge to eligible children; Enquire, the Scottish advice service for additional support for learning, is govt funded; 10 Jan 2018 launch of My Rights, My Say advocacy service set up (with Enquire as part of it)

Appendix 4 - Disability Discrimination Act 1992 (Australia) (Relevant Sections)



Disability Discrimination Act 1992

No. 135, 1992

Compilation No. 33

Compilation date: 12 April 2018

Includes amendments up to: Act No. 26, 2018

Registered: 19 April 2018

Part 1—Preliminary

4 Interpretation

(1) In this Act, unless the contrary intention appears:

disability, in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that:

- (h) presently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future (including because of a genetic predisposition to that disability); or
- (k) is imputed to a person.

To avoid doubt, a *disability* that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

Part 2—Prohibition of disability discrimination

Division 1—Discrimination in work

15 Discrimination in employment

(1) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against a person on the ground of the other person's disability:

- (a) in the arrangements made for the purpose of determining who should be offered employment; or

- (b) in determining who should be offered employment; or
 - (c) in the terms or conditions on which employment is offered.
- (2) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against an employee on the ground of the employee's disability:
- (a) in the terms or conditions of employment that the employer affords the employee; or
 - (b) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment; or
 - (c) by dismissing the employee; or
 - (d) by subjecting the employee to any other detriment.
- (3) Neither paragraph (1)(a) nor (b) renders it unlawful for a person to discriminate against another person, on the ground of the other person's disability, in connection with employment to perform domestic duties on the premises on which the first-mentioned person resides.

Part 4—Functions of the Australian Human Rights Commission

Division 1—Preliminary

67 Functions of the Commission

- (1) The following functions are conferred on the Commission:
- (c) to exercise the powers conferred on it by section 55;
 - (d) to report to the Minister on matters relating to the development of disability standards;
 - (e) to monitor the operation of such standards and report to the Minister the results of such monitoring;
 - (f) to receive action plans under section 64;
 - (g) to promote an understanding and acceptance of, and compliance with, this Act;
 - (h) to undertake research and educational programs, and other programs, on behalf of the Commonwealth for the purpose of promoting the objects of this Act;
 - (i) to examine enactments, and (when requested to do so by the Minister) proposed enactments, for the purpose of ascertaining whether the enactments or proposed enactments are, or would be, inconsistent with or contrary to the objects of this Act, and to report to the Minister the results of any such examination;
 - (j) on its own initiative or when requested by the Minister, to report to the Minister as to the laws that should be made by the Parliament, or action that should be taken by the Commonwealth, on matters relating to discrimination on the ground of disability;
 - (k) to prepare, and to publish in such manner as the Commission considers appropriate, guidelines for the avoidance of discrimination on the ground of disability;
 - (l) where the Commission thinks it appropriate to do so, with the leave of the court hearing the proceedings and subject to any conditions imposed by the court, to intervene in proceedings that involve issues of discrimination on the ground of disability;
 - (m) to do anything incidental or conducive to the performance of any of the preceding functions.

Note: For the provisions about inquiries into complaints of discrimination and conciliation of those complaints: see Part IIB of the *Australian Human Rights Commission Act 1986*.

- (2) The Commission is not to regard an enactment or proposed enactment as being inconsistent with or contrary to the objects of this Act for the purposes of paragraph (1)(i) because of a provision of the enactment or proposed enactment that is included for the purpose referred to in subsection 45(1) (special measures).

Appendix 5 - Equality Act 2010 (UK) (Relevant Sections)



Equality Act 2010 2010 CHAPTER 15

An Act to make provision to require Ministers of the Crown and others when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities; to reform and harmonise equality law and restate the greater part of the enactments relating to discrimination and harassment related to certain personal characteristics; to enable certain employers to be required to publish information about the differences in pay between male and female employees; to prohibit victimisation in certain circumstances; to require the exercise of certain functions to be with regard to the need to eliminate discrimination and other prohibited conduct; to enable duties to be imposed in relation to the exercise of public procurement functions; to increase equality of opportunity; to amend the law relating to rights and responsibilities in family relationships; and for connected purposes.

[8th April 2010]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1Act applied (30.9.2020) by [The Channel Tunnel \(Arrangements with the Kingdom of the Netherlands\) Order 2020 \(S.I. 2020/916\)](#), arts. 1(2)(b), 4(2)

C2Act applied by [S.I. 1993/1813, art. 4\(1C\)](#) (as amended (30.9.2020) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(2), 3)

C3Act applied by [S.I. 1994/1405, art. 4\(1A\)](#) (as amended (30.9.2020) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(2), 9(3))

Part 2 Equality: key concepts Chapter 1 Protected characteristics 4 The protected characteristics

The following characteristics are protected characteristics—

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;

- sex;
- sexual orientation.

6 Disability

(1) A person (P) has a disability if—

(a) P has a physical or mental impairment, and

(b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

(2) A reference to a disabled person is a reference to a person who has a disability.

(3) In relation to the protected characteristic of disability—

(a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;

(b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.

(4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—

(a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and

(b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.

(5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).

(6) Schedule 1 (disability: supplementary provision) has effect.

Commencement Information

I1 [S. 6](#) wholly in force; [s. 6](#) not in force at Royal Assent see [s. 216](#); [s. 6\(5\)](#) in force for certain purposes at 6.7.2010 by [S.I. 2010/1736](#), [art. 2](#), [Sch.](#); [s. 6\(6\)](#) in force for certain purposes at 4.8.2010 by [S.I. 2010/1966](#), [art. 2](#); [s. 6](#) in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), [art. 2\(1\)\(2\)\(b\)](#) (with [art. 15](#))

Part 5 Work

Chapter 1 Employment, etc.

Recruitment

60 Enquiries about disability and health

(1) A person (A) to whom an application for work is made must not ask about the health of the applicant (B)—

(a) before offering work to B, or

(b) where A is not in a position to offer work to B, before including B in a pool of applicants from whom A intends (when in a position to do so) to select a person to whom to offer work.

(2) A contravention of subsection (1) (or a contravention of section 111 or 112 that relates to a contravention of subsection (1)) is enforceable as an unlawful act under Part 1 of the Equality Act 2006 (and, by virtue of section 120(8), is enforceable only by the Commission under that Part).

(3) A does not contravene a relevant disability provision merely by asking about B's health; but A's conduct in reliance on information given in response may be a contravention of a relevant disability provision.

(4) Subsection (5) applies if B brings proceedings before an employment tribunal on a complaint that A's conduct in reliance on information given in response to a question about B's health is a contravention of a relevant disability provision.

(5) In the application of section 136 to the proceedings, the particulars of the complaint are to be treated for the purposes of subsection (2) of that section as facts from which the tribunal could decide that A contravened the provision.

(6) This section does not apply to a question that A asks in so far as asking the question is necessary for the purpose of—

(a) establishing whether B will be able to comply with a requirement to undergo an assessment or establishing whether a duty to make reasonable adjustments is or will be imposed on A in relation to B in connection with a requirement to undergo an assessment,

(b) establishing whether B will be able to carry out a function that is intrinsic to the work concerned,

(c) monitoring diversity in the range of persons applying to A for work,

(d) taking action to which section 158 would apply if references in that section to persons who share (or do not share) a protected characteristic were references to disabled persons (or persons who are not disabled) and the reference to the characteristic were a reference to disability, or

(e) if A applies in relation to the work a requirement to have a particular disability, establishing whether B has that disability.

(7) In subsection (6)(b), where A reasonably believes that a duty to make reasonable adjustments would be imposed on A in relation to B in connection with the work, the reference to a function that is intrinsic to the work is to be read as a reference to a function that would be intrinsic to the work once A complied with the duty.

(8) Subsection (6)(e) applies only if A shows that, having regard to the nature or context of the work—

(a) the requirement is an occupational requirement, and

(b) the application of the requirement is a proportionate means of achieving a legitimate aim.

(9) "Work" means employment, contract work, a position as a partner, a position as a member of an LLP, a pupillage or tenancy, being taken as a devil, membership of a stable, an appointment to a personal or public office, or the provision of an employment service; and the references in subsection (1) to offering a person work are, in relation to contract work, to be read as references to allowing a person to do the work.

(10) A reference to offering work is a reference to making a conditional or unconditional offer of work (and, in relation to contract work, is a reference to allowing a person to do the work subject to fulfilment of one or more conditions).

(11)The following, so far as relating to discrimination within section 13 because of disability, are relevant disability provisions—

(a)section 39(1)(a) or (c);

(b)section 41(1)(b);

(c)section 44(1)(a) or (c);

(d)section 45(1)(a) or (c);

(e)section 47(1)(a) or (c);

(f)section 48(1)(a) or (c);

(g)section 49(3)(a) or (c);

(h)section 50(3)(a) or (c);

(i)section 51(1);

(j)section 55(1)(a) or (c).

(12)An assessment is an interview or other process designed to give an indication of a person's suitability for the work concerned.

(13)For the purposes of this section, whether or not a person has a disability is to be regarded as an aspect of that person's health.

(14)This section does not apply to anything done for the purpose of vetting applicants for work for reasons of national security.

Part 6 Education

Chapter 1 Schools

85 Pupils: admission and treatment, etc.

(1)The responsible body of a school to which this section applies must not discriminate against a person—

(a)in the arrangements it makes for deciding who is offered admission as a pupil;

(b)as to the terms on which it offers to admit the person as a pupil;

(c)by not admitting the person as a pupil.

(2)The responsible body of such a school must not discriminate against a pupil—

(a)in the way it provides education for the pupil;

(b)in the way it affords the pupil access to a benefit, facility or service;

(c)by not providing education for the pupil;

(d)by not affording the pupil access to a benefit, facility or service;

(e)by excluding the pupil from the school;

(f)by subjecting the pupil to any other detriment.

(3)The responsible body of such a school must not harass—

(a)a pupil;

(b)a person who has applied for admission as a pupil.

(4)The responsible body of such a school must not victimise a person—

(a)in the arrangements it makes for deciding who is offered admission as a pupil;

(b)as to the terms on which it offers to admit the person as a pupil;

(c)by not admitting the person as a pupil.

(5)The responsible body of such a school must not victimise a pupil—

(a)in the way it provides education for the pupil;

(b)in the way it affords the pupil access to a benefit, facility or service;

(c)by not providing education for the pupil;

(d)by not affording the pupil access to a benefit, facility or service;

(e)by excluding the pupil from the school;

(f)by subjecting the pupil to any other detriment.

(6)A duty to make reasonable adjustments applies to the responsible body of such a school.

(7)In relation to England and Wales, this section applies to—

(a)a school maintained by a local authority;

(b)an independent educational institution (other than a special school);

[F1(ba)an alternative provision Academy that is not an independent educational institution;**]**

(c)a special school (not maintained by a local authority).

(8)In relation to Scotland, this section applies to—

(a)a school managed by an education authority;

(b)an independent school;

(c)a school in respect of which the managers are for the time being receiving grants under section 73(c) or (d) of the Education (Scotland) Act 1980.

(9)The responsible body of a school to which this section applies is—

(a)if the school is within subsection (7)(a), the local authority or governing body;

(b)if it is within subsection (7)(b) **[F2, (ba)]** or (c), the proprietor;

(c)if it is within subsection (8)(a), the education authority;

(d)if it is within subsection (8)(b), the proprietor;

(e)if it is within subsection (8)(c), the managers.

- (a) a student;
 - (b) a person who has applied for admission as a student;
 - (c) a disabled person who holds or has applied for a qualification conferred by the institution.
- (6) The responsible body of such an institution must not victimise a person—
- (a) in the arrangements it makes for deciding who is offered admission as a student;
 - (b) as to the terms on which it offers to admit the person as a student;
 - (c) by not admitting the person as a student.
- (7) The responsible body of such an institution must not victimise a student—
- (a) in the way it provides education for the student;
 - (b) in the way it affords the student access to a benefit, facility or service;
 - (c) by not providing education for the student;
 - (d) by not affording the student access to a benefit, facility or service;
 - (e) by excluding the student;
 - (f) by subjecting the student to any other detriment.
- (8) The responsible body of such an institution must not victimise a disabled person—
- (a) in the arrangements it makes for deciding upon whom to confer a qualification;
 - (b) as to the terms on which it is prepared to confer a qualification on the person;
 - (c) by not conferring a qualification on the person;
 - (d) by withdrawing a qualification from the person or varying the terms on which the person holds it.
- (9) A duty to make reasonable adjustments applies to the responsible body of such an institution.
- (10) In relation to England and Wales, this section applies to—
- (a) a university;
 - (b) any other institution within the higher education sector;
 - (c) an institution within the further education sector.
- [F1(d) a 16 to 19 Academy.]**
- (11) In relation to Scotland, this section applies to—
- (a) a university;
 - (b) a designated institution;
 - (c) a college of further education.
- (12) A responsible body is—
- (a) in the case of an institution within subsection (10)(a), (b) or (c), the governing body;

[F2(aa)in the case of an institution within subsection (10)(d), the proprietor (within the meaning of the Education Act 1996);**]**

(b)in the case of an institution within subsection (11)(a) or (b), the governing body;

(c)in the case of a college of further education under the management of a board of management, the board of management;

(d)in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.

Textual Amendments

F1S. 91(10)(d) inserted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 54\(1\)](#), **Sch. 13 para. 20(2)(a)**; [S.I. 2012/924, art. 2](#)

F2S. 91(12)(aa) inserted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 54\(1\)](#), **Sch. 13 para. 20(2)(b)**; [S.I. 2012/924, art. 2](#)

Appendix 6 - Anti-Discrimination Amendment (Miscellaneous Provisions) Bill 2004

NSW Legislative Council Hansard

ANTI-DISCRIMINATION AMENDMENT (MISCELLANEOUS PROVISIONS) BILL

Page: 11500

Second Reading

The Hon. IAN MACDONALD (Minister for Primary Industries) [3.12 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The NSW *Anti-Discrimination Act 1977* is a vital plank in this Government's commitment to the protection of the human rights of members of our community. It was introduced in 1977 by the Wran Labor Government and has continued to evolve over the past 27 years into an increasingly important regime for protecting members of our community from prejudice and discrimination in key areas of public life, such as employment, education, the provision of goods and services and the provision of accommodation. There is growing evidence of its effectiveness in bringing about positive change and reducing discriminatory attitudes and practices in the broader community.

The Government's resolve to support these fundamental rights remains strong, but one of the key tasks of Government is to take the opportunity to update and make laws relevant to changing times. The current bill does this in a number of important ways.

The bill represents a major step in the Government's response to the NSW Law Reform Commission's Review of the Anti-Discrimination Act 1977, which is Report number 92.

It follows on from the steps the Government has already taken to enact recommendations from report 92 which prohibit discrimination in employment on the basis of a person's responsibilities as a carer. The Government introduced and this Parliament passed the Anti-Discrimination Amendment (Carers Responsibilities) Bill in 2000. These provisions provide protection for the many carers in our community who are unfairly treated in the workplace when they try to balance work and family commitments.

The Anti-Discrimination Board reported in 2002-03 that it received 765 enquiries in relation to the ground of carers' responsibilities, and 88 complaints were lodged in the same period. The Government's reforms are making it possible for workers, who are also carers, to insist that employers take reasonable steps to accommodate these other important responsibilities.

Many of the reforms in the current bill also reflect or are consistent with the Law Reform Commission's recommendations for improving the operation of the Act.

Of the 161 recommendations contained in report 92, the development of this bill has considered around 60 of these recommendations, most of which relate to the Anti-Discrimination Board's complaint handling procedures and the review of the president's decisions by the Administrative Decisions Tribunal.

More recent consultations with the NSW Ombudsman, and the current President of the Board, Mr Stepan Kerkyasharian, have resulted in the inclusion of other provisions in the bill which will improve the capacity of the Board to handle complaints fairly and expeditiously.

The Hon. Bob Debus, MP, Attorney-General in his second reading speech in the other place, emphasised that the other recommendations in the Law Reform Commission's report not yet addressed will be given full consideration by the Government and he expects that a further package of amendments will be put before this Parliament in due course.

I turn now to the main purpose of the current bill. The bill rewrites divisions 1, 2 and 3 of part 9 of the Act to provide a clear process for the lodgment, investigation and, where necessary, review of complaints.

While it retains aspects of the current law which are working well, it also includes provisions which will bring about significant improvements to the processes governing the making and investigation of complaints of unlawful discrimination by the president of the Anti-Discrimination Board.

It also streamlines and improves the processes of review of the president's decisions by the Administrative Decisions Tribunal.

Lodgment of complaints

The capacity of an individual, or a group of individuals, to lodge a complaint of unlawful discrimination is crucial to the protection of their human rights.

There are a number of new provisions which provide greater clarity and seek greater levels of fairness in relation to the lodgment of complaints.

Currently a person must lodge a complaint within 6 months of the alleged discrimination occurring. The president has a discretion to accept complaints after the 6 month period, on "good cause" being shown.

Experience has shown that the six month statutory limitation period has proven to be inadequate, as some victims of discrimination may not be aware of their rights under the current Act, or may feel unable to confront the alleged perpetrator within such a short time of the alleged unlawful conduct. This approach has also produced concerns in relation to complaints which allege a series of unlawful, discriminatory acts over a period of time.

This bill provides that a complainant must lodge a complaint within 12 months of the alleged discriminatory conduct. Clause 89B (2) (b) will give the president a discretion to decline a complaint if the whole or any part of the conduct complained of occurred more than 12 months before the making of the complaint.

This approach will double the period of time which complainants have to seek advice about their rights and to lodge a complaint, while at the same time encouraging them to bring complaints within a reasonable timeframe. The majority of submissions received by the Law Reform Commission supported extending the limitation period to 12 months. This approach will also promote uniformity with the majority of other Australian jurisdictions in relation to time limitation provisions.

There are times when, due to a person's vulnerability, it is appropriate for someone else to lodge a complaint on their behalf.

Clause 87A of the bill allows a complaint to be made by an agent, or by a parent or a legal guardian, if the person lacks legal capacity. The president is also given powers to ensure that a complainant has consented where possible to the complaint being made on their behalf.

The bill also provides that where the president is not satisfied that a person is acting in the best interests of the person on whose behalf a complaint is made, the president may appoint another person to act on their behalf, or may decline the complaint.

The overall concern of this regime of provisions is to ensure that the best interests of complainants and potential complainants are protected. They are often the most vulnerable in our community and this bill seeks to uphold and protect their interests.

Clause 88A of the bill also gives the president the capacity to assist a person to make a complaint. It is envisaged that this might occur in circumstances where a person's disability, illiteracy, lack of English language skills or cultural background, including their Aboriginality, may make it difficult or impossible to lodge a complaint without such assistance.

The Attorney-General received a number of representations from interested parties, including in particular Mr Jim Bond of Killarney Vale, a Visiting Lecturer at the Australian Catholic University in the area of special needs, about the need for people with dyslexia to receive assistance, where necessary, in compiling a written complaint. Without such help they are often not in a position to lodge a complaint under the Act. The bill allows the president to assist such people in the future.

Clause 89 of the bill proposes that a complaint must be in writing, but it does not have to take any particular form or to demonstrate a prima facie case. This ensures that there is no prescriptive form required for a person to lodge a complaint and that the lodgment of the complaint in its original form is a sufficient "trigger" for further investigation and refinement of the issues raised by the complaint.

Complaint lodgment will soon enter the electronic age. The bill allows for the establishment of an electronic system for lodging complaints and thus removes the requirement for a person to put their signature to a complaint. To ensure the authenticity of the complaint, the president has the power to satisfy him or herself that the complaint is made by the complainant.

Clause 88B of the bill also makes clear that a person is not prevented from lodging a complaint with the board only because they have made a complaint or taken proceedings in another jurisdiction, whether in NSW or elsewhere.

Complaints handling by the Anti-Discrimination Board

Once the Anti-Discrimination Board has received a complaint, the bill proposes a number of changes to the way in which that complaint is considered and investigated, if accepted.

Firstly, the president must determine whether the complaint is to be accepted in whole or in part. The capacity of the president to decline a complaint *in part* is a new feature and will address the situation which arose in the case of *MacDonald v Home Care Services of NSW* in which it was concluded that the President cannot decline "part" of a complaint. This has caused practical difficulties where some part of a complaint may be capable of investigation for a contravention of the Act, even if some other parts are not.

Clause 89B sets out the circumstances in which the president may decline a complaint. Generally, the president is required to give notice of a decision to accept or decline a complaint, or part of a complaint, within 28 days of the decision. The president must provide regular reports to the parties about the progress of the investigation—at least every ninety (90) days. This will ensure that all parties involved are given regular feedback about the progress of investigation and the issues in the complaint which still need to be resolved.

Once an investigation into a complaint has begun, different or additional issues are often identified to those originally raised in the complaint. In such circumstances, flexibility is required to ensure that all aspects of a complaint that come to light are dealt with fairly and in a timely way.

Therefore, to give greater flexibility to the complaint handling process, clause 91C of the bill gives the complainant the capacity to amend the complaint, provided the president has not already declined or resolved it.

The president will be required to inform the respondent and any new respondents about the substance of the amended complaint. The same time limits will apply as apply to the making of the original complaint.

Currently when the president is investigating a complaint, he or she may *request* the production of documents and information relevant to an investigation, but has no power to compel their production. Other Australian jurisdictions have empowered the equivalent of their president to *require* the production of documents and have adopted sanctions for failure to comply.

Arguably, it is difficult to conciliate a case effectively if not all the relevant information about the alleged discriminatory conduct is made available. On the other hand, some have argued that the informal and generally co-operative nature of the conciliation process is undermined by giving the president a coercive power to produce material.

The NSW Law Reform Commission ultimately recommended that the president should be given a power to require the provision of documents and information, backed by a penalty for failure to comply.

Clause 90B of the bill empowers the president to require a party to the complaint, or a person who has material relevant to the complaint, to provide information or documents to the president, generally within 28 days of the request. A person who fails to comply is guilty of an offence. Where there is non-compliance, the president may also refer the complaint to the tribunal.

In addition, clause 90A of the bill enables the president to require the production of a transcript of a broadcast that has given rise to a vilification complaint or an allegation that a serious vilification has been committed. Failure to comply also brings a criminal sanction in the form of a monetary penalty.

The bill enables the president to endeavour to resolve a complaint by conciliation at any stage after it has been accepted. It also provides for registration and enforcement of an agreement reached after a successful conciliation.

This is a new aspect of the conciliation process. Clause 91A provides that where a party believes that the other party has not complied with the terms of a recorded agreement, he, she or they will need to apply to the tribunal to have it registered, within 6 months of the date of the agreement. If the tribunal registers the agreement, it is taken to be an order of the tribunal and can be enforced accordingly.

Clause 92 of the bill also sets out clearly, although not exhaustively, the president's powers to decline a complaint once the investigation has commenced. The factors included in the bill are designed to guide

the president's discretion in deciding whether to decline the complaint. Where a complaint is declined, the president must advise the complainant of the reasons for the decision and their rights of referral to the tribunal in certain circumstances.

The bill also provides a clear basis for formally terminating complaints which have been withdrawn, abandoned, settled or resolved by agreement between the parties.

These provisions will assist the president to bring closure to complaints for all parties, especially in the case of respondents, who may otherwise remain uncertain about the status of a complaint against them that has been withdrawn or not actively pursued.

The bill also addresses a significant issue raised as a result of the NSW Ombudsman's investigation into the handling of certain specific complaints by the former President of the Board, Mr Chris Puplick.

The Ombudsman's final report recommended that the current Act be amended to permit the president to delegate all complaint-handling functions to appropriate officers, other than the power of delegation.

The Government has acted on the Ombudsman's recommendation. Clause 94C of the bill broadens the power of the president to delegate his or her functions under the Act and will allow him or her to delegate any of the president's functions—other than the power of delegation—to a specified person or to the holder of a specified office.

As the president's complaint handling functions extend to handling of complaints within the Attorney-General's portfolio, it is appropriate that the bill provides for the president or his or her delegate to perform the president's functions without the

concurrence of the relevant Minister. It is also important that the Minister plays no role in revoking the delegations made to designated officers. This will ensure that there is no actual or perceived bias in favour of persons within the Attorney-General's portfolio who may be the subject of a complaint.

There is one final matter in relation to complaints handling by the board—the bill also proposes an amendment to the general regulation making power under the Act to allow for the making of regulations in relation to all aspects of the complaint handling process.

Referral to the Administrative Decisions Tribunal

The bill sets out the circumstances in which a complaint may be referred to the Administrative Decisions Tribunal, either by the Minister, the president or a party to the complaint. A new feature is that either party can request the president by notice in writing to refer the complaint to the tribunal if it has not been declined, terminated or otherwise resolved within 18 months after the complaint was lodged.

This approach is designed to encourage resolution or conciliation of the complaint within an 18 month time frame, but recognises that there are some variables, often beyond the board's control, which will leave a complaint unresolved after this time. In such circumstances, and in the interests of fairness to parties, referral to the tribunal for resolution will be possible.

However if the complainant objects to the referral of the complaint, the president must not refer the complaint, but may terminate it if there are no reasonable prospects of a conciliated agreement. If the respondent objects to the referral of the complaint, the president will be required to refer the complaint, unless he or she is satisfied that there are reasonable prospects of a conciliated agreement.

Proceedings before the Tribunal

The current Act requires a grant of leave by the tribunal for a party to be represented by a legal practitioner or agent. In report 92, the NSW Law Reform Commission recommended that this situation be maintained, notwithstanding that the Administrative Decisions Tribunal Act generally allows for representation before the tribunal as a matter of right.

The current bill maintains the position that there is no automatic right to representation in proceedings before the tribunal. Leave by the tribunal will be required. This is to ensure that an unrepresented litigant is not disadvantaged if he or she cannot find or afford representation. This is a significant issue, particularly for complainants in anti-discrimination matters, many of whom come from disadvantaged groups who may not be able to afford legal services and may otherwise be deterred from proceeding to the tribunal to have their complaints determined.

Clause 98 of the bill outlines the relevant factors that the tribunal is to consider when considering an application for leave to be represented. These include: the complexity and importance of the proceedings to each party and their importance in the public interest, the likely length of the proceedings, and the likely cost of representation as compared to the financial benefit of the relief sought.

Clause 105 of the bill also makes clear the powers of the tribunal to make interim orders which preserve the status quo between the parties to the complaint, preserve the rights of the parties to the complaint or return the parties to the circumstances they were in before the alleged discrimination occurred, pending the determination of the complaint.

Orders of the Tribunal

The bill also sets out clearly the powers of the tribunal to make orders and other decisions. It extends the current law to provide that where the tribunal finds a complaint substantiated, it may order the respondent to publish an apology or a retraction in a suitable publication. Previously this kind of order only applied to complaints of vilification.

In addition, an order may extend to conduct of the respondent that affects persons other than the person who lodged the complaint. This will allow the tribunal to address identified situations of systemic discrimination.

The Tribunal will also be able to order a respondent to pay damages not exceeding \$40,000 if they do not comply with an earlier order of the tribunal.

If the tribunal makes an order that affects an "industrial agreement", it must give notice in writing to the president as soon as practicable. This will ensure that steps are taken to inform the Industrial Relations Commission of the relevant parts of the order.

In relation to enforcement of orders there are two new features to be added to the current enforcement regime.

The Law Reform Commission proposed that the president be given a role in the enforcement of some orders. As a general rule, enforcement of tribunal orders will be a matter for the parties. However, there are some circumstances where the public interest might demand that the president take some action to enforce an order.

It is envisaged that this might occur in situations where a complaint demonstrates systemic discrimination by a particular respondent and the complainant lacks the necessary resources to initiate enforcement proceedings.

In addition, the bill provides for the enforcement of non-monetary orders of the tribunal as a judgment of the Supreme

Court once the registrar of the tribunal has filed a certificate outlining the terms of the order.

Currently, the penalty for non-compliance with a non-monetary order of the tribunal is a small monetary fine. This is a serious limitation on the effectiveness of the kinds of relief granted by the tribunal, which are specifically designed to change or eliminate discriminatory attitudes and conduct.

These new powers of civil enforcement seek to ensure that justice is actually brought about for complainants whose complaints have been proven and where non-monetary orders are an appropriate form of relief.

Interest will also accrue on damages ordered to be paid by the tribunal from the date on which the order takes effect until payment. It will accrue at the same rate as that applicable to a judgment of the District Court.

Codes of Practice

Another new feature contained in the bill relates to the development and promotion of codes of practice by the Anti-Discrimination Board.

The board already develops guidelines to assist others, such as employers, to comply with the Anti-Discrimination Act.

Proposed section 120A formalises this role in legislation. A code of practice is designed to provide guidance in relation to the conduct that constitutes discrimination under the Act and ways in which it can be avoided.

The codes will not be legally binding, but evidence of compliance with or contravention of a code may be taken into account by the president or the tribunal during the investigation or review process.

The development and promotion of codes of conduct, which will be done in consultation with relevant representative bodies and industry groups, is consistent with the board's educational role on human rights and discrimination matters.

In the past such assistance has been well received by industry groups and has helped employers to eliminate many discriminatory practices from their workplaces.

Protection of information

The bill also contains a new secrecy provision which contains the duties and obligations of employees and agents in respect of information about a person's affairs which they acquire in the course of their duty as employees or agents of the board.

Currently, information acquired or held by the board about a complaint, other than information which is protected from disclosure under section 94, may be subpoenaed by a court or may be subject to a request for production pursuant to the *Freedom of Information Act 1989*.

The board has reported that its documents are regularly subpoenaed in relation to proceedings in other jurisdictions. It has limited grounds on which to oppose production under existing laws.

The result is that the current law fails to recognise the importance of ensuring confidentiality for persons lodging complaints. There is a risk, albeit a small one, that details of a complaint could be disclosed by officers of the board to the media, a relative or a prospective employer, without sanction.

Most other equal opportunity jurisdictions in Australia have provisions in place to govern the actions of public officers in relation to personal information contained in the complaint and acquired during its investigation. It is appropriate that NSW does also.

Therefore, to protect the integrity of the complaint resolution process and to encourage persons to bring complaints, this bill will make it an offence for a member or officer of the board to make a record, disclose or communicate to any person information concerning the affairs of any person obtained while exercising the functions under the Act, unless it is already publicly available or where the disclosure is required under the Anti-Discrimination Act or authorised by any other relevant law. Information concerning the affairs of a person will also be inadmissible in a court and cannot lawfully be the subject of a subpoena.

One exception to these strict non-disclosure requirements is included in the bill. Where the president of the board certifies in writing that it is necessary to provide information to the Minister, and it is in the public interest to do so, the relevant material may be disclosed.

This will ensure that the president has a discretion to convey relevant information about the affairs of a person to the Minister, where the public interest demands it.

Relying on the exception under the *Freedom of Information Act 1989* for documents containing "confidential information" has also proven to be inadequate in relation to information provided to the board to assist in investigating the complaint.

The bill contains an amendment to exempt the president of the board from the operation of the *Freedom of Information Act* in relation to the president's complaint handling, investigative and reporting functions while the complaint is in the course of being dealt with by the president.

This puts the president of the board on a par with other NSW Government agencies with similar complaint handling and reporting functions, such as the Independent Commission Against Corruption and the Ombudsman's Office.

Fees for services

The president of the board has brought to attention that it is presently unclear whether the board can lawfully charge fees for the education services it provides to the public. These services include the holding of workplace training seminars for employers about their obligations under the Act, and how they can best meet these obligations.

This is a situation which ought to be remedied. A clause has been included in this bill to make it abundantly clear that the board is able to enter agreements and to receive payments for the services or materials it provides while exercising its education functions under the Act.

As this matter was raised in the debate in the other place, I offer the following information about its importance.

The Anti-Discrimination Board has had a self-funding education program for a number of years. This program operates broadly on a cost-recovery basis. In the 2003-04 financial year, it raised \$680,000 and effectively covered the cost of relevant salaries, on-costs, venue hire and some publications costs.

The board's reputation for interactive, relevant and up-to-date training is second to none. As to its fees, it

charges:

- \$800 for sessions up to 2.5 hours,
- \$1060 for sessions between 2.5 hours and ½ a day in length and
- \$1920 for sessions lasting for a day.

These are highly competitive rates for professional training seminars.

The board's workplace consultants conducted more than 530 sessions in 2003-04, mostly in NSW, but also further a field in New Zealand and the Asia Pacific region.

I wish to assure this House that the Government is not profiting out of discrimination. It takes its obligations seriously to ensure that employers understand the law in this area and work with their employees to reduce the possibility of unlawful discrimination occurring.

Disability discrimination

The bill also extends the operation of the disability discrimination provisions of the Act to prohibit discrimination arising on the basis that a person with a disability is accompanied by another person whose role it is to assist them with their disability. This would include an interpreter, a reader, an assistant or a carer. The clause also prohibits discrimination on the basis that a person uses or possesses a palliative or therapeutic device or other mechanical or electronic equipment to alleviate the effect of their disability.

These are sensible amendments which seek to protect a person with a disability from discrimination in public life on the basis of a characteristic that appertains generally to people who have that disability. This amendment is designed to bring NSW into line with the definitions of "disability" contained in the federal *Disability Discrimination Act 1992*.

I commend the Anti-Discrimination Amendment (Miscellaneous Provisions) Bill to the House.

The Hon. GREG PEARCE [3.12 p.m.]: I lead for the Opposition on this bill, which, in essence, amends the Anti-Discrimination Act 1977 and makes a number of amendments to various other Acts. The Opposition does not oppose the bill, which, makes a number of essentially procedural changes to the administration of the anti-discrimination laws. These stem from recommendations by the Law Reform Commission to improve complaints handling and review process for discrimination matters in New South Wales. A number of recommendations are made by the New South Wales Law Reform Commission in its report No. 92 entitled, "Review of the Anti-Discrimination Act 1977" and some of those recommendations were incorporated in an Act last year.

This bill goes further and makes amendments which are included in a variety of those recommendations. Amongst them are amendments which allow a complaint to be made by an agent of a person or by the parent or guardian if the person lacks legal capacity. The president of the board is also given powers to ensure that a complainant has consented, where possible, to the complaint being made on their behalf, and to appoint another person to act on their behalf if the president believes a person's best interests are not being served.

The bill also enables a person who has consented to a complaint being made on his or her behalf to withdraw the consent. It allows the president to assist a person to make a complaint, and this will help those with special needs, such as dyslexia. Under the bill a person is not prevented from making a complaint if that person has prosecuted the subject matter of the complaint in another jurisdiction, whether in New South Wales or elsewhere. The bill provides for electronic lodgment of complaints, and clarifies the president's powers to accept, dismiss, refer and terminate complaints, both at the outset and during an investigation. It provides also that a decision by the president to decline a complaint is not reviewable by the Administrative Decisions Tribunal.

The bill also sets out the powers of the president to acquire the relevant information required to conduct an investigation

into a complaint, and enables the president to endeavour to resolve a complaint by conciliation at any stage. The bill broadens the power of the president to delegate the president's functions and sets out the circumstances in which a complaint may be referred to the Administrative Decisions Tribunal either by the Minister, the president or a party to the complaint. Further provisions also widen the circumstances in which the tribunal can make interim orders and make it an offence to refuse or neglect to comply with certain orders, or an interim order of the tribunal. The bill also sensibly empowers the tribunal to order apologies and retractions, and enables the president to enforce orders of the tribunal in the public interest.

The bill allows the Anti-Discrimination Board to charge fees for the services or materials it provides while exercising its education functions under the Act. It also contains a minor substantive reform which extends the protection from disability discrimination arising out of the use of disability assisting aids—

human, mechanical or electronic. This bill brings the Anti-Discrimination Act into line with the Commonwealth Disability Discrimination Act 1992. As I mentioned at the outset, the Opposition considers it very important to continue to improve our anti-discrimination laws as part of our efforts to protect human rights. This bill incorporates a number of the recommendations of the Law Reform Commission and, accordingly, the Opposition does not oppose it.

Ms LEE RHIANNON [3.16 p.m.]: The Greens support the bill. The Anti-Discrimination Act has provided thousands of people in New South Wales with the opportunity to challenge injustice in employment, the workplace, education, the supply of goods and services and other areas of public life. In 1977 the passing of the Anti-Discrimination Act for the first time provided legal protection for those in our communities who suffer discrimination. In turn, this brought a heightened level of humanities to our whole society, which was most welcome. The Act has been amended from time to time over the past 27 years to reflect the development of our society, and we hope it will continue to be so amended. During that time we have become aware of the need to remove discrimination in all its manifestations. The Act has long been in need of some important amendments.

Indeed, attention by this Government to report No. 92 on the Law Reform Commission's review of the Anti-Discrimination Act, which was released in 1999, is long overdue. In its report the commission made 161 recommendations. Clearly, the commission believed that the law dealing with anti-discrimination requires considerable attention to bring it up to date with the contemporary needs and understanding of our society. This bill deals only with those recommendations relating to the procedural reforms and falls very short of adequately addressing the problems with the legislation highlighted by the commission's report. The Greens acknowledge that in improving the mechanisms for the lodgment and determination of discrimination complaints, the bill will go some way to address some of the issues confronted by complainants. But the majority of the recommendations of the Law Reform Commission are substantive in nature. If it has taken the Government five years to address those procedural recommendations, will it take another five years to address the important substantive recommendations of the commission?

After 9½ years in office the Carr Government has failed to amend the legislation to reflect the development of our society. We welcome this bill, but it has many shortcomings which highlight a problem with this Government. The recommendations of the Law Reform Commission seek to reflect changes in our society. The Government has been remiss in not acting on those recommendations. Unlike most discrimination legislation, the Anti-Discrimination Act does not include a preamble, and that omission was addressed by recommendation 7 of the commission's report, which stated that the Anti-Discrimination Act should include a preamble that refers to a right to substantive, as distinct from formal, equality. The Carr Government's failure to bring New South Wales legislation into line with other similar legislation clearly underlines its inadequacy in addressing the ugly phenomenon of discrimination in our society.

As the years roll by one starts to feel that the Carr Government is unwilling to do this. This is why the Greens have been forced to launch a private member's bill, the Anti-Discrimination Amendment (Equality in Education and Employment) Bill, which addresses one of the major anomalies that has lingered with the New South Wales Anti-Discrimination Act [ADA]. Since 1977 private and religious schools and small businesses that employ fewer than six people have not been required to comply with the Anti-Discrimination Act. Side by side with the advances achieved by the Anti-Discrimination Act we have allowed and, if anything, codified discrimination against people in private schools and small businesses. Recommendation 14 of the report of the New South Wales Law Reform Commission urges the repeal of the small business exception. Recommendation 20 deals specifically with the anomaly with regard to private schools, and recommends the repeal of exception on all grounds.

The Government addressed just one of the recommendations of the report of the commission with the passage of the Anti-Discrimination Amendment (Carers' Responsibility) Act 2000, which was assented to in June 2000 and commenced in March 2001. The amendment adopted recommendation 40 of the report of the commission and extended the Act to include carers' responsibility as a new ground of discrimination in employment. However, it did not follow recommendation 38, extending the Act to religious belief, or recommendation 39, extending it to political opinion. In the current bill the Government was willing in one instance only to address one of the substantive recommendations of the report of the commission and to bring the ADA into line with its Commonwealth counterpart. This was in an area of disability discrimination, where the bill extends protection from disability discrimination arising out of the use of disability assisting aids. The Greens welcome this amendment, but call on the Government to address the need for substantive reform of the ADA in keeping with the recommendations of the report of the commission.

The extent of the need for serious reform is evidenced by the fact that the commission called for redefinition of both direct and indirect discrimination. These recommendations go to the heart of our discrimination legislation. The Government must move to address them. As I mentioned earlier, the New South Wales Anti-Discrimination Act has provided thousands of people in New South Wales with the opportunity to challenge discrimination, harassment and vilification in employment, education, the supply of goods and services, and other areas of public life. However, significant loopholes still exist. Experience in operating under the legislation has highlighted the need for some clarification and amendment to reflect the development of our society. Clearly, as our society develops and changes, the Government of

the day, if it has a commitment to anti-discrimination, must respond to this greater knowledge about the manifestations of discrimination. Again the Premier is failing in an area he says he is deeply committed to.

The Greens call on the Government to close the loopholes and address the need for substantive reform. Not doing so reflects badly on the Government. But, sadly, it comes as no surprise when one considers that during the Government's time in office there has been a gradual, but determined, running down of the Anti-Discrimination Board's funding, staffing and status. It is a tragedy. What a legacy Labor has given itself. The Greens call on the Government to fulfil its promise to provide a further package of substantive amendments. We should have these amendments now, not later. However, as I said, the Greens will support the bill.

The Hon. ROBYN PARKER [3.23 p.m.]: I support the Anti-Discrimination Amendment (Miscellaneous Provisions) Bill. As other speakers have noted, the anti-discrimination legislation has been in place for the past seven years. Discrimination law, which has existed in this country for less than 30 years, has served our community well. It is all about giving people a fair go. We in this country value dearly the proposition that everyone should have the opportunity to have a fair go. The fundamental rights in the Anti-Discrimination Act receive the support of all governments. But it is a welcome opportunity to update legislation and make it relevant to our changing times, albeit rather late when one considers that the report was produced in 1999. But these are good alterations and it is pleasing, therefore, that the amendments have bipartisan support. When one considers the recent cuts to disability services, the provisions outlined in the bill are welcomed and give me some heart.

As other speakers have mentioned, the legislation is the result of deliberations by the New South Wales Law Reform Commission and its findings in report No. 92. The response to recommendations in the report has led to a renovation of procedures for complaints handling and review under the New South Wales Anti-Discrimination Act 1977. These renovations aim to improve the way the Act operates with a view to improving the capacity of the board and the tribunal to make effective interventions on behalf of those who have been discriminated against. I acknowledge Mr Jim Bond of Killarney Vale, who has been a champion in bringing special needs issues to the forefront and, in regard to the bill, the need for people with dyslexia in particular to receive assistance where necessary in compiling a written complaint to the Anti-Discrimination Board.

I met with Mr Bond last year during a discussion about dyslexia, and I met with him again recently to discuss the amending bill. I acknowledge his commitment and determination over a substantial period. Mr Bond has a learning difficulty that we term dyslexia. Mr Bond informed me that in attempting to lodge a complaint with the Anti-Discrimination Board about the honourable member for The Entrance, Mr Grant McBride, in about 1999, he was made aware of restrictions that existed with the board. The tragic irony of anti-discrimination law today it is that those with a disability or learning difficulty who have been subject to discrimination can find it hard to lodge a complaint with the board because of restrictions in the procedure. Under section 88 of the Anti-Discrimination Act a complaint of discrimination must be in writing. This provision clearly raises issues for people with a disability or a learning difficulty that affects their ability to write.

The Government's web site contains a link to a site that is used as a resource by staff who serve people with disabilities. That site notes certain medical conditions that may require adjustments in terms of client services. Those medical conditions include dyslexia. The Government has acknowledged that adjustments need to be made for people with such disabilities. However, it has taken some time for the anti-discrimination law to catch up with that. The bill amends the Act to allow the president of the board to assist people with special needs, such as those with dyslexia, to make a complaint. It further provides the president with powers to ensure that a complainant has consented, where possible, to a complaint being made on his or her behalf.

New section 88A therefore gives the president the power to assist a person to make a complaint. Complainants are further protected as the bill provides that when the president is not satisfied that a complaint is being made on someone's behalf with his or her best interests in mind the president can appoint another person to act on his or her behalf, or may decline the complaint. New section 89 maintains that a complaint must still be in writing, but it does not have to take any particular form or to demonstrate evidence that is sufficient to raise a presumption of fact. Provided it is in writing, no view is taken. This means that no forms have to be filled out by a person who wishes to lodge a complaint with the board. The lodging of the complaint in its original form is enough to initiate a further investigation.

The ability to lodge a complaint with the Anti-Discrimination Board concerning unlawful discrimination is crucial to the protection of human rights. Indeed, this bill seeks to bring the 1977 Act into line with human rights legislation and will create similar provisions to those contained in the Federal Disability Discrimination Act 1992. It makes sense to me that just as the Anti-Discrimination Board currently provides translators for both on-the-spot meetings and for the board's inquiry line to assist complainants for whom English is a second language, it should make similar provision for people with disabilities and learning difficulties. We have certainly come a long way toward assisting people for whom English is a second language and this bill represents a catch-up or modernisation of legislation. The bill has sensible

amendments that will provide people who have a disability or learning difficulty with the opportunity to seek protection from discrimination. The bill brings the definition in the New South Wales legislation into line with the definition of disability in the Federal Disability Discrimination Act 1992. It is long overdue. I heartily support the bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.30 p.m.]: The Australian Democrats support the Anti-Discrimination Amendment (Miscellaneous Provisions) Bill, which implements many of the recommendations of the Law Reform Commission's report into the 1977 Anti-Discrimination Act which was introduced by a former Premier, Mr Wran. The Law Reform Commission's report was published in 1999 and contains 161 recommendations. This bill addresses 60 of those recommendations. The Government previously implemented the report's recommendations through the Anti-

Discrimination Amendment (Carers' Responsibilities) Act 2000. I understand that many of the other recommendations will be incorporated in subsequent bills. This bill addresses recommendations related to the mechanism of lodging complaints, the handling of complaints by the President of the Anti-Discrimination Board, hearings and appeals procedures, additions to the list of powers of the tribunal to make orders, allowing the board to develop codes of practice, new secrecy provisions, and additions to the Freedom of Information Act to exempt the president from its operations as is the case in relation to the Independent Commission Against Corruption and the Ombudsman.

The Legislation Review Committee expressed two concerns in relation to the bill associated with the retrospective application of some provisions and commencement of the legislation by proclamation. The committee concluded that the retrospective operation of the bill does not adversely affect the rights of individuals who may be parties to a complaint or trespass on personal rights. Regarding commencement of provisions by proclamation, the committee expressed the view that generally the practice is not good but added that the committee had been advised by the Minister that in this instance it has been necessary to undertake an education campaign regarding the changes prior to implementation. The Minister has indicated that material is already being prepared and that the bill, if passed, should commence within a few weeks of assent. Naturally I am concerned about the committee's reservations relating to proclamation. On numerous occasions in this House I have expressed fears regarding unproclaimed legislation. Indeed, my predecessor listed similar concerns quarterly. The Australian Democrats are disgusted that provisions passed by the Parliament but not favoured by the Government are rendered nugatory by non-proclamation—a totally undemocratic process.

An advocate for people who suffer from dyslexia, Jim Bond, was referred to in the Minister's second reading speech and by the Opposition during debate. Mr Bond thinks this legislation has merit because it provides people with rights to better access to facilities when lodging a complaint. By virtue of this legislation, complainants will be able to obtain assistance from Anti-Discrimination Board officers when lodging their complaints whereas currently that is not the case. A complaint barrier that is used by a lot of people is a request to "put it in writing" and that represents a severe barrier for people who have dyslexia. As many people who have problems with literacy or dyslexia tend to hide their discomfort from almost everybody in their world, naturally they will be pleased to have the assistance of an officer of the board in lodging a valid complaint. The Australian Democrats give praise when praise is due, and it is pleasing to note the Minister has taken steps to assist complainants who are affected by disability. Let us hope that similar action is taken to protect whistleblowers who, despite legislation that is intended to assist them in making disclosures, receive a very bad deal.

In one of today's newspapers there is a suggestion by a police whistleblower that in the event of the whistleblower's death in the next few days, it should not be regarded as suicide. Even if it turned out to be suicide, that is a very worrying situation. It demonstrates that whistleblowers have a very hard time and the events surrounding the Campbelltown inquiry are proof of that. This legislation has merit. The Australian Democrats hope the Government will proclaim the legislation in its entirety very soon, and will take similar action to strengthen whistleblower legislation.

The Hon. HENRY TSANG [Parliamentary Secretary] [3.35 p.m.], in reply: I thank honourable members for their contributions to the debate. I wish to respond to some of the criticism expressed by the Coalition and the Greens, who queried why the Government took so long—approximately five years—to respond to the report of the Law Reform Commission. I point out that between 1992 and 1999 the New South Wales Law Reform Commission [LRC] conducted a full review of the Anti-Discrimination Act 1977. The LRC released its final report, report No. 92, in December 1999. The report examined the Act in detail and set out a large number of recommendations for reform—a total of 161 recommendations. I acknowledge the wonderful support for the bill expressed by the Hon. Dr Arthur Chesterfield-Evans in recognising the large number of recommendations for reform. The honourable member also recognised that the recommendations fall into three broad categories: concepts of discrimination, areas of operation of the Act and the grounds of unlawful discrimination; improved procedures for complaints handling by the Anti-Discrimination Board, which the honourable member supported particularly; and the availability of procedures and remedies in discrimination proceedings before the Administrative Decisions Tribunal.

Owing to the large number and wide range of recommendations, the Government is responding to the LRC report in a number of stages. Extensive consultation has taken place in relation to the LRC's report, but the Government is not restricted to the issues canvassed in the report in taking forward its reform

agenda. The Government will continue to make sensible changes to enhance the human rights of members of our community and to make our system of human rights protection more workable and effective. The first stage concerns carers' responsibilities. This was the subject of amendments in 2000 to the Anti-Discrimination Act that prohibit discrimination in employment on the grounds of a person's responsibilities as a carer. This ground covers a number of carers' responsibilities, including the care of a child, an adult who requires a guardian, a person's spouse, a parent, grandparent, or sibling. The second stage concerns procedural reforms. A large number of procedural reforms are incorporated in the bill. Consideration has been given to approximately 60 recommendations of the LRC report in the compilation of the bill.

Overall, the bill constitutes a general renovation of the procedures for complaint handling and review under the Act. It is designed to improve the quality of decision making and thereby to contribute to the protection of the community's human rights. The third stage concerns further reforms. The Government is still considering other recommendations in the Law Reform Commission's report so further changes to the Act may be anticipated. The Coalition expressed the view that although it took five years to formulate the reforms reflected in the bill, more needs to be done.

In the meantime the Government has consulted extensively with interest groups, government agencies and the board. The process has been lengthy and has been further delayed by the appointment late last year of the new president, Mr Stepan Kerkyasharian. The new president had mooted a number of suggestions, which have been included in the bill, and that was a good reason for the Government taking its time to make sure that everything was right. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

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Appendix 7 - Federal Standing Committee on Education and Vocational Training: Teacher Training - 07/03/2006 (Relevant Sections)



Official Committee Hansard

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON EDUCATION AND VOCATIONAL TRAINING

Reference: Teacher education

TUESDAY, 7 MARCH 2006

SYDNEY

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON EDUCATION AND VOCATIONAL TRAINING

Tuesday, 7 March 2006

Members: Mr Hartsuyker (*Chair*), Mr Sawford (*Deputy Chair*), Mr Bartlett, Ms Bird, Ms Corcoran, Mr Fawcett, Mr Michael Ferguson, Mr Henry, Ms Livermore and Mrs Markus

Members in attendance: Mr Bartlett, Ms Bird, Mr Fawcett, Mr Hartsuyker, Mr Henry and Mr Sawford

Terms of reference for the inquiry:

To inquire into and report on:

The scope, suitability, organisation, resourcing and delivery of teacher training courses in Australia's public and private universities. To examine the preparedness of graduates to meet the current and future demands of teaching in Australia's schools.

Specifically, the Inquiry should:

1. Examine and assess the criteria for selecting students for teacher training courses.
2. Examine the extent to which teacher training courses can attract high quality students, including students from diverse backgrounds and experiences.
3. Examine attrition rates from teaching courses and reasons for that attrition.
4. Examine and assess the criteria for selecting and rewarding education faculty members.
5. Examine the educational philosophy underpinning the teacher training courses (including the teaching methods used, course structure and materials, and methods for assessment and evaluation) and assess the extent to which it is informed by research.
6. Examine the interaction and relationships between teacher training courses and other university faculty disciplines.
7. Examine the preparation of primary and secondary teaching graduates to:
 - (i) teach literacy and numeracy;
 - (ii) teach vocational education courses;
 - (iii) effectively manage classrooms;

- (iv) successfully use information technology;
 - (v) deal with bullying and disruptive students and dysfunctional families;
 - (vi) deal with children with special needs and/or disabilities;
 - (vii) achieve accreditation; and
 - (viii) deal with senior staff, fellow teachers, school boards, education authorities, parents, community groups and other related government departments.
8. Examine the role and input of schools and their staff to the preparation of trainee teachers.
 9. Investigate the appropriateness of the current split between primary and secondary education training.
 10. Examine the construction, delivery and resourcing of ongoing professional learning for teachers already in the workforce.
 11. Examine the adequacy of the funding of teacher training courses by university administrations.

The Inquiry should make reference to current research, to developments and practices from other countries as well as to the practices of other professions in preparing and training people to enter their profession.

BOND, Mr James Justice, Private capacity

CHAIR—Thank you for appearing before the committee. I remind you that public hearings are recorded by Hansard and that a record of the proceedings is made available through the parliament's website. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and as such warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. I invite you to make some introductory remarks.

Mr Bond—Firstly, would you be able to introduce yourselves?

CHAIR—Certainly. I am Luke Hartsuyker, chair of the committee. I am the member for Cowper on the north coast of New South Wales, based around Coffs Harbour.

Mr SAWFORD—I am Rod Sawford. I am the federal Labor member for Port Adelaide in South Australia. In a former life I was a school principal and education consultant.

Mr BARTLETT—I am Kerry Bartlett, member for Macquarie, which covers the Blue Mountains and Hawkesbury areas. I was also a teacher in my past life.

Mr HENRY—I am Stuart Henry, Liberal member for Hasluck, which covers an outer metropolitan area in Western Australia. I was involved in vocational training in my former life, among other things.

Mr Bond—The reason I asked you to introduce yourselves is that I am unable to read your names because I am dyslexic, and this is what I am doing here today. I have been lobbying both state and federal governments since 1988 over the issue of dyslexia. I find that the Department of Education and Training here in New South Wales is quite inadequate in responding to the needs of people with dyslexia and people with learning disabilities and difficulties. Stats from the federal Department of Education, Science and Training show that one in seven children have dyslexia and one in five have a learning difficulty, so we are talking about quite a few children.

The Department of Education and Training has known about technology to assist people like me since 1996-97. That is 10 years and not much has happened, except they would like to put their technology trials together. They did put one in place. More technology has come along. Now the Department of Education and Training is advising me that there is a lot of technology out there and a lot to choose from. Dyslexic people are being stonewalled again. The Kurzweil 3000 reading technology is able to assist people like me. I suppose you could call this an off-the-cuff opening speech. I have been dealing with a state MP, Grant McBride, member for The Entrance. When I went down there for help, for assistance in employment, for him to make representations on my behalf—

CHAIR—He is your local member?

Mr Bond—Yes, he is. When I asked him to make representations on my behalf to the department of education and various other levels about this issue, he advised me that one man's disability is another man's gain. He said: 'James, you have a back condition and you are dyslexic. Who will ever employ you?' That is the type of attitude I am getting from two different levels: from the department and from my local MP. As far as I am concerned, that is hypocrisy from a Labor member. By the way, I am an Independent. Do not take me wrong: I am not having a go at Liberal or Labor; I am just telling you the way it is and what has happened to me.

I used to deal with my federal member, Michael Lee, when he was shadow minister for education. Mr Lee said to me at one stage, 'Some people can be helped and some people can't' and walked away from me. So I went to David Kemp. I rang his office, spoke to his senior adviser, who, back in 1996, was Jim Barron. This was when the Liberal government came into power. Dr Kemp invited me to Canberra to sit down and speak to him and to Jim about these issues. It was good. What came out of that was *Mapping*

the Territory. That was a book containing information about dyslexia that went out to all universities for their learning difficulty programs and so on.

Since then I have been dealing with the federal government and Dr Brendan Nelson about these issues. It has been quite good. This government has been listening, taking note and doing something about it. I have also dealt with the Labor Party. They eventually closed the doors to me. That was very unfortunate. I have dealt with a lot of upper house members of New South Wales—Dr Gordon Moyes, Reverend Nile, David Clarke—and also the Democrats, the Greens and anybody that would sit down and listen to me on this issue.

The technology has been tested by the Department of Education and Training, and they do not seem to be doing anything about it. I advised them back in 1998 that they should talk to universities about training teachers in this type of technology. At this meeting Brian Smyth King advised me, ‘We don’t talk to universities about what we feel we should be doing.’ I contacted the University of Newcastle about this issue in 2000—I had a few other things going on. I ended up seeking some help. I sat down with Pro Vice Chancellor Terry Lovat and spoke to him about the problems. I was doing an enabling course at Newcastle university. They have done a lot of good work up there. They implemented this and other types of technologies. They did technology trials, the results of which came back quite positive.

CHAIR—From the point of view of training teachers or from the point of view of helping young people with problems?

Mr Bond—Training teachers and helping people in any way we possibly could. I contacted every state minister of education and premier right around Australia. The only premier that responded to me was John Olsen from South Australia. It was quite a good response, and apparently they have done a lot of work down there on technology. I have been advised that Queensland has as well.

That is what brings me here today, I suppose. I am still dealing with the Department of Education and Training. They seem to be stonewalling everything I do on this issue. I must admit there has been some input. They did start off with two technology people here in the New South Wales DET. I have been advised it is quite large and they have been looking at it. But only

a couple of weeks ago I spoke to a person in special needs and they advised me there is a lot of technology out there.

I keep on saying, ‘What about the Kurzweil 3000?’ I have nothing to do with the company that sells this product or the people in the States that develop it. Back in, I think, 1998 I showed my children the State Library and this type of technology was there. We have taken it from there. I used to be a council member on the board at Mater Dei College at Tuggerah. We were the first school in Australia to introduce this technology. It has helped children to achieve output. Students at Newcastle university are using this type of technology.

I do not know if it is a political issue or just the education department being such a dinosaur. My concerns are that they have known about this for 10 years and we have missed another generation of dyslexics and students with learning difficulties. It is time for leadership. These inquiries can go on for another 20 years, but we need leadership. As far as I am concerned, we need a chancellor that can go to universities and make recommendations. We need action and we need to help people.

CHAIR—Our terms of reference being in relation to teacher training, how do you see this issue and the use of this technology relating to the issue of teacher training?

Mr Bond—The best way to deal with this is for universities to have a unit of technology to train their teachers so that they can go into the workplace and back to the schools and know how to use the technology. They need to learn all about the technology for starters. They say that one size does not fit all but in this case we need to put the technology in there to at least start the teachers from somewhere. Most of the time they go out into the workforce not knowing anything about the technology, therefore they have to have in-house training.

CHAIR—How difficult is it to operate the technology? What do you do? Do you roll the cursor over the page of a book?

Mr Bond—No, it is a disk. You put it into your computer and you scan a book, if you so desire, and it will read it back to you. It spells out words. It shows you the vowels, the sounds and everything you need to know about reading and writing. Over in the States they use this type of technology to teach their children how to read and write across-the-board, not just special needs students. They were using it for 10 years prior to it even being introduced here in Australia. As I say, I have contacted other universities. They speak to you and you do not hear back from them.

CHAIR—What was their response basically? You raised it with Newcastle university. How did they actually take that forward and use the technology?

Mr Bond—They ended up going out and purchasing the technology and doing their own private trial. They thought it was quite good. They put it into a college up there and they had from year 6 students to year 12 students using it. There were different people and people with special needs and it was quite positive—

Mr BARTLETT—Does it help you overcome dyslexia, to be able to read or are you always dependent on that?

Mr Bond—In my particular case I am severely dyslexic, unfortunately, so I need the technology to read—

Mr BARTLETT—For other people, does it get them to the point where they do not need it?

Mr Bond—The younger you are, the easier it is to pick it up, there is no doubt about it. That is why I asked you for your names today. Yes, it does help. It reads out aloud to you. You can zoom the page up to any size or it even reads one word at a time to you or you can turn it into a speed reader. Let us say that you have something in Italian or German—I think there are five different languages—it will transcribe that back into English to you and read it back to you.

Mr SAWFORD—What does it cost?

Mr Bond—At the moment, I do not know the exact amount. In your booklets there is mention of the company that sells this—and they are doing quite well apparently in Queensland. I think that it is up to \$2,000 but it is as little as \$500 for a black-and-white version. That is virtually the situation. I think that it has been a political problem since the beginning. You could say that I had a bit of a falling-out with the Labor Party, unfortunately, and the Liberals seemed to pick this up and develop policies. The Labor Party has developed some policies out of this too. That is when you have to become an Independent to do something about it for the good of the children.

CHAIR—Just on the use of technology, you can scan a page in and it will read that back and then perhaps the technology can assist a child to overcome difficulty. How does that transformation occur? Does the child associate the printed word with what the book is reading out to them? How does it work?

Mr Bond—You scan this page, for instance, onto the technology in front of you there. It will show you the sentence or the whole page and as it is read out aloud to you it will come up in a different colour. Each word as it is read to you will be highlighted in a different colour. If you are unable to understand or comprehend that word you can put a stop button on it. Push ‘comprehension’ and it will go back through the word and give to you exactly the meaning of that word, how to sound it out and anything to do with that particular word that you may desire to know about it.

Mr SAWFORD—How widespread is its use in the United States?

Mr Bond—Quite widespread as far as I know. It is all there in the report. Also in the package I have

here is a report from the International Dyslexia Association that I presented to Dr Alan Lachlan, the previous director of New South Wales DET. That report explains a lot about the program: how widely it is used and the countries it is used in, including the UK and Canada. Its use is pretty widespread.

Mr HENRY—James, congratulations on making the efforts that you have. I think the program is fantastic. Well done. How many people access or have accessed the program since its installation at the Wyong Shire Council Library?

Mr Bond—I have no idea. That was not a positive change. When I say ‘not positive’, as you are aware, I had to go to the Human Rights Commission to do something about this. The change of council has not been a positive one. There is an upgrade of this technology every six months. It costs between \$152 and \$200 to buy the upgrade. Therefore, if the local libraries do not have somebody involved in the technology, they let it go. I know that the University of Newcastle updates it. Central Coast Grammar, King’s School and various other private schools use it. But, to answer your question, because it was not a positive change—you know how politics can work—the program was not kept going.

Mr HENRY—How many students at St Peter’s Catholic College need access to the program to assist them with their education?

Mr Bond—I am no longer on the council at St Peter’s, so I am unable to answer your question as it relates to this point in time, but when I was there there were quite a few dozen at that particular time.

Mr HENRY—Would that be fairly consistent across many of the other schools that have introduced it?

Mr Bond—Yes. People are using it to do their university degrees. You can put it on your laptop, walk in and out of classes and function. To keep up with your peers is very important. You can sit there with your earphones on and use this type of technology to keep up with your peers at school, instead of sitting at the back of the classroom or down at a special needs room. Sure, you are helped a lot there, but it is not enough to keep up with your peers.

Mr HENRY—If you do not get the updates, the program does not become redundant, does it?

Mr Bond—No.

Mr HENRY—It is still of value?

Mr Bond—Absolutely. The value is there from the Kurzweil No. 1 version; it is now up to No. 8. It has taken something like 10 years to get the full version. When it was first introduced to schools in Australia, it had the American voice on it. We had that changed, which was a good thing. When I was a member of the Labor Party I took it to the 1996 state conference, and people there were quite impressed with it. I met with the education committee people, but once things started to fall to pieces with Michael Lee and Grant McBride in Dobell, up at The Entrance, they closed their doors to me, and that was the end of it. That was unfortunate. The program should not belong to one party; it should belong to all. We are all here representing all the people. I do not care whether you are from the Left or the Right, Liberal or Labor or whatever, we need to do something.

CHAIR—What do the different upgrades do? Is it just an enhancement of the technology or are new words added to the dictionary?

Mr Bond—Yes, all those types of things. There was a problem in the beginning about the spelling because the Americans spell differently. So they had to change things, all these little details, yes. I also feel that there should be a national education approach; there is no doubt about it. This thing with each state running its own education department: it is hypocrisy, as far as I am concerned. We need to do something about it. I will give you an example. I have been

advised that at Newcastle university, our social workers get 20 per cent more funding than our teachers—

20 per cent more funding. Full credit to our social workers, there is no doubt about that, but, if we started at the ground level, maybe we would not need so many social workers. Eighty per cent—these are the latest stats of which I have been advised, anyway—of our prison population are illiterate. What can we do? I am here today to try to get everybody who has a learning disability or a learning difficulty, or any other person who may have a reading problem, to reach their full potential. That is what this is about. That is why we are here today, to hopefully to make a change in this world, make it a better place.

CHAIR—Thanks, Jim, for appearing before the committee today. We will certainly contact you if we need further information. Could one of the committee members move that we receive this information as an exhibit?

Mr SAWFORD—I so move.

Mr HENRY—Seconded. **CHAIR**—

Thank you very much.

Mr Bond—Thank you very much for inviting me here today.

Proceedings suspended from 2.56 pm to 3.15 pm

Appendix 8 - Educational Support for Dyslexic Children Bill 2007 - Second Reading

Educational Support for Dyslexic Children Bill 2007 - 07/06/2007 - 1R 2R - NSW Par... Page 1 of 1

Second Reading

Reverend the Hon. FRED NILE [11.16 a.m.]: I move:
That this bill be now read a second time.

The Educational Support for Dyslexic Children Bill, as members would probably know, has been of deep concern to Mr Jim Bond. Mr Bond, who suffers from dyslexia, has campaigned for at least six years to have this provision included in the Department of Education and Training Special Education Initiatives for Students with Disabilities. The legislation is long overdue and should be resolved as soon as possible. The word "dyslexia" was first coined in 1887 by Rudolf Berlin. It comes from the Greek words "dys" meaning "impaired", and "lexis" meaning "word". Dyslexia is a neurological disability that specifically inhibits learning and literacy. The World Health Organisation defines "dyslexia" as:

? a disorder manifested by difficulty learning to read, despite conventional instruction, adequate intelligence and sociocultural opportunity. It is dependent upon fundamental cognitive disabilities which are frequently of constitutional origin.

According to the International Dyslexia Association, approximately 12 per cent of the population suffer from varying degrees of dyslexia. Some members of this House may suffer from it. Paediatric neurologist Dr Gordon Serfontein says that children with dyslexia suffer from what he calls the "hidden handicap". In his book *The Hidden Handicap* Dr Gordon Serfontein states:

As a parent of children with this hidden handicap, I am quite aware of the rejection by some sections of the community, but especially by some educational and medical professionals, of the concept of a developmental disability. For most of these people, these are not handicapped but rather normal children who are not being taught, managed or disciplined correctly. It is unfortunate that the very people who should be assisting children with this difficulty are among those in the forefront of opposition to the acceptance of such a condition. Developmental disabilities in learning and behaviour are not widely accepted for political and economic reasons. Should the prevalence of this condition be acknowledged by governments or other authorities, it would then be incumbent upon those authorities to provide the necessary assistance for these children.

Further, article 23 of the United Nations Convention on the Rights of the Child states:

Any child with a disability should have access to and receive an education in a manner conducive to achieving the fullest possible social integration and individual development.

Sadly, that is not always the case in New South Wales. The Department of Education and Training does not recognise dyslexia as a disability and therefore does not provide appropriate support. To date, children suffering from dyslexia have been catered for under the department's Learning Assistance Program, which provides one junior teacher or teacher's aide through the Support Teachers Learning Assistance program for every special education class. This bill seeks to have dyslexia included in the Government's disability criteria when providing special additional assistance to schoolchildren with disabilities. In particular, dyslexia will be required to be included in the disability criteria for the Government's special education initiative for children with disabilities. I hope all honourable members will support the bill. It is very simple. One measure states:

Insert after section 20:

20A Educational support for dyslexic children

(1) For the purposes of section 20, dyslexia is to be recognised as a disability.

(2) Accordingly, dyslexia must be included within the disability criteria in respect of any special or additional

assistance (including the Special Education Initiative of the Department of Education and Training) that is provided under section 20 to government school children with disabilities.

I commend the bill to the House.

Appendix 9 - Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008 - Legislative Council Reading

LEGISLATIVE COUNCIL

Wednesday 3 December 2008

The President (The Hon. Peter Thomas Primrose) took the chair at 11.00 a.m.

The President read the Prayers.

EDUCATION AMENDMENT (EDUCATIONAL SUPPORT FOR CHILDREN WITH SIGNIFICANT LEARNING DIFFICULTIES) BILL 2008

Bill introduced, and read a first time and ordered to be printed on motion by Reverend the Hon. Fred Nile.

Motion by Reverend the Hon. Fred Nile agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second Reading

Reverend the Hon. FRED NILE [4.18 p.m.]: I move:

That this bill be now read a second time.

I thank members for their support of this bill. It conforms with the United Nations' Convention on the Rights of the Child, Article 23, which states:

... any child with a disability should have access to, and receive, an education in a manner conducive to achieving the fullest possible social integration and individual development.

According to the International Dyslexia Association, approximately 12 per cent of the population are hindered in this endeavour due to significant learning difficulties such as dyslexia. To date, New South Wales

government schoolchildren suffering significant learning difficulties have not always received appropriate assistance within the Department of Education and Training's Learning Assistance program. In some cases, children suffering from learning difficulties require specialised care. Hence, I have introduced this legislative measure to ensure assistance is given to government schoolchildren with special needs, which includes dyslexia, autism and so on. I wish to acknowledge the significant input of the community during the consultation period of this legislation. Those to be honoured include the many suffering parents who have contacted my office over the years. I wish to pay particular tribute to the inputs of Professor Max Colthart, Director of the Macquarie Centre for Cognitive Science, and the Academic Director of the Children's Hospital Education Research Institute, Dr Pye Twadell, and Dr Paul Whiting. Finally, and not least, I wish to thank Mr Jim Bond for his tireless efforts, over 20 years, to have assistance provided to those suffering from significant learning difficulties like dyslexia.

Reverend the Hon. Dr GORDON MOYES [4.20 p.m.]: Four and a half years ago I spoke about the need for educational support for dyslexic children. I followed that up, as can be seen in *Hansard* and on my own website, with questions and articles, as well as a second reading speech, hoping we would get some action on this private member's bill. At long last it comes before this House. Dyslexia can lead to a continuous stream of children becoming uncontrollable in school and at home through sheer frustration. Teachers may miss the signs and wrongly punish difficult children. Social conflict and unemployment follows. A disproportionate percentage of people in jail are dyslexic. In some neighbourhoods, especially in public housing estates, education is the main weapon to prevent children and teenagers from turning to a life of crime. If we do not take action, this creates a spiral of despair that leads to drug or alcohol addiction,

prison, or death.

No-one has fought harder or more consistently to have dyslexia recognised as a disability and therefore eligible for educational department special support than Mr Jim Bond, a regular visitor in the public gallery, where he has waited for four and a half years for this bill to come to its final reading today. Along the way Jim has had some good victories. Recently, the New South Wales Department of Ageing, Disability and Home Care was forced to apologise for discriminating against him. Staff at the department refused to help Jim Bond complete an application form to be a member of the New South Wales Disability Council. He has had victories over a Federal department and the Australian Protective Service. The Anti-Discrimination Board ruled in favour of Jim Bond, and the director general of the department was forced to issue a written apology. It has promised to conduct staff training about such discrimination.

I have known Jim Bond for six years, I have visited him in his home, and with his urging I have become an active supporter of dyslexic people and have lobbied the State Government to consider dyslexia as a disability. One in seven Australians suffers from dyslexia. The effects of dyslexia in society include unemployment, poverty, alcoholism, drug abuse and dependency, and even family breakdowns. This legislation is long overdue. According to the International Dyslexia Association, approximately 12 per cent of the population suffer from varying degrees of dyslexia. Paediatric neurologist Dr Gordon Serfontein says that children with dyslexia suffer from what he calls the "hidden handicap". Article 23 of the United Nations Convention on the Rights of the Child States:

Any child with a disability should have access to and receive an education in a manner conducive to achieving the fullest possible social integration and individual development.

The Department of Education and Training in the past did not recognise dyslexia as a disability and therefore did not provide appropriate support. To date, children suffering from dyslexia have been catered for under the department's Learning Assistance program, which provides one junior teacher or teacher's aide through the Support Teachers Learning Assistance program for every special education class. I would place on record my appreciation to successive Ministers of Education, including the Hon. John Della Bosca, whom I have lobbied for their encouragement. I would thank and congratulate the current Minister, the Hon. Verity Firth, who in this era of budget cutbacks achieved the impossible by having \$9 million added to her portfolio in the mini-budget for special needs teachers. The package of \$9 million will be spent on training 80 new full-time special education teachers to work with students with autism, mental health problems and dyslexia.

Recently, at a budget estimates committee hearing, I had the opportunity to ask the director general of the department to give certainty of this funding and asked what schools would receive an additional special needs teacher. The response to me by parents was overwhelming. I am grateful to the Minister for Education and Training and the director general for their commitment to a new era in providing for special needs teachers for children with dyslexia. In that regard, I refer honourable members to the answers given by Mr Coutts-Trotter

to the questions that I asked him, in which he indicated the money had been earmarked, and that it would be put aside. I asked about the deployment of special needs teachers, and he indicated that they were being appointed at this time. He said:

We are developing a very detailed plan of implementation. This initiative will benefit about 265 schools. The leaders of those schools—in the first instance the principals—are being briefed in the second half of this week and then are getting into a process of planning to make sure that this is implemented well and implemented quickly, and that the children in those schools get the benefit of the initiative as they should.

He said that will be at the beginning of the first term of next year. I asked him could we be assured that the 250 schools actually would spend the money that had been allocated in the budget. Mr Coutts-Trotter replied:

With great trust comes great accountability, and increasingly schools have very tight accountabilities for what they achieve and what they spend. We will be working in partnership with schools to support them to ensure that they have good plans for implementation. It is not merely about saying, "You must do it"; it is about working together to ensure that it happens. So we as a department will be keeping a very close eye on it and we can report upon it.

I congratulate Mr Coutts-Trotter and the Minister for the expenditure of some \$9 million, which will provide 80 full-time equivalent positions. Aligned to that, I had a look last week at what they were planning to do. I really appreciate that they have a massive task on their hands, but the Government is getting

into completing it. The effects of dyslexia in society are the dreadful outcomes that I have indicated. Dyslexia is a disability. The Government will now provide support for such students. I do appreciate that the Government has decided to do that. This formalises the results that the mini-budget allows. I congratulate the mover of this bill, my colleague Reverend the Hon. Fred Nile, for introducing it, and I congratulate Mr Jim Bond, who has fought for it for four and a half years. Our vote for it today completes a very long battle.

Dr JOHN KAYE [4.28 p.m.]: I rise on behalf of the Greens to support the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. I agree with the two members who preceded me in this debate about the seriousness of learning difficulties and the impacts that those difficulties can have on a student's ability to participate in education and in long-term social, economic and cultural outcomes. Addressing learning difficulties, including dyslexia, is an extremely important social objective, and one that needs to be pursued.

The one issue that I would take with Reverend Fred Nile's speech is the implication in it that work has not been done within public education to address learning difficulties. Yes, it is true that more could have been done. And, yes, it is true that funding has been, and I suspect will continue to be, inadequate to address the needs of children who suffer from learning difficulties. But let it not be said that there have not been hundreds, if not thousands, of teachers within public education who have, in innovative, intelligent and committed ways, addressed the issues of learning difficulties. Many children have gone through public education with learning difficulties, entered public education with learning difficulties, and have left with capacities way beyond whatever they or their parents thought could ever be achieved. There are probably many in this House, as one member just indicated to me, who are in that category.

It is true also that public education has failed some children, but we should not let this bill become an opportunity to say that nothing has ever been done. For decades special teachers—learning difficulty [STLDs] and support teachers—learning assistance [STLAs] have been employed within public education. Most of them are gifted professionals and they work hard. We do not have sufficient special teachers and we need more education to deal with dyslexia, but we are making progress. Teachers and specialist teachers within the public education system have worked hard to achieve quality outcomes for many, if not all, children.

I commend Reverend the Hon. Fred Nile and the Government for reaching an agreement on this and the final wording of the bill. It is an intelligent outcome and codifies the practice of providing funds and resources for children with learning difficulties. On behalf of the Greens I commend those who have campaigned hard for this outcome. I congratulate them on their tenacity, foresight and commitment to children who are disadvantaged and who suffer from learning difficulties. I commend them for this important step towards addressing the special needs of all children with learning difficulties in public education. The Greens wholeheartedly support the bill.

The Hon. TREVOR KHAN [4.31 p.m.]: It is with great pleasure that I speak on the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. At the outset I take this opportunity to congratulate Reverend the Hon. Fred Nile on his work on this bill, which has extended

over a considerable period of time. I acknowledge also the Deputy Leader of the Opposition, who has taken a keen interest in this matter for a long time because of dyslexia issues within his own family. To those who have experienced it, either directly or indirectly, it has a huge impact and creates considerable passion and emotion.

As a person who has suffered in a mild form from dyslexia, I have experienced first-hand the impact of learning difficulties associated with the condition. As an afflicted person, I wish to make one point very clear: for most people with dyslexia the condition is not a disability to their capacity to contribute to society, particularly when it is managed properly with early detection and intervention. As all members of this House would be aware, I studied law at a tertiary level and successfully practised law. I realised from an early stage how to cope with the reading difficulties associated with dyslexia. One does not overcome them; one learns how to navigate around the issues.

Dyslexia taught me to be meticulous in absorbing information and to learn to remember perhaps better than most people; it takes so long to read a document that one cannot miss the opportunity. I know

that when working on committees some members recognise that at times I struggle to keep up with the pace because reading me takes so long. It is an ability to concentrate that gives people with dyslexia a great strength in other areas; once material is absorbed it is remembered by them far longer than by those who do not suffer from the condition. I conclude by making the point that I made earlier: I pay tribute to the many teachers who, over the years, assisted me in overcoming the condition.

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.34 p.m.]: On behalf of the Government I am pleased to support the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. I commend Reverend the Hon. Fred Nile for his interest and concern for the needs of children with learning difficulties in our schools and their families. As we have heard, the bill seeks to amend section 20 of the Education Act 1990 to include "children with significant learning difficulties" as a group of government schoolchildren with special needs to whom special or additional assistance may be provided. I am pleased that the honourable member has amended his original bill following consultation with a number of community organisations working with children with learning difficulties.

The term "dyslexia" is commonly used by parents and other professionals to describe a wide range of specific learning difficulties that impact on a student's ability to learn to read, write and spell. However, dyslexia is not the preferred terminology for groups who represent students with special needs. These groups include the New South Wales Federation of Parents and Citizens Associations, the Learning Difficulties Coalition of New South Wales, Learning Links Family Advocacy, and the Specific Learning Difficulties Association of New South Wales, which use the terms "learning difficulties" or "specific learning difficulties" to describe this group of students. "Learning difficulties" is also the preferred term for the Australian Association of Special Education.

Other New South Wales government departments, including the Department of Ageing and Disability, Home Care Services, the Department of Community Services and New South Wales Health do not include learning difficulties or dyslexia within their disability categories. Internationally, "dyslexia" is a term used to describe myriad learning difficulties not limited only to reading. There is no single definition of the term and currently there is no consensus in the literature about exactly what dyslexia is or what causes it. Most commonly, dyslexia is described in terms of its symptoms and/or in terms of what it is not.

Regardless of the diagnostic difficulties, all of us have a great deal of sympathy for children and adults struggling with these kinds of learning difficulties and for the families who work so hard to give them the best possible support in their education. The major issue with all definitions of dyslexia is that none provides an objective measure of the syndrome. The fact that there is no agreed test or diagnostic tool available to determine whether an individual's learning difficulties are due to dyslexia raises several issues around diagnosis. The International Dyslexia Association emphasises that in diagnosing dyslexia "it is very important that a persistent pattern of reading and spelling difficulties exists over a prolonged period of time". The International Dyslexia Association also acknowledges that there is no discrete test that can be used to diagnose dyslexia and recommends a battery of over three hours of testing by professionals such as psychologists, speech pathologists and educators.

In countries such as the United States of America, two critical conceptual elements within definitions of dyslexia must be addressed in any diagnosis. These elements are: first, a significant discrepancy between learning potential, typically measured by IQ, and academic performance, typically measured by standardised assessments of reading, writing and spelling; and, second, the exclusion of educational experience, environmental circumstances, sensory impairment, intellectual impairment and emotional disorder as factors contributing to reading performance. Using this method of diagnosis of dyslexia would therefore require psychometric assessment to determine an IQ achievement discrepancy, as described previously, and assessments to exclude any sensory deficit, emotional disorder, socioeconomic disadvantage, general learning problems and factors such as interrupted school attendance.

A major problem with this model is that, by its very nature, diagnosis is delayed until about nine years of age when a discrepancy can be adequately measured. Such a delay in diagnosis has catastrophic effects and the potential to harm more children than it helps, with services being delayed until a formal diagnosis has been established. A possible consequence is that crucial early intervention will be denied while children await a formal diagnosis. Under this model it may be that children will suffer the emotional traumas of failure for two to three years before diagnosis and intervention.

The Government is opposed to any classification that would also draw a distinction between students on the basis of socioeconomic, behavioural or environmental factors. In New South Wales public schools, no diagnosis of dyslexia is required for students with reading problems to access special education programs. The

\$134 million Learning Assistance Program of the Department of Education and Training provides an extensive range of services to support students experiencing difficulties in basic areas of learning. This includes students with dyslexia. Students do not need a disability confirmation to access support through this non-categorical program. This specialist program is available in all public schools. The program provides 1,378 specialist support teachers to support students with learning difficulties. It is school-based and resources are allocated every three years according to identified need.

The Vinson review entitled "Inquiry into the provision of public education in NSW", and the Parkins review entitled "Review of support for students with low support needs enrolled in regular classes", which were conducted in 2002, strongly supported a non-categorical approach to supporting students with difficulties in learning, including those with dyslexia. I note that other members in this debate have referred to this.

The Government is extremely committed to further improving our support for kids who are struggling with learning difficulties. In the recent mini-budget the Government announced an additional \$9 million in funding to support students with special needs and their teachers. These funds will provide the equivalent of an additional 80 full-time specialist teacher positions in 265 schools across the State in 2009. These specialist teachers will provide support for students with complex additional learning needs, including students with autism, learning difficulties such as dyslexia, and behavioural difficulties.

I am advised by my colleague the Minister for Education and Training that this new initiative is well on its way to being implemented, with principals across the State now having been briefed. I understand that principals are extremely pleased with this initiative and that the new teacher positions will be ready to go in term one next year. The Government understands the growing need in our community for support services for children with special needs. We are pleased to be able to support Reverend the Hon. Fred Nile's bill, to better recognise the needs of children with significant learning difficulties, and we commend him for his advocacy on behalf of these children and their families. I commend the bill to the House.

Reverend the Hon. FRED NILE [4.41 p.m.], in reply: I acknowledge and place on record the work of teachers in the public school system and the non-government system. I do so lest Dr John Kaye and others have interpreted my omission of any such acknowledgement as an indication that I do not appreciate what teachers have achieved over many, many years. I am aware of what they have achieved, and I acknowledge the efforts of dedicated teachers in the public schools system and in the non-government system who have given many hours, and even additional hours, to help children with special learning difficulties.

I thank members of the House for their support for the legislation. I also thank the Government for the additional funding. In particular I express my thanks to members who participated in this debate—Reverend the Hon. Dr Gordon Moyes, Dr John Kaye, the Hon. Trevor Khan and the Hon. Penny Sharpe. Additionally, I extend my thanks to the Deputy Leader of the Opposition for his encouragement and support for the legislation. I commend the bill to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative. Motion agreed to Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by Reverend the Hon. Fred Nile agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

Appendix 10 – Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008 – Legislative Assembly Reading

LEGISLATIVE ASSEMBLY

Thursday 4 December 2008

Mr Speaker (The Hon. George Richard Torbay) took the chair at 10.00 a.m.

Mr Speaker offered the Prayer and acknowledgement of country.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a later hour.

EDUCATION AMENDMENT (EDUCATIONAL SUPPORT FOR CHILDREN WITH SIGNIFICANT LEARNING DIFFICULTIES) BILL 2008

Bill received from the Legislative Council and introduced.

The SPEAKER: I have been advised that the Minister for Education and Training, and Minister for Women will have carriage of the bill in this House as Government business.

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.24 a.m.], on behalf of Ms Verity Firth: I move:

That this bill be now agreed to in principle.

The Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008 was introduced in the other place on 3 December 2008 and is in the same form. The second reading speech appears at page 46 in the *Hansard* galley for that day. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a later hour.

EDUCATION AMENDMENT (EDUCATIONAL SUPPORT FOR CHILDREN WITH SIGNIFICANT LEARNING DIFFICULTIES) BILL 2008

Agreement in Principle

Debate resumed from an earlier hour.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [10.26 a.m.]: I will outline the history associated with the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. **The bill began its life as the Educational Support for Dyslexic Children Bill 2007**, and was introduced by Reverend the Hon. Fred Nile, MLC, in the other place. It then lay on the table for some time, during which Reverend the Hon. Fred Nile consulted with a number of stakeholders concerning the bill. The original bill sought to have dyslexia included within the Government's disability criteria when providing special or additional assistance to schoolchildren with disabilities.

Discussions were held within the broader community on the use of the term "disability" with regard to children suffering from dyslexia. Some members of the community regarded the term "disability" in relation to dyslexia as a negative label. Others raised concern over the potential cost, efficiency and

effectiveness of a diagnostic approach to have dyslexia classified as a disability. Hence the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008, which makes a subtle but important change by avoiding the issue of categorising dyslexia as a disability by introducing a new category under section 20 of the Education Act 1990.

The inclusion of the term "significant learning difficulties" amongst "assistance to government school children with special needs" under that Act will enable provision of special or additional assistance for government school children with dyslexia and, indeed, all schoolchildren suffering from significant learning difficulties. This bill will insert the following new paragraph (a1) in section 20 (1) of the Education Act 1990:

children with significant learning difficulties, or

It will also insert a new subsection (4) to section 20 of that Act, which states:

For the purposes of subsection (1) (a1), a child has a significant learning difficulty if a qualified teacher or other qualified education professional is of the opinion that the child is not, regardless of the cause, performing in the basic educational areas of reading, writing, spelling and mathematics in accordance with the child's peer age group and stage of learning.

Another minor amendment will ensure that children with significant learning difficulties are included in the New South Wales Government's special education initiative for students with special needs. These are commonsense amendments. They are intended to ensure that children suffering from dyslexia get some additional support in the school environment. I commend Reverend the Hon. Fred Nile for his persistence in pursuing this issue to make sure that those children get the support they deserve and need. Those children deserve the same educational opportunities as all children.

I understand the bill passed through the other place last night, or perhaps in the wee hours of this morning. It was supported by all sides of politics—the Government, Opposition and crossbenches. The Opposition in this House also supports the bill. However, while the bill reflects the very good intention of getting those children the support they need, it will take more than this legislation—it will take political will and significant resources—to make sure that that special assistance is provided, not just to children with dyslexia but to other children with significant learning difficulties and to children who are technically qualified as having a disability. I hear on the ground constantly that the issue of resources for special needs children in New South Wales schools is significant. I believe an investment in those resources in the school system will, in the long run, save the Government expenditure particularly in other portfolio areas such as health and police because these kids will not fall through cracks and they will have a shot at meaningful employment later in life.

Sadly, the Government is not providing significant resources to children with special needs. Over the past two weeks I have met with the executive of the Teachers Federation, which has raised this as one of the major issues for the Government. I have met also with various groups, such as the Federation of Parents and Citizens Associations—which, just yesterday, raised this as one of its priority issues—as well as the Parents Council. All of those organisations say that the resources on the ground for special needs education are inadequate to deal with the task. So, while the Opposition supports the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008 as being a step in the right direction, it will need additional resources on the ground. This is where the Government's lack of financial management comes to the fore. When the budget and the economy is managed well by a State government the resources needed to provide assistance to those most in need in our society are available. Right now, due to more than a decade of mismanagement of the State budget, that is not happening. The challenge now is for the Government to follow up this legislation with significant resources for children with special needs, including dyslexia, in our school system. I commend the bill to the House.

Mr DAVID HARRIS (Wyong) [10.34 a.m.]: It gives me a great deal of pleasure to support the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. This bill, as has been outlined previously, is for an Act to ensure that children with significant learning difficulties are included in the New South Wales Government's special education initiative for students with special needs. I will commence my contribution by responding to something the Leader of The Nationals just raised. This Government has done more than any other government in history for students with disabilities. That is coming from someone who worked for 20 years in the system, whose wife continues to work in the system, and who has daily contact with people who work in the system. More can always be done. Any government would recognise that.

This Government has taken seriously its responsibilities to look after kids with disabilities. I point to a number of initiatives. One recent one is the expansion of support teacher learning positions—80 new positions. Part of their role is to work with children with dyslexia. Through the Carr Government and the Lemma Government we have seen the strongest commitment ever to the Reading Recovery Program, one of the most effective and important programs to help children with reading difficulties in schools. I say that with great confidence because I have always advocated that all teachers should go through the Reading Recovery Program to improve their skills. Those who do the program are more effective in teaching reading and are more able to diagnose problems. So, this Government has been doing a lot for students with disabilities. Even the Opposition should recognise that.

Mr Brad Hazzard: No.

Mr DAVID HARRIS: Since the Coalition was last in office there has been a significant improvement. I worked particularly in disadvantaged schools as a teacher and a principal and I know first hand how difficult it is to work in those schools. We have some very skilled teachers, but despite their efforts and their good teaching some kids fall through the cracks. There is no doubt about that. Some students are diagnosed with specific learning problems through quite an extensive and onerous process. Basically, teachers and parents bring forward children they think have learning difficulties. Testing is performed at the school level by the school counsellor or the children are referred to a professional for diagnosis. A school learning support team meets regularly and designs programs for the children and generates the applications for support. Children who meet the requirements of the program receive support, whether it be speech therapy, support teacher learning support or teachers aids in the classrooms to help them.

The other day I heard—and I have no reason to dispute this although I have not had time to check it—that New South Wales educates 80 per cent of the children in Australia with disabilities. That means New South Wales has an onerous task to make sure that all the needs of the children are met. We thank the Federal Government for recently increasing funding, but it has to understand—certainly the Howard Government did not, but the Rudd Government is starting to—that New South Wales is in the front line of helping these children and we should have proportionate funding to make sure we can supply the resources those kids need. I found as a principal, even with teachers working their hardest and with good quality programs in place, some children were not diagnosed. Some kids fell through the gaps, particularly kids with dyslexia. Therefore, though students missed out on specific support. Although schools creatively expand their resources to assist those children they did not receive specific support.

That is why this bill is so important. Now they will be encompassed under that disability support program. Schools also run a number of very important programs, as I have mentioned, such as the Reading Recovery Program and the Support Teachers Learning Assistance Program. There are district and regional support teams that work with teachers to make sure they are skilled to work with kids with disabilities. In recent years personalised learning programs [PLPs] have been introduced so that each of those children experiencing difficulty has a dedicated personal learning program. It is particularly important for Aboriginal students. That is another good initiative of this Government. All those programs certainly help. I have worked with some of the most committed teachers in the area of disability, particularly on the Central Coast. I would like to mention some of those people.

Mr Brad Hazzard: Are you a teacher?

Mr DAVID HARRIS: Yes, I am.

Mr Brad Hazzard: What did you teach?

ACTING-SPEAKER (Mr Thomas George): Order! Members will direct their comments through the Chair.

Mr DAVID HARRIS: Glenys Summers is one of the best professional people I have ever met. She has just recently retired. Glenys is a New Zealander who was responsible for setting up one of the best reading support programs across the State. It has been copied in other places. She created some of the best diagnostic tools and was absolutely committed. She probably could have retired at 60 but I think when she finally retired—I hope she does not mind my saying this—she was nearing 70. She worked her heart out for kids with disabilities. Teddy Wise is another person from the Central Coast who is absolutely committed

to supporting teachers to help kids with disabilities, as is Helen Evans. I mention them specifically because on the Central Coast there are a number of students with particular problems and those teachers have been absolutely committed, along with their team leader Trish Donohue, to creating effective programs to assist those children.

I also acknowledge Jim Bond, who is in the gallery today. I met Jim a number of years ago when I was a principal at a school at Gwandalan and also at Kariong. Jim is the person behind this bill. Jim Bond has fought for a number of years to bring forward the cause of dyslexia. He suffers from it himself but has overcome it and I think he now has a university degree—I may be wrong about that but I know that he has received various qualifications. Jim has been committed to this cause. When people said to him, "No, it can't be done: it's too expensive", he continued to press on. This bill is now moving forward with bipartisan support across both Houses and it is a real tribute to you, Jim. I thank you on behalf of the children who will benefit from this. I know that this was never about yourself; it was about making sure kids got a fair go. I certainly acknowledge you for all the work you have done in this area.

I also acknowledge Reverend Fred Nile as well because he was the person who finally brought this bill forward. He got agreement and worked with all the groups to make sure that we have this legislation today. I think it is a tribute to him as well. We know that kids with dyslexia need extra support. I found this at Kariong, where despite our best efforts using all the different professionals we could not diagnose one student with a specific disability. Everyone knew that this boy needed help. His mum used to come to my office and cry in frustration because she wanted to do whatever she could to help but his disability did not come under any area of specific diagnosis. He was a really good kid. He was well behaved and did what he was asked, but he really found it tough. Ironically, if he had had a behaviour problem he would have got support. This is the most important thing about this bill: we can help kids like him and make sure that people such as his parents, who were absolutely committed, can get the support they need.

Teachers become very frustrated because they want to do their best to help kids. As members have noted, there are not enough resources, but governments and people are trying their hardest to put those resources in place. Despite that it is pretty tough. I started my teaching career in high school. My classes were 7-7, 8-6, 9-7 and 10-6. They were some of the toughest kids you could ever meet. They were basically not bad kids but by the time they got to years 9 and 10 their spirits were defeated. They were young people who had given up on society because they found it so hard. I did not know a lot about dyslexia then but I was struck by something that happened when we were at a swimming pool with these kids. All the kids were laughing at a sign on the wall. One boy, who was quite a challenge behaviourally and would not participate much in what we were doing was also laughing, but he was looking in the wrong direction. I and my colleague, Steve Harris, who is no relation, said, "Have a look at Carl. What is he doing?" We went over to him and asked, "Carl, what are you looking at?" He was pointing in the wrong direction, at a different sign, and laughing. He said, "I'm laughing at the sign."

It was the first time it struck me that he could not read, and he was in year 9. He had no idea what was on the sign because he could not read a word. Because his behaviour had become so bad as a result of his frustration we could never work out what the problem was. We just thought he did not want to participate or be involved. The reason was he could not read, but rather than let his peers know he misbehaved. That was what everyone was trying to treat without realising that the reading was the problem. When we tried to get him to do some pretty basic reading in the classroom he would say, "Oh, this stuff is rubbish"—he used more colourful language than that—and he would throw down the book and walk out. He would rather be suspended than admit that he had a reading problem. When we found that out we got a fellow in who was 32, a bikie, who broke down in front of the class because he had never learnt to read either and he had had to change jobs. His kids could read better than he could. This bill is about ensuring those sorts of individuals get the help they need to make their lives better.

Mr JONATHAN O'DEA (Davidson) [10.46 a.m.]: I speak on the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. There is a need for increased educational support for children with dyslexia and there has been for the last 13 years that Labor has been in power. Sheer frustration from dyslexia can lead to children becoming disadvantaged and sometimes disruptive in school and at home. Like other speakers, I acknowledge the role that members of the Christian Democratic Party, particularly Reverend Fred Nile but also Reverend Gordon Moyes, have played over a number of years in endeavouring to bring this matter to the fore in Parliament and get real action. Fortunately, this subtle but important change, as the member for Oxley described it, will enable extra funding to be provided for children with dyslexia. The amendment to section 20 of the Education Act

regarding significant learning difficulties is appropriate and is supported by this side of the House.

After speaking with the Reverend Gordon Moyes this morning I understand that he was promised both by the Treasurer and the Director General of Education and Training that the 80 special needs teachers who have been committed to by this Government would be appointed by 14 December this year. I ask the Government: What is the status of those 80 special teachers at the moment, given that 14 December is only 10 days away? All too often we see this Government making promises and not delivering on time. It is an important question and I respectfully ask that it be answered in the reply speech on this bill. My electorate of Davidson is obviously in Sydney's north. Dyslexia and many other conditions and disabilities do not discriminate on socioeconomic backgrounds. Many parents in my electorate and in the region I represent are frustrated because they do not feel they are supported by the education system.

Unfortunately, I observe that the Government does discriminate when it comes to education matters against areas in the metropolitan part of Sydney that are seen as better off. That was all too evident when I recently read a memorandum from the Director General of Education and Training in relation to small capital projects for toilets, fences and other minor capital works where there was a real lack of consideration for schools in Sydney's north and, indeed, Coalition seats generally. I ask the Government, in appointing these 80 special needs teachers, to make sure that there is a fair allocation across all parts of Sydney. I would be interested to know how many of those teachers will go to Sydney's north and whether it is planned for any to go to my electorate of Davidson. Having made those comments, I indicate that the Opposition is supportive of this bill and looks forward to increased support for deserving people who are disadvantaged within our education system currently.

Mrs DAWN FARDELL (Dubbo) [10.51 a.m.]: I support the Education Amendment (Education Support for Children with Learning Difficulties) Bill 2008. Any support we can give to children, their support teams, and their parents, is worthy of approval. When defining children with special needs many think of children in wheelchairs, autism, blindness, deafness and similar disabilities. Two weeks ago two special needs teachers from Parkes and Forbes who do tremendous work in the community came to see me. They teach children with severe mental health issues, whose behaviour affects their learning.

The teachers brought to my attention a facility called Redbank House near Westmead Hospital, which is the only such facility in New South Wales. It offers respite for young people to have medical treatment, education and time away from their daily routine. These children have been born with mental health issues or they may have become addicted to drugs at an early age. I understand that teenagers go to Redbank House. Childhood and younger years should be a wonderful time but, unfortunately, for many children that is not the case. We need more facilities such as Redbank House, particularly in rural and regional areas. Even one would be a start. I implore the Government to provide the infrastructure and the support team for such a facility. I understand that at Redbank House they have one-on-one treatment with nurse aides. Children attend for block periods, depending on the treatment.

Transport is also a problem for children with special needs. Young Wade, who comes from Peak Hill, is completing his last year at high school. It is a nightmare for his parents, who are well-respected citizens, to arrange his transport for his education on a daily basis from the farm in Peak Hill to Parkes in a taxi with another girl. Despite the drought, the family are good farmers. Many rural and regional members of Parliament would know that the contact for the Department of Transport in relation to these issues is based in Wollongong. These families have to ring Wollongong to seek approval. Often it is the local member of Parliament who makes the representations.

We all acknowledge the wonderful work undertaken by special teachers. Last Friday evening I had the pleasure of attending the Schools Spectacular at the Sydney Entertainment Centre. The member for Blacktown mentioned that yesterday in his private member's statement. We were able to see firsthand the wonderful work that teachers are doing with special needs children in a segment during that Schools Spectacular. We need more support for carers and staff. We need more identification of children with needs, as outlined by the member for Wyong.

A lad from Parkes was picked in year 11 as having some form of autism that affected his learning. His parents always knew that he was quite bright but could not understand why his grades were falling behind. He does not want to be on welfare and has been offered a position with the Lachlan office of the House With No Steps. However, he must have a disability pension before being given employment. The doctor has stated that he does have a form of autism but Centrelink will not grant him a disability pension

until the doctor provides the requisite form. Unfortunately, the doctor does not feel his condition is severe enough to be on a disability pension so it is a catch-22 situation. Centrelink is now reconsidering that matter. I accept that this is a Commonwealth matter but as the local member of Parliament I represent all people. This young man desperately wants to be gainfully employed, not on welfare.

I support the bill. We must remember, though, when referring to children with special needs to look beyond autism and other afflictions and consider mental health issues. We must commend the wonderful work of Redbank House in trying to prevent young people from committing self-harm and putting them on the road to recovery. Unfortunately, Redbank House is the only such place in New South Wales and it only takes about 20 people at a time. It is a gross error of judgement for the Government not to acknowledge that fact. We need another facility urgently.

Mr BRAD HAZZARD (Wakehurst) [10.57 a.m.]: The Opposition is supportive of this bill and I congratulate Mr Jim Bond on his endeavours, which were mentioned by the member for Wyong. The Jim Bonds of the world drive governments, of either political persuasion, to recognise what needs to be done. I am concerned as a former teacher and shadow Minister for Education and Training that this bill, which it is claimed will make a difference, will not make the slightest difference. I say that based on the history of this atrocious Labor Government that is currently devastating New South Wales.

Mr Malcolm Kerr: Why do you say that?

Mr BRAD HAZZARD: The member for Cronulla wants to know? I think he probably knows. The problem really is that this Government has a history of cutting back resources to children with special learning needs and with disabilities. As somebody who has a close involvement with my local schools and also with many schools across the State as shadow Minister, I was well aware of the Government's cutting back of resources during the last few years. I well recollect that when Labor first came to government reading recovery programs were cut in a number of areas across the State. It seemed that the Government just did not understand the significance of reading recovery and the availability of resources to children with learning needs. The Reading Recovery Program was cut from the northern beaches area and other programs that were designed for local students were euphemistically "reallocated". Effectively, that meant that students who were brought into the program—

ACTING-SPEAKER (Mr Thomas George): Order! The Leader of the House will have an opportunity to contribute to the debate.

Mr BRAD HAZZARD: A program was offered at a local school on the northern beaches and over a term, and sometimes two terms, children were brought in to participate in the intensive Reading Recovery Program. Children were selected from a number of schools to participate in that program. Principals reported to me that they were quite frustrated when the Government removed that program. The Government first reduced the numbers and then removed the program in the local area. This Government has failed to understand that when it makes promises it must keep them. If it does not it creates a perception and a belief in the community that there is no point in putting in the effort because there will be no return.

Principals told me that one of their staff would spend a lot of time identifying those students who needed resources. If a child was dyslexic or suffered from a disability such as autism, and that disability impacted on the student's reading capacity, a great deal of time and effort was put into identifying the student, identifying issues for that student, and submitting that student's name to the program. Because the program was so constrained in the initial stages, when it devolved it meant that there was little point in principals and teachers putting in the time to identify students because the resources were not there to address their needs. In other words, in a professional sense, teachers were identifying the need but they had no resources to back it up.

The Leader of the House, who is in the Chamber, might say, "That is not true." It is true. There is a level of frustration amongst teachers in this State who even today find that resources are not available. They can identify children with a disability. In a sense, that is a challenge for teachers because often they are not trained to identify particular disabilities. It requires specialist and expert assistance to identify a particular disability or the multiple disabilities from which a child may be suffering. We have identified that all staff do not have the capacity to do that, but if that problem is overcome and the expertise is brought in to identify the problem, more often than not there are no adequate resources to address the issue—which

can be quite devastating.

A classroom teacher might identify an issue and approach the principal—more often than not he or she would approach the principal or the deputy principal—and indicate that there was an issue. Principals, who are under enormous stress as a result of this Government's approach over the past 13 years, are then faced with the dilemma of whether to approach the area office for additional resources. Because of the lack of resources in this area of education, principals often feel constrained when approaching area offices and often they are considered to be not up to the job if they have to seek additional resources. I know of cases where that has occurred. I have rung the principal and the area office and said, "These children are suffering from dyslexia and they need additional resources." Some children have had to leave the government system and enter the private system in the hope of getting those resources. Quite often both systems are not up to the task.

The Coalition believes in public education and it believes in giving everyone a fair go. It is critical to give children with a disability the opportunity to access educational resources. This Government has an atrocious history of dealing with children with special needs. In 2005 when I was shadow Minister for Education and Training I visited schools across the State. I remember being told by teachers who were usually, but not always, special needs trained that they looked after children in IM and IO classes, or children classified as having intellectually mild or intellectually moderate issues. The Government, in a rotten exercise, set about removing those classes. On 2 November 2005 an article appeared in the *Sydney Morning Herald* that stated:

The department insists the decision to slash 111 classes for primary and secondary students with "mild" learning difficulties and 71 classes for students with "moderate" learning problems, physical and hearing disabilities ...

When I visited schools and talked to the teachers they would tell me, "Mr Hazzard, the team that has been built up here is doing good things with the children." Because the Government was cutting resources it was quite prepared to demolish that team and mainstream those children. However, the resources will not be available to support children with dyslexia, autism, Asperger's syndrome, or other disabilities. These children will not get the support they need. The Government tried to hoodwink teachers and, in particular, the community by telling them, "We will implement a transition program. If you undertake to close down your IM or IO classes we will allow the teachers to stay there and work with the children on an integrated basis for the next three years."

At the end of that time there were no undertakings from the Government and, from what I have heard around the State, those promises have not come to fruition. At the last State election the Coalition recognised some of these issues. Those who take more than a passing interest in educational issues will well remember the 2002 Vinson report. Tony Vinson, a well-respected academic in the education area, understands these issues.

Back in 2002 Tony Vinson identified a number of needs in our schools. Tony Vinson recognised the need for additional counsellors in our schools. Members might ask: Why is there a need for school counsellors? We need them for the reasons that I just outlined.

Often there is no-one with expertise in these schools to identify, for example, children with dyslexia—particularly if it is mild dyslexia that might be considered to be poor behaviour in the classroom, as that is how the condition manifests itself. If a child cannot read, he or she becomes frustrated and acts out. Schools need counsellors to identify and assess these issues, to act as a catalyst to obtain the necessary resources, and to overcome the hurdles that were identified earlier. For example, principals are often told, "If you cannot look after this yourself you are not doing your job as a principal." The Coalition recognised what Tony Vinson was saying about school counsellors. In fact, he said that there was only one counsellor for every 1,500 primary school students and one counsellor for every 1,000 high school students.

If a school has a reasonable percentage of children with mild forms of disabilities, including dyslexia but also quite severe disabilities, it is not sufficient to have only one councillor for every 1,500 primary school students and one counsellor for every 1,000 high school students. After 10 years in office this Government is a miserable failure. It does not matter which Premier or which Minister is in office—this Government is a failure. The net result is that a couple of generations of kids who have moved through the primary school and high school systems unfortunately have not had those disabilities or special needs addressed.

At the last election the Coalition announced that, as a priority, it would employ an additional 700 school counsellors. Tony Vinson identified that issue as a priority but this Government has not addressed the issue. Addressing the definition issue in this legislation is certainly a step forward. As I stated at the outset, I congratulate Mr Bond. However, if he has been driving this issue for a while and working with other members of Parliament, he would be aware that this is but one small step. I note that Mr Bond, who is in the gallery, is nodding in agreement. Unless that step is followed up with resources, the problem will continue. The Opposition joins the Government in supporting this bill, but does not want empty rhetoric from those opposite. The Government should not think that just by changing the definition it has done the job, because that is not the case. Changing the definition is one step, but it must be backed by adequate resources.

Even without this definition, dyslexia was not a barrier in some schools across the State because children with the condition were identified. Perhaps this bill is valuable because it puts a little more focus on that disability. It is critical that children have a fair go in life. The Government should stop focusing on self-interest, discontinue some of the silly machinations with changes of Premiers, Ministers and so on, and focus instead on the children of New South Wales, particularly those who need extra help. That would be a mighty step forward. The time has come and the challenge is here. Labor has just over two years remaining in office so it should whack in the resources and provide the education system with the means necessary to ensure that children with disabilities—whether it is dyslexia or any other disability—are identified and receive the resources that the public education system should provide.

Mr MALCOLM KERR (Cronulla) [11.11 a.m.]: I shall continue where the member for Wakehurst left off. First, I acknowledge the role of Reverend the Hon. Fred Nile in the passage of the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. I also pay tribute to Reverend the Hon. Dr Gordon Moyes and Jim Bond, who is in the public gallery. I had lunch with them only a couple of weeks ago and we spoke about the bill. As the member for Oxley and the member for Wakehurst said, it is essential that the bill is not simply an empty gesture and is backed by resources.

I refer the Minister for Education and Training and the Leader of the House, who is at the table, to the estimates committee hearing when the Director General of Education and Training was questioned by Reverend the Hon. Dr Gordon Moyes. The director general gave an undertaking that by 14 December this year 80 full-time teachers would be appointed to commence work in term one of 2009 at 265 schools. It is essential that that undertaking is honoured and the funding is sustained. Reverend the Hon. Dr Gordon Moyes and Jim Bond have been working for more than four years to interest various education Ministers in doing the sorts of things that will now be undertaken through this bill. The bill's proposals must be implemented not simply for the immediate future but for all time.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.13 a.m.], in reply: I thank all the members who participated in this debate: the Leader of The Nationals, who responded on behalf of the Opposition, and the members representing the electorates of Wyong, Davidson, Dubbo, Wakehurst and Cronulla. The Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008 is an important piece of legislation. In order to provide a little background, I commence by paying tribute to James Justice Bond, who is present in the gallery and whom I have known for probably close to 20 years. He has been campaigning to achieve this outcome for a long time.

I assure members that Mr Bond was most persistent about the dyslexia issue during the seven years that I was shadow Minister for Education and Training and the almost seven years that I was Minister. I have never known an individual committed to a particular cause devote so much time and energy over a prolonged period to pursuing that endeavour. This legislation in many ways mirrors the specific concerns of Jim Bond because, for the first time in our Legislature, we now have a specific definition of dyslexia. Of course, defining dyslexia as a disability enables it to qualify for various funding that was denied in the past. New section 20 (4) of the bill states:

For the purposes of subsection (1) (a1), a child has a significant learning difficulty if a qualified teacher or other qualified education professional is of the opinion that the child is not, regardless of the cause, performing in the basic educational areas of reading, writing, spelling and mathematics in accordance with the child's peer age group and stage of learning.

That outlines an important step in processing our recognition of educational needs in this State. In many ways the bill is probably a major breakthrough—for this State, for Australia, or indeed for the rest of the world. I believe young people in New South Wales who suffer dyslexia owe Jim Bond a tremendous

debt, but so too do others elsewhere because this hallmark bill may act as a model for other legislation. Jim Bond has not had an easy battle in getting this legislation introduced. Indeed, the dyslexia battle is not easy for the young people he particularly represents. Over the years James has taken on a number of education Ministers of all political persuasions—myself included. I have spent many hours with him at meetings in company with departmental officers. Indeed, my ministerial staff at the time negotiated and dealt with him in respect of the various issues he raised.

He has taken on departments such as the New South Wales Department of Ageing, Disability and Home Care, the New South Wales Disability Council and Australian Protective Services, and he has had rulings in his favour from the Anti-Discrimination Board. This indicates that he has not been backward in coming forward. Indeed, he has been forthright in pursuing this particular cause. It is fair and appropriate to acknowledge that in the past the Department of Education and Training did not recognise dyslexia as a disability and therefore did not provide the appropriate support. With this legislation we now have a specific definition that will enable this disability to fall within the ambit of support, funding and resources in the community—which is great. I acknowledge Reverend the Hon. Fred Nile in the other place, who has championed Mr Bond's cause. He has done a wonderful job supporting the bill, as has Reverend the Hon. Dr Gordon Moyes and Government, Opposition and Greens members in the other place. The bill clearly enjoys all-round support.

A number of specific programs were referred to in the debate on this bill. I thank in particular the member for Wyong, himself a distinguished educator and former school principal. He knows very well the range of existing programs that help children with disabilities in our schools, particularly our primary schools. He made specific mention of the Reading Recovery Program—as did, in somewhat derogatory terms, the member for Wakehurst. The Reading Recovery Program was very much an initiative of the Carr Government. I happen to know the program very well because it was a program that I introduced. It had not existed in this State before. The program was initiated by Marie Clay, of New Zealand. When Labor came to government in 1995 there was not a statewide Reading Recovery Program in place.

I undertook two years of investigation around the world to find out what specific programs were available to teach children who were having difficulties with literacy skills. After a comprehensive and exhaustive analysis of a number of different programs, we took a punt on introducing the Reading Recovery Program. I say we took a punt because it was in the face of a great deal of controversy and much opposition. At the time academics from all over the world were condemning me and the Government because they felt their own pet program was better than the one that we were going to introduce.

I brought Marie Clay out from New Zealand so that I could have a long discussion with her, and have her illustrate and demonstrate precisely how the program worked. We had a close look at the extensive program that existed in New Zealand at that time. Having introduced the program, we followed it up with a funding allocation of \$800 million. It was an expensive program, but it had proven benefits—so much so that literacy rates in our high schools are comparable to the best in the world. They are comparable to those of Finland, whose national day we honour today. Finland has the best literacy rates in the world. The Reading Recovery Program has been a great success, but it is only one of many programs.

The member for Wyong raised an issue concerning resources available under programs for children with disabilities, acknowledging the fact that until this bill is passed by the House dyslexia will not be recognised as a disability. Dyslexia has been outside the scope of the various programs now in place. Again it was the Carr Government—also during my term as Minister—that introduced into our schools the concept of making the money follow the child with a disability. That had not been done before. Under that concept, funds that are available to help children with disabilities are allocated after the needs of children with disabilities have been assessed at each individual school. The resources are sent to follow the children with those particular needs and help them overcome specific issues. That meant the allocation of teachers aides and special support personnel for the schools, and that led to a major program of deinstitutionalising children with specific disabilities and putting them into mainstream schooling—a major initiative. Again it was controversial at the time, because many people had academic opinions and ideas as to why certain things should or should not be done. But it was a much-needed program, and it was a great move forward, as history has shown.

Again I point out that children with dyslexia did not have the benefit of that program because their disability was not defined. It is now to be defined under this legislation, thanks to the hard work of Jim Bond and thanks to the support of all members of this Parliament—Government, Coalition, Independent

and the minority parties. There are times when, as a member of Parliament and a member of the Government, one feels uplifted by something that one knows will make a big difference for a wide range of people, particularly people who are very much in need of governmental support, community support and special program support. This is one of those occasions. Therefore, I highlight again the significance of this issue and of this legislation, and mention the wide range of programs that have been introduced over the years, particularly in recent years, not only to identify children with special needs but also to allocate the resources to help those children.

The member for Davidson and the member for Cronulla mentioned the 80 special teachers that the Government has announced. I understand that at the Education estimates committee hearing the Director General of Education and Training, Mr Coutts-Trotter, gave an undertaking that those teachers will be put in place by 14 December this year, and that they will be ready to go out and provide their services by term one next year. The member for Davidson specifically asked me to give a response on that undertaking. As I have been at the table since the member made his request, I cannot at this stage give him a definitive reply, saying that I have checked it out as of today and can confirm the undertaking. I can only advise the member that I undertake to pursue the matter further. The undertaking has been given by the director general in a public forum, and I think the Minister has reinforced it. Therefore I can only assume that that will be the case. It is another matter in which the Government takes great pride—after all, we allocated the 80 special teachers to benefit specific schools, and the schools and the students in need of those special teachers will benefit.

There is much to commend and support, and a number of people are to be congratulated. I finish, as I started, by congratulating Jim Bond. I thank Reverend the Hon. Fred Nile and Reverend the Hon. Dr Gordon Moyes for their championing of this particular legislation. I thank all members—Government, Coalition, Independent and those representing minority parties—for the support they have given to what I believe is groundbreaking legislation that recognises, in a very specific way, yet another disability and that enables the allocation of funds to address those disabilities. The thousands of children who suffer from dyslexia will benefit as a result.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative. Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and returned to the Legislative Council without amendment.

INSTITUTE OF TEACHERS AMENDMENT BILL 2008

Consideration in Detail

Consideration of the Legislative Council amendments.

Schedule of amendments referred to in message of 3 December 2008

No. 1 Page 4, schedule 1 [8], proposed section 24 (2) (c), line 33. Insert "in the 5-year period immediately before the revocation" after "once".

No. 2 Page 5, schedule 1 [8], proposed section 24 (2) (c), line 2. Insert "that involves an act or conduct that would reflect adversely on a teacher's professional standing or integrity or suitability or competence to teach" after "paragraph".

Motion by Mr John Aquilina, on behalf of Ms Verity Firth, agreed to:

That the House agree to the Legislative Council amendments.

Legislative Council amendments agreed to.

Message sent to the Legislative Council advising it of the resolution.

Appendix 11 – Education Amendment (Educational Support for Children with Significant Learning Difficulties) Act 2008 No 109



New South Wales

Education Amendment (Educational Support for Children with Significant Learning Difficulties) Act 2008 No 109

- 1 Name of Act
- 2 Commencement
- 3 Amendment of Education Act 1990 No 8
- 4 Repeal of Act
- Schedule 1 Amendment of Education Act 1990



New South Wales

Act No 109, 2008

Education Amendment (Educational Support for Children with Significant Learning Difficulties) Act 2008 No 109

An Act to ensure that children with significant learning difficulties are included in the NSW Government's Special Education Initiative for students with special needs.
[Assented to 8 December 2008]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Education Amendment (Educational Support for Children with Significant Learning Difficulties) Act 2008*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of Education Act 1990 No 8

The *Education Act 1990* is amended as set out in Schedule 1.

4 Repeal of Act

(1) This Act is repealed on the day following the day on which this Act commences.

(2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

[Second reading speech made in Legislative Council on 3 December 2008
Agreement in principle speech made in Legislative Assembly on 4 December 2008]

BY AUTHORITY

Page 3

Education Amendment (Educational Support for Children with Significant Learning Difficulties) Act 2008 No 109

Amendment of Education Act 1990 Schedule 1

Schedule 1 Amendment of Education Act 1990

(Section 3)

[1] Section 20 Assistance to government school children with special needs

Insert after section 20 (1) (a):

(a1) children with significant learning difficulties, or

[2] Section 20 (4)

Insert after section 20 (3):

(4) For the purposes of subsection (1) (a1), a child has a significant learning difficulty if a qualified teacher or other qualified education professional is of the opinion that the child is not, regardless of the cause, performing in the basic educational areas of reading, writing, spelling and mathematics in accordance with the child's peer age group and stage of learning

Second reading speech made in Legislative Council on 3 December 2008
Agreement in principle speech made in Legislative Assembly on 4 December 2008]

BY AUTHORITY

Appendix 12 – 2010 Report from the Dyslexia Working Party

Helping people with dyslexia: a national action agenda

Report to the Hon Bill Shorten, Parliamentary Secretary for Disabilities and
Children's Services, from the Dyslexia Working Party:

Jim Bond
Max Coltheart [Chair] Tim
Connell
Nola Firth Margaret
Hardy Mandy Nayton
Jenny Shaw Angela
Weeks

Submitted January 10 2010

Introduction

During 2008 the Hon Bill Shorten, Parliamentary Secretary for Disabilities and Children's Services, met with representatives from dyslexia interest groups who expressed concern that dyslexia is not recognized as a specific disability under the Disability Discrimination Act 1992 and that the education and employment systems do not recognize or support people with dyslexia.

Following these meetings the Parliamentary Secretary requested the FaHCSIA convene a roundtable Forum to discuss these issues.

This Dyslexia Stakeholder Forum was held at Parliament House Canberra on 16 June 2009. The Forum consisted of 24 people who were scientists in the areas of reading or learning disabilities, technologists, people with dyslexia, clinicians and practitioners, or representatives from DEEWR and FaHCSIA. It was decided that a representative Working Party of 8 Forum members should be formed, charged with the task of writing a report proposing a national agenda for action to assist people with dyslexia.

The Working Party consulted widely and in particular benefited from comments on a draft report that were received from the following authorities (all of whom have expressed very strong support for the recommendations we have made):

- AUSPELD (The Australian Federation of Specific Learning Difficulty Associations)
- LDA (Learning Difficulties Australia)
- ALDA (The Australian Learning Difficulty Association)
- Speech Pathology Australia
- The DDOLL (Developmental Disorders of Language and Literacy) network, which was established with funding from the Australian Research Council.
- Sir James Rose, author of the Rose Report on Dyslexia commissioned by the UK Government.

A draft report was also distributed for comment to members of the Forum on December 7 2009.

The draft report was revised in the light of these comments and the final version of the report (the present document) was submitted to the Parliamentary Secretary on January 10 2010.

In this document we put dyslexia into context by first making some remarks about general levels of literacy in Australia and why they are currently a cause for concern. We then explain the difference between dyslexia and other forms of difficulty in learning to read, and point out the serious social, economic and personal consequences of dyslexia. We then provide 19 recommendations, each of which if implemented would reduce these social, economic and personal costs of dyslexia in Australia.

Is there a literacy problem in Australia?

The Council of Australian Governments (COAG) believes so. Its report entitled "National Agreement for Skills and Workforce Development: Baseline performance report for 2008", dated 30 September 2009, made the following points:

- Relatively high proportions of working age Australians have literacy and numeracy skills below the minimum level COAG considers is required to meet the complex demands of work and life in modern economies—43.5 per cent for literacy and 49.8 per cent for numeracy.
- The proportion of the working age population with low literacy and numeracy skills decreases as socio-economic status improves. At a national level, 60.0 per cent of working age people in the most disadvantaged socio-economic areas have low literacy skills compared with 29.3 per cent in the least disadvantaged areas. The figures for numeracy are 66.2 per cent and 35.3 per cent respectively. The pattern is similar across all States and Territories.

These conclusions are based on data from a national survey of literacy standards carried out by the Australian Bureau of Statistics (ABS) in 2006. The ABS report of that survey specifically noted that 52% of Australians aged 15-19 had a literacy level that "was insufficient to meet the complex demands of everyday life and work". Comparisons of the results of the 2006 ABS survey with the results of the immediately preceding survey (1996) revealed that literacy levels were lower in 2006 than in 1996.

There is independent evidence that literacy standards are currently declining in Australia. Reading ability of Australian children was measured in the OECD's International Programme for International Student Assessment (PISA) assessment rounds in 2000 and most recently in 2006. Between 2000 and 2006 Australia dropped 4 places in the international ranking of literacy levels, being overtaken by New Zealand, Canada, Hong Kong and South Korea (reported by the chair of the Australian Curriculum, Assessment and Reporting Authority, Professor Barry McGaw, in his keynote address at the seminar *Effective Reading for All: National and International Perspectives* conducted by Learning Difficulties Australia (LDA) in Melbourne on 23 September 2009).

Why is there a literacy problem in Australia?

In 2004 the then Federal Minister for Education, Dr Brendan Nelson, commissioned a National Inquiry into the Teaching of Literacy (NITL)ⁱ which reported to him in December 2005. Amongst the findings of this report were the following:

- 50% of the 34 teacher training programs in Australia devoted less than 5% of the curriculum to teaching about reading.
- 60% of senior teachers considered the majority of beginning teachers were not equipped to teach children to read.
- The majority of beginning teachers reported that they were not

confident about their ability to teach reading.

- Many beginning teachers themselves had limited literacy skills, and also lacked the metalinguistic skills needed for the teaching of reading.

The NITL Report made 20 recommendations aimed at improving the teaching of literacy. Unfortunately none of these was implemented. The Education portfolio was taken over by a new Minister. The recommendations of the report were put out to tender, which was won by the Curriculum Corporation, which produced materials that were distributed to schools. The Chair of the NITL, the late Dr Ken Rowe of the Australian Council for Educational Research, publicly repudiated these materials, pointing out that they did not incorporate a single one of his committee's 20 recommendations.

However, all is not lost. The Australian Curriculum, Assessment and Reporting Authority (formerly the National Curriculum Board) is drawing

up a national curriculum for English which includes a specific focus on teaching reading and reading-related abilities in the early years of schooling. Current drafts of this curriculum document show that it is highly compatible with the recommendations of the NITL. For example, recommendation 2 of the NITL was:

The Committee recommends that teachers provide systematic, direct and explicit phonics instruction so that children master the essential alphabetic code-breaking skills required for foundational reading proficiency. Equally, that teachers provide an integrated approach to reading that supports the development of oral language, vocabulary, grammar, reading fluency, comprehension and the literacies of new technologies.

Consistent with this, the May 2009 ACARA document "Shape of the Australian Curriculum" states (p. 7) "Many students when learning to read need systematic attention to fundamentals like phonological and phonemic awareness, and sound-letter correspondences as well as the development of skills in using semantic and syntactic clues to make meaning". And at his keynote address at the LDA seminar (referred to above) the Chair of ACARA indicated that the National Curriculum would emphasize the teaching of phonological awareness, phonics and the alphabet in kindergarten and Grade 1, just as recommended by the NITL

State Departments of Education are also beginning to take actions that are consistent with the NITL recommendations. For example, NITL Recommendation 16 included the following:

The Committee recommends that a national program of literacy action be established to produce a series of evidence-based guides for effective teaching practice, the first of which should be on reading.

The NSW Department of Education has this year produced exactly these kinds of guides to the teaching of literacyⁱⁱ.

The ACARA recommendations re initial teaching of reading, if implemented right down

to individual classroom level, will be of great benefit to many Australian children who would otherwise have struggled to learn to read. Improved curricula delivered in a structured, sequential and explicit way, along with intensive intervention for those children

struggling to keep up with their peers, will address the needs of the vast majority of students. But there will still remain a residue - perhaps as many as 5-10% of all children - who will still struggle to learn to read even if exposed in the classroom to best-practice evidence-based methods of teaching reading. The remit of our Working Party is to make recommendations about how best to help such children as well as the adults who were once such children.

The difference between "instructional casualties" and "people with dyslexia".

A great deal of recent research has focussed on what happens when a school that has been using methods for teaching reading based on ideology rather than research evidence of efficacy switches over to adopting evidence-based methods. Many studies have documented rapidly-achieved and large increases in the reading competence of poor readers in such schools; these children soon achieve reading abilities commensurate with their grades. It follows that the reason why such children were reading poorly prior to the adoption of the new teaching methods in their classrooms was not something to do with the children themselves, but was because of the kind of reading instruction they had been receiving (the *California State Taskforce* (1999)ⁱⁱⁱ reported that "a significant number of children labelled learning disabled or dyslexic could have become successful readers had they received systematic and explicit instruction and intervention far earlier in their educational careers"; That is why the term "instructional casualties" has been used to describe these children.

But these studies have also shown consistently that a small but significant proportion of children do not catch up in reading no matter how sound and well-supported by evidence the teaching methods being used in their classrooms are. Although these students are likely to make some progress, they tend to improve at a much slower rate than their peers, and must work very hard even to achieve this. So these children are not instructional casualties, and therefore a different term to describe them is needed. It is these children whom we will term "children with dyslexia".

Identification of dyslexia via this approach is referred to as the *Response to Intervention Model* (RTI). It has become widely accepted practice in the UK, the USA, and Canada:

"A good indication of the severity and persistence of dyslexic difficulties can be gained by examining how the individual responds, or has responded, to well founded intervention" (Rose, 2009).iv

The model requires a three tiered approach to literacy teaching, intervention and assessment (see figure 1).

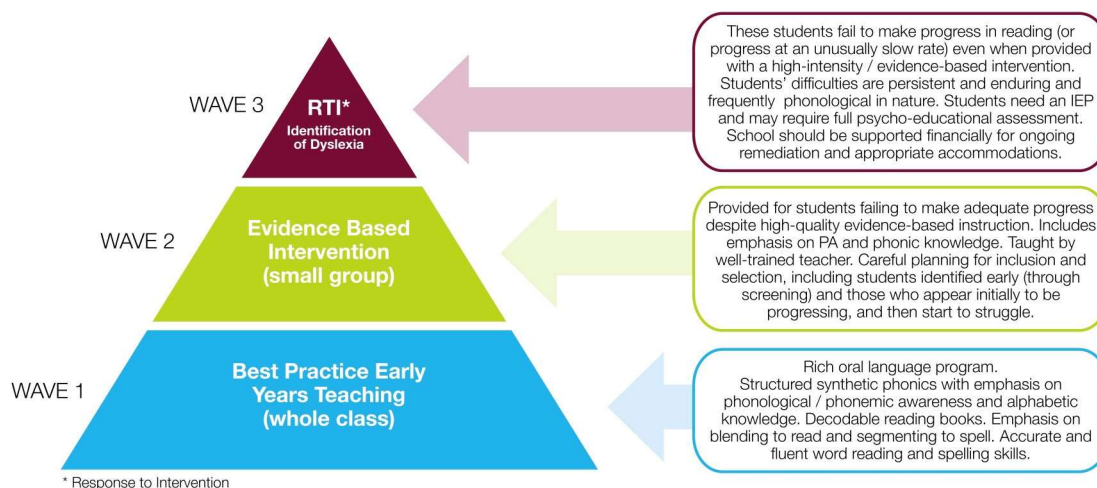


Figure 1. Identifying Students with Dyslexia within the Three Wave Model.

If the evidence-based literacy teaching approaches proposed in the National Curriculum are implemented right down to classroom level, this will be enormously beneficial to the children classified as instructional casualties, and so one would expect to see substantial improvements in the average literacy levels in Australian schools. But if that is all that is done, the children with dyslexia will benefit only to a small degree. They will continue to be left behind and the gap between these children and their peers will widen even further.

Our Working Party's job is to make recommendations as to what steps should be taken to address the needs of these individuals and so reduce the functional impact of dyslexia.

The economic, social and personal costs of dyslexia

Failure to learn to read despite receiving appropriate reading teaching has serious consequences.

Research has shown that such children are at serious risk of mental health difficulties^v especially depression^{vi}. Juvenile delinquency is more common amongst such children^{vii} as is dropout from school^{viii} and unemployment (Australian Bureau of Statistics data). People with poor literacy are less responsive to health education and use of disease prevention strategies, are less able to successfully manage chronic disorders such as diabetes and asthma, and incur significantly higher health care costs^{ix}. All these personal costs of dyslexia explain why a significantly higher proportion of people with dyslexia are likely to attempt suicide than adolescents with normal reading^x. And these personal costs of dyslexia explain why the final report of the National Health and Hospitals Reform Commission has identified that strengthening functional literacy is a key strategy to improving health outcomes across Australia^{xi}.

These are just some of the serious personal costs of dyslexia. Dyslexia has serious social and economic costs too.

The incidence of dyslexia is much higher in the prison population than the general population: for example, a recent study reported that 53% of the inmates of Chelmsford Prison in the UK were dyslexic^{xii}

The UK House of Commons Science and Technology Committee in its report dated 18 December 2009 concluded that "the Government's position that early literacy interventions are an investment that saves money in the long run is evidence-based".

A report by Access Australia^{xiii} jointly commissioned by the Business Council of Australia and the Dusseldorp Skills Forum to test the merits of the economic case for increased policy emphasis on youth participation in education, training and employment reported that:

- Student achievement and better pedagogies in literacy and numeracy are fundamental to improving the learning capacity, employability and positive participation of young people
- Boosting the proportion of young people completing school or an apprenticeship to 90 per cent by the end of the decade would increase workforce numbers by 65,000, boost economic productivity, and expand the economy by nearly \$10 billion (in today's money) by 2040
- Measures to increase school retention rates would also result in additional annual taxation receipts of \$2.3 billion (in today's money) by 2040, reducing Budget deficits and helping to defray the cost impact of the ageing population.

In Australia at present, children and adults with dyslexia have no

specified pathways to achieve diagnosis and support. In the education system there are few qualified to diagnose, and the wait time for school psychologists is up to a year. For adults, there is no process through Centrelink for support. Individuals therefore have to fund their own diagnosis and subsequent support. On a user pays basis, only the financially secure can afford this. This leaves pensioners, low-income earners, students and the unemployed with nowhere to go.

RECOMMENDATIONS

Our recommendations are about both reducing the impact of dyslexia on the approximately 5-10% of Australian children and adults who struggle with its daily implications and about the ways in which assistance can be provided earlier and more effectively (thereby preventing dyslexia from becoming as serious a condition as it does when left unattended). These recommendations are designed to improve both access and equity in the everyday lives of Australian children and adults currently struggling with this hidden disability. This can be achieved through:

- Officially recognizing dyslexia as a disability;
- Providing high quality literacy instruction;
- Providing school-based dyslexia resilience programs.
- Improving current teachers' knowledge, skills and understanding of learning to read and dyslexia;
- Improving training courses for future teachers;
- Enabling access to early assessment and identification;
- Providing appropriate support and accommodations, including the establishment of an Accessible Instructional Material Centre (AIMC) whose first task will be to facilitate the development of a national Accessible Instructional Strategy (AIMS);
- Establishing dyslexia-friendly schools and workplaces; and,
- Increasing community awareness of dyslexia.

Implementation of these recommendations would have two highly beneficial results:

- It would maximise the probability of successfully learning to read,
- and
- It would minimise the negative impacts of being unable to read.

DEFINING AND RECOGNISING DYSLEXIA AS A DISABILITY

Recommendation 1 - Definition of dyslexia

There should be adoption at a national level of a working definition of dyslexia to allow shared language for productive discourse on the issue in Australia. Our proposed working definition, consistent with the definitions published by the British Dyslexia Association, the International Dyslexia Association/ National Institute of Child Health and Development, the International Reading Association, and the Rose Report on Dyslexia, is:

Dyslexia is a language-based learning disability of neurological origin. It primarily affects the skills involved in accurate and fluent word reading and spelling. It is frequently associated with difficulties in phonological processing. It occurs across the range of intellectual abilities with no distinct cut-off points. It is viewed as a lifelong disability that often does not respond as expected to best-practice evidence-based classroom methods for teaching reading.

Recommendation 2 - Recognition of dyslexia as a disability

There should be legislative recognition at both State and Commonwealth level of dyslexia as a *disability* as determined under the Disability Discrimination Act (1992). Dyslexia should be included under the special needs section of the Education Acts in each of the states as has now been instituted in NSW. This will require that additional disability funding becomes available.

Recommendation 3 - National Dyslexia Advisory Council

A National Dyslexia Advisory Council should be established. Its membership should include people with dyslexia, representatives from Australian peak dyslexia organizations, and national and international experts on dyslexia and learning disability.

Recommendation 4 - Compliance with the Act.

Commonwealth funding of all educational institutions should be contingent on demonstrated compliance with the Disability Discrimination Act 1992 (Amended in 2008), and the Disability Standards for Education 2005.

SCHOOLS AND TEACHERS

Recommendation 5 - Pre-service training

All teacher-training syllabi should include:

- Training in evidence-based reading instruction, shown through rigorous research to minimise the impact of dyslexia;
- Training in early screening / identification of students at risk of long term literacy problems, including dyslexia; and,
- Training in effective, research-based strategies that support students with dyslexia including: resilience development, use of non-print mediums, and presence of whole school dyslexia policies.

Recommendation 6 - Evidence-Based Teaching

- It should be ensured that appropriate teaching strategies, shown through rigorous, evidence-based research to be effective in developing strong literacy skills, are used in all Australian Junior Primary classrooms. This will assist in reducing the impact of dyslexia significantly.
- All schools should ensure that the three Waves of literacy provision are in place, are of a high quality, and are well-coordinated. In order to achieve this, schools should have access to the expertise of teachers with specialist skills in addressing dyslexic difficulties
- Provision should be made for close monitoring of students 'at risk' of dyslexia as well as those diagnosed with dyslexia
- Learning Support should be provided for those diagnosed with dyslexia through a written Support Plan that incorporates individual literacy teaching, resilience teaching, and classroom accommodations.

Recommendation 7 - In-Service Training

- Professional development programs should to be developed for all practising classroom teachers to assist them to identify and support students at risk of dyslexia.
- Existing in-service training courses provided by approved organizations should be officially recognized and funded.

Recommendation 8 - Specialist Training

Funding should be provided to universities and other approved organizations for the establishment of specialist accredited training courses to train practising teachers to identify and teach students at risk of dyslexia, such as those courses provided by Dyslexia Action UK.

Recommendation 9 - Dyslexia-Friendly Schools

- A national program should be established for the development and accreditation of 'dyslexia-friendly' schools involving specific inclusion (at all levels of policy and practice) of the needs of students who have dyslexia. (The British Dyslexia Association has a detailed model of such 'dyslexia friendly' schools).
- A funding scheme should be established to which schools could apply with a specific plan for making the school dyslexia-friendly. Schools already accredited as dyslexia-friendly could also apply to this scheme for funding to become consultants and PD providers to other schools and to become providers of assistance to dyslexic children in other schools.
- Clear guidance should be provided to schools on what appropriate provisions have become available for people with dyslexia.
- A national teacher dyslexia resource booklet should be compiled and distributed to all schools, similar to that produced by NZ Education Dept.

Recommendation 10 - Special considerations for people with dyslexia. A diagnosis of dyslexia should entitle a student or adult to use a computer or laptop, with appropriate assistive technology programs installed, in class, in exams and in the workplace; and should also entitle students to additional time in exams, or to the use of a reader or scribe.

ASSESSMENT OF DYSLEXIA

Recommendation 11 - Dyslexia Assessment

- Access to early, systematic, dyslexia assessment should be available to all students identified by teachers as being at risk of dyslexia.
- Initial screening and assessment of such at-risk children to be undertaken within the school environment by a specialist teacher, followed by in-depth assessment of reading and spelling by an appropriately-trained psychologist, speech pathologist or other person with relevant qualifications.
- FaHCSIA should directly fund parents and adults to access dyslexia assessments provided by suitably qualified professionals.
- Full funding through Centrelink should be provided to parents on pensions or with health care cards, students on Austudy or equivalent and those on unemployment benefits.
- Professional development programs need to be developed for all practising school psychologists to assist them in the assessment and appropriate support of students with dyslexia.

- Recommendations arising from in-depth assessments should be fully supported by the school, training institution or workplace.
- The cost of dyslexia assessment, tuition and costs involved with accessibility such as alternate formats and specialist software programs should be added to the list of eligible expenses for the Education Tax Refund.

APPROPRIATE SUPPORT AND ACCOMMODATIONS

Recommendation 12 - Information booklet for families

A booklet for families and carers should be prepared and distributed which explains what new provisions for dyslexic children have been introduced.

Recommendation 13 - Accessible Instructional Material Strategy (AIMS)

An Accessible Instructional Material Strategy (AIMS) for primary, secondary and tertiary education should be established throughout Australia. This should be enacted through Federal legislation.

Recommendation 14 - Accessible Instructional Materials Centre. The Federal Government should establish an Accessible Instructional Materials Centre (AIMC) as a matter of urgency.

Recommendation 15 - Assistive Technology

- Funding for the Print Disability Services Program should be increased, with the appropriate level of funding determined under the AIMS.
- An Assistive Technology Fund for Dyslexia should be established that provides assistive technology options directly to students around Australia.
- A national subscription to Bookshare should be funded by FaHCSIA.
- Publishers should be required by legislation to provide an electronic version of any educational text.

COMMUNITY AWARENESS

Recommendation 16 - Community Awareness

National support should be provided for initiatives that develop community awareness and understanding of dyslexia, such as:

- Funding should be provided for existing Dyslexia help lines and support programs.
- Support for a Dyslexia Week should be developed.
- A mentor system by successful people who have dyslexia should be established.
- A Dyslexia section on the FACHSIA Raising Children website should be developed.
- Clear guidance should be provided to families on what appropriate provisions have become available for people with dyslexia.
- Media coverage of what assistance people with dyslexia are entitled to receive should be fostered.

EMPLOYMENT AND TRAINING

Recommendation 17 - Dyslexia-friendly workplaces

A national program should be established for the development of 'dyslexia-friendly' workplaces detailing specific inclusion (at all levels of policy and practice) of the needs of employees who have dyslexia.

Employment seekers with dyslexia should be eligible for funding under the Workplace Modification Scheme (this provides funding to people with disabilities to modify the workplace - physical modification, or the supply of assistive technology).

Recommendation 18 - Improving adult literacy courses

- The effectiveness of TAFE and adult learners programs in the remediation of adult illiteracy and access to learning / training should be evaluated.
- The Certificate I in Foundation Skills for Adults with Dyslexia course currently run at TAFEs in Western Australia should be adopted in all states and territories.
- Centrelink recommended literacy training courses should be monitored for effectiveness and accredited by specialists in the area of literacy difficulties.

DYSLEXIA RESEARCH FUNDING

Recommendation 19 - Funding for efficacy research

Funding for research to determine effective dyslexia support in schools, for example, funding for:

- Large randomised controlled trials of school-based dyslexia intervention studies including:
 - Evaluation of the efficacy of dyslexia treatment programs
 - Development and trial of models of dyslexia resilience programs and environments
- Development and trial of models of teacher training and whole school support for effective use of assistive technology by students who have dyslexia

The UK House of Commons Science and Technology Committee in its report dated 18 December 2009 recommended that "the Government . . . commission a large randomised controlled trial to identify the most effective and cost-effective early literacy intervention".

A CONCLUDING EXAMPLE

One of the members of our Working Party, Jim Bond, has suffered throughout his life from profound dyslexia. Very recently he has begun to work with the Macquarie University Accessibility Services Unit. He is a man whose life has been transformed through the use of assistive technology. He has told the rest of us about the profound differences to his life that have resulted from his being able to access printed information independently for the first time in his life. In the space of a few weeks he has already begun a degree in political science at university, has been able to read the

web (and its many references to himself), and his wife has had the first break in 30 years of having to read absolutely everything to him. Many other Australians need and deserve to have such opportunities made available to them.

References

ⁱ <http://www.dest.gov.au/nit/>

ⁱⁱ <http://www.theaustralian.com.au/news/nation/only-nsw-makes-right-sounds-on-learning-to-read/story-e6frg6nf-1225780651581>

ⁱⁱⁱ

http://www.latimes.com/news/state/reports/specialeduc/lat_special9912_12.htm

^{iv} Rose, J. (2009) *Identifying and Teaching children and Young People with Dyslexia and Literacy Difficulties*. London: Department of Children, Schools and Families, p. 10.

^v Waring, S., Prior, M., Sanson, A., & Smart, D. (1996). Predictors of 'recovery' from reading disability. *Australian Journal of Psychology*, 48, 160-166.

^{vi} Sideridis, G. D. (2007). Why are LD students depressed? A goal orientation model of depression vulnerability. *Journal of Learning Disabilities*, 40, 526-539.

^{vii} Svetaz, M. V., Ireland, M., & Blum, R., 2000. Adolescents with learning disabilities: risk and protective factors associated with emotional well-being: findings from the National Longitudinal Study of Adolescent Health. *Journal of Adolescent Health*, 27, 340-348),

^{viii} Deshler, D. (2005). Adolescents with learning disabilities: Unique challenges and reasons for hope. *Learning Disability Quarterly*, 28, 122- 125.)

^{ix} Dewalt, D.A., Berkman, N.D., Sheridan, S., Lohr, K.N & Pignone, M.P. (2004). Literacy and health outcomes: a systematic review of the literature. *Journal of General Internal Medicine*, 19, 1228-1239.

^x Daniel, S.S., Walsh, A.K., Goldston, D.B., Arnold, E.M., Reboussin, B.A., & Wood, F.B. (2006). Suicidality, school dropout, and reading problems among adolescents. *Journal of Learning Disabilities*, 39, 507-514.

^{xi} National Health and Hospitals Reform Commission. A healthier future for all Australians: final report June 2009. Canberra: Australian Government Department of Health and Ageing,

<http://www.nhhrc.org.au/internet/nhhrc/publishing.nsf/Content/nhhrc-report>

^{xii}

<http://www.hmprisonservice.gov.uk/prisoninformation/prisonservicemagazine/index.asp?id=6679.18.3.18.0.0>

^{xiii} <http://www.dsf.org.au/resources/detail/?id=53>

Appendix 13 – Online Learning Courses: Data Summary, NSW Education



Online learning courses: Data summary

January 2020



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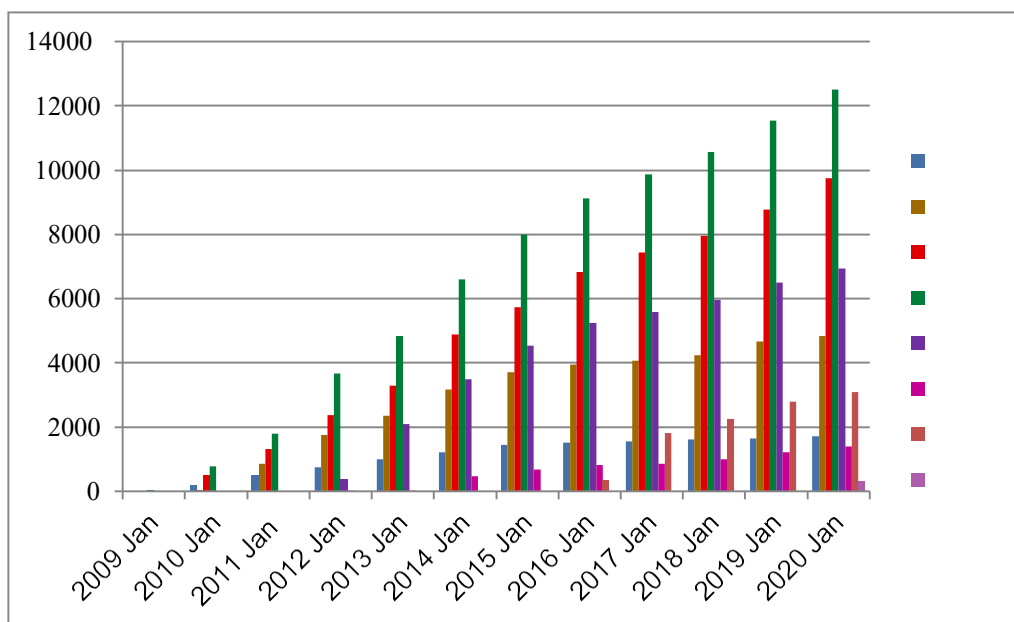
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Online learning courses: data summary

Participation since 2009 (at 31 December 2019)

Course registrations Total across the 8 available courses	40 557
Individual participants <i>Some staff have taken several courses including classroom teachers, specialist teachers, school principals and other executive staff and school learning support officers</i>	26 337
Participants in Understanding autism spectrum disorder <i>Since 2009</i>	12 502
Participants in Understanding and supporting behaviour <i>Since 2010</i>	9 756
Participants in Dyspraxia and motor coordination difficulties <i>Since 2011</i>	1 718
Participants in Speech, language and communication needs <i>Since 2011</i>	4 833
Participants in Dyslexia and significant reading difficulties <i>Since 2012</i>	6 942
Participants in Understanding hearing loss <i>Since 2013</i>	1 392
Participants in Personalised learning and support <i>Since 2015</i>	3 093
Participants in Supporting student wellbeing and mental health <i>Since 2019</i>	321

Table 1 - Total course participants by course - January 2009 to January 2020



Course participation distribution

Online learning course participation continued to grow in the second half of 2019 with the total overall registrations reaching over 40000. The new Supporting student wellbeing and mental health course has been very well received by both tutors and participants with the total registrations reaching over 300 since rolling out across NSW from October 2019. The Understanding autism spectrum disorder, Understanding and supporting behaviour and Personalised learning and support courses continued to attract high numbers of registrations in 2019.

1. Feedback and evaluation data

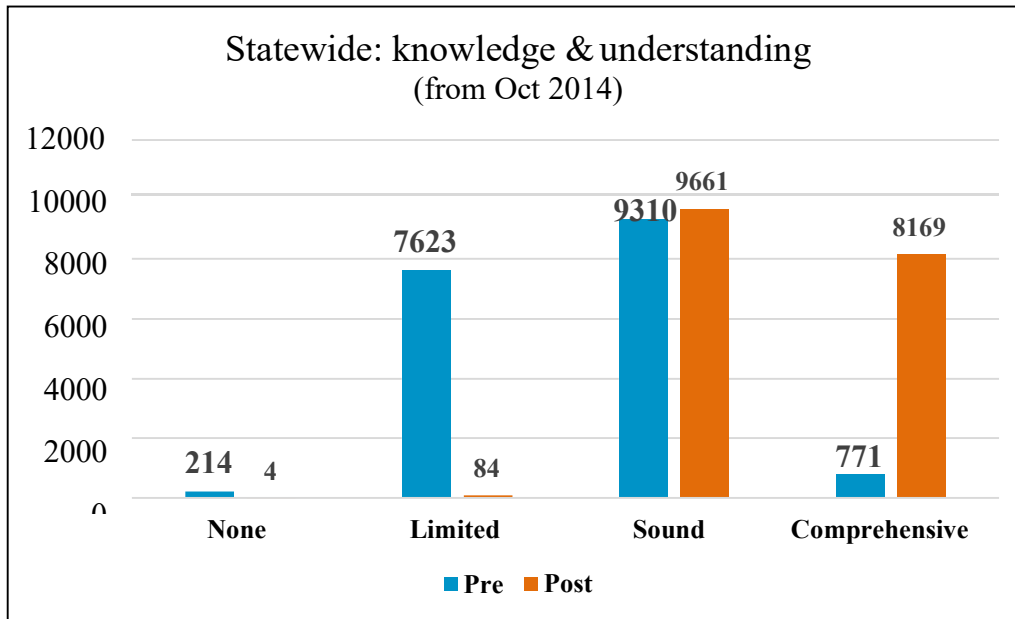
The department collects and analyses a range of data about the online learning courses to inform planning and support their implementation. This data includes:

- pre and post course surveys of participants about their confidence, knowledge and skills in the topic area
- a voluntary follow up survey 90 days after completion
- post course evaluation of participants' willingness to recommend the course to others
- qualitative data from participants' final forum contributions.

The data continues to be highly positive in terms of relevance, participant satisfaction and ongoing use of course materials following course completion. A high completion rate has been sustained across all courses since 2009. Participants are asked, before and after their course, to rate their knowledge and understanding, assessment skills, planning skills and confidence in meeting the needs of students with the particular disability or need on which the course is focused. The data represented below reflects all course evaluations since August 2014.

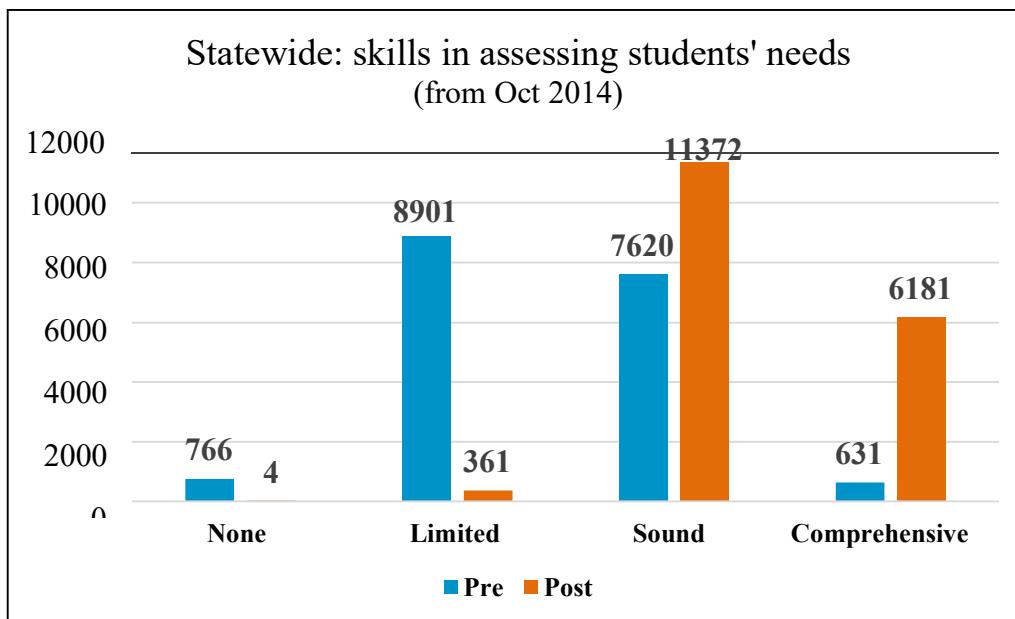
Table 2 - Participant self-rated knowledge and understanding of the specific disorders/disability

- The % of participants declaring no or limited knowledge & understanding **reduced** from **44.0% before completing the course** to **0.5% after course completion**.



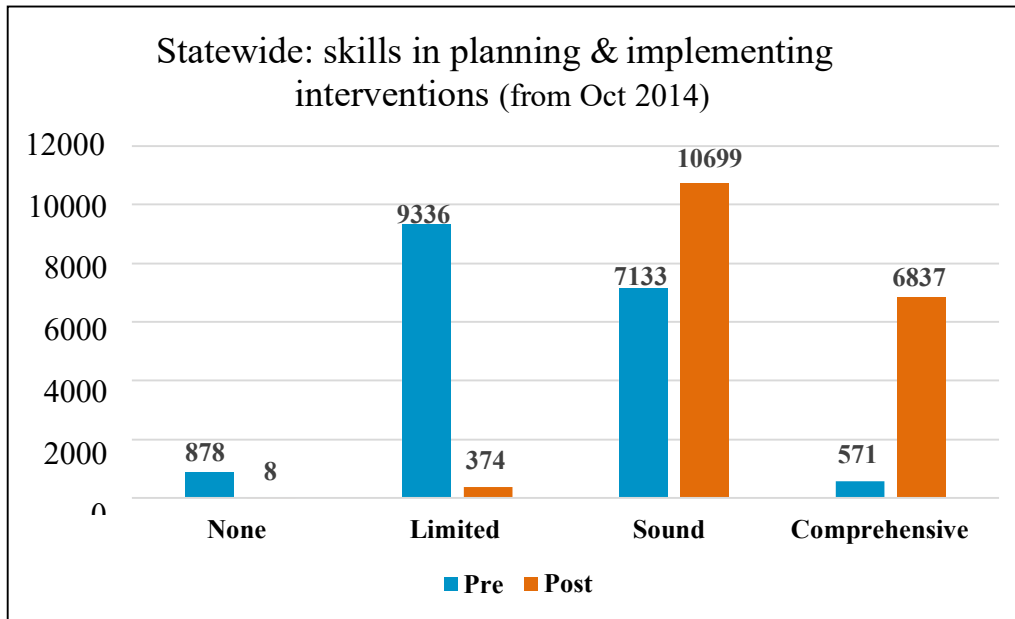
- The % of participants declaring sound or comprehensive knowledge & understanding **increased** from **56.0% before completing the course** to **99.5% after course completion**.

Table 3 - Participant self-rated skills in assessing student needs



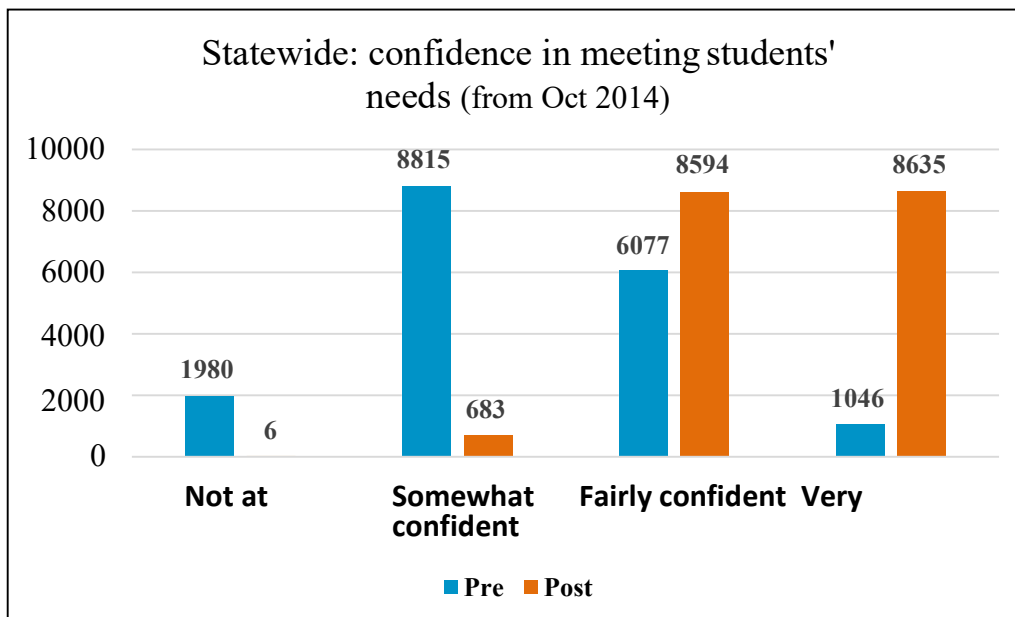
- The % of participants declaring no or limited skills in assessing students' needs **reduced** from **54.0% before completing the course** to **2.0% after course completion**.
- The % of participants declaring sound or comprehensive skills in assessing students' needs **increased** from **46.0% before completing the course** to **98.0% after course completion**.

Table 4 - Participant self-rated skills in planning and implementing interventions for students



- The % of participants declaring no or limited skills in planning & implementing interventions **reduced** from 57.0% before completing the course to 2.1% after course completion.
- The % of participants declaring sound or comprehensive skills in planning & implementing interventions **increased** from 43% before completing the course to 97.9% after course completion.

Table 5 - Participant self-rated confidence in meeting student's needs



- The % of participants declaring not at all or are somewhat confident in meeting students' needs **reduced** from 60.2% before completing the course to 3.8% after course completion.
- The % of participants declaring fairly or very confident in meeting students' needs **increased** from 39.8% before completing the course to 96.2% after course completion.

These results are consistent with the results of the previous reporting period.

90 day follow up

Course participants receive an email survey 90 days after completion asking if they are still referring back to and/or using the course materials. Their response is voluntary.

Feedback data shows that **91%** of the **16 582** participants who have responded are still either referring back to the course content or using the course material 90 days after completing a

course. This feedback has been collected since 2009 and represents approximately one third of all registrations. Participants also comment on the extent to which the SMART goals (specific, measurable, agreed, realistic and time-related) they set for their focus student have or have not been achieved or exceeded and outline their future plans.

Recommendation of the courses to others

The willingness of participants to recommend the course they completed to others has remained consistently high with **98%** of respondents since 2009 indicating that they would recommend the course.

2. Qualitative data from participants course contributions

Each course participant is asked to reflect on their personal learning as they complete the post-course evaluation. A sample of participants' final evaluation comments is provided below. The sample has been selected to illustrate comments from a range of people in teaching roles across the department.

Supporting student wellbeing and mental health

'The tutor led sessions were invaluable in my learning. In a group we were able to clarify our understandings very well with our tutors. I really appreciated their care and delivery of such sensitive course content.'

'The course has equipped me with a greater understanding of strategies that can be used to support students with mental health issues. It has also been beneficial for my own understanding of mental health and knowledge of how to support others who are experiencing difficult situations.'

'Outstanding discussion and sharing of ideas and information. The face to face, tutor led sessions are always the highlight of these online learning courses for me. Having the opportunity to share and discuss our new learning is fantastic. Our tutor was well-prepared, encouraged positive discussion and really got the course material to shine.'

Understanding personalised learning and support

'The tutor sessions were an invaluable experience enabling networking, sharing of ideas, successes and collegial support in an area of teaching that can be isolating. The tutor was professional and supportive at all times.'

'Being able to discuss in a group different scenarios and different strategies was really helpful. I learned a lot from colleagues in the group, from their experiences and variety of backgrounds. It was great to be able to ask my very experienced tutor questions.'

'This course has provided me with a wealth of information, skills and the confidence to use in my new role. I also have a better understanding of the legal requirements and feel more comfortable being an advocate for students. I really enjoyed the intervention and smart goal areas as they provided so many practical examples of how to support students.'

Understanding autism spectrum disorder

'Our tutor facilitated worthwhile conversations among participants that contributed to my understanding of ASD but also helped me evaluate our current school practices.'

'I have learnt additional strategies to support students, to guide teachers, and to suggest options to schools in meeting the needs of students with ASD. I believe that this course has benefits in educating whole school communities about ASD. I feel better equipped to teach students with ASD and more confident in leading others to understand the strengths and challenges of people with ASD.'

'Having an increased understanding of my students with ASD provides multilayered benefits. It has

provided me with many new strategies and perspectives to better support my students, enabling me to provide higher quality teamwork for my colleagues, and increase my ability to contribute to my school community.'

Understanding and supporting behaviour

'Through attending the tutor led sessions, I felt more confident in being able to clarify misunderstandings/questions that I had about behavioural issues. My confidence in developing SMART goals as well as interventions has increased and I feel like I have a more in depth knowledge of behaviours that I may not have thought of or understood before this course.'

'This training has not only had an impact on students learning outcomes but also my professional development outcomes. It has provided me with the tools and strategies that I can use in the classroom to improve my behaviour management skills.'

'I think this training has changed and improved how I interact with the students. I have a greater understanding of the difficulties they face with their behaviours and also the reasons behind those behaviours. The range of strategies outlined in the course have influenced my practice and have led to more positive student outcomes.'

Dyslexia and significant reading difficulties

'Being a 'people person', I learn well in a face-to-face forum engaging in real-time professional dialogue. The forums are also valuable and I like hearing how other colleagues share success in their practice. Thank you for the great PowerPoint presentations.'

'These tutor led sessions contributed immensely to my learning by providing detailed information about Dyslexia, the difficulties experienced by students with Dyslexia/Significant Difficulties in Reading and strategies to use to assist their learning. I felt well supported and mentored during the course. It was wonderful to have stimulating conversations with colleagues with a wide range of experience in working with these students and to be challenged by them and learn from them.'

'This course has given me the knowledge and understanding to now approach learning support with confidence. I now make decisions from a knowledge base to not only move students forward, but to also support teachers to integrate strategies into their classroom practice.'

Speech, language and communication needs

'The tutor led sessions were excellent for building understanding and clarifying knowledge before commencing each section. By having an expert facilitate the learning allows for immediate feedback and support in the learning and extension of content knowledge. Also being able to collaborate and share is important for professional learning.'

'With a more direct and efficient approach to literacy, numeracy, and communication outcomes, the students are benefiting from an explicit approach to teaching not only the skills required, but the content taught in each module (since the training). Cross- curricular skills and knowledge are much easier to address now that we have worked collegially on this SLCN training and will likely benefit the students greatly over the next couple of years and beyond.'

'It has given me a clearer understanding of speech/language and communication needs and how these students can be supported in the mainstream. I now have information to support understanding and resources to share with staff to support planning. Being online it will be a useful site to revisit topics with staff.'

Understanding hearing loss

'The ability to engage in conversations with other teachers contributed to increasing my understanding of the issues facing our students who experience hearing loss. The tutors were able to elaborate on important points and help guide my learning.'

'Developing achievable SMART goals and interventions has already made a big impact. Each day we review and adjust the goals and work together to achieve each step. My student is now more confident to communicate with teachers and her peers.'

This course has had an impact on my overall teaching presentation in the classroom. I am much more aware of my body language, ensuring I am facing the students and positioning myself against the sunlight. I am also trying to find ways to improve the overall learning experience for the students.'

Dyspraxia and motor coordination difficulties

'I thoroughly enjoyed completing this course. I found the interactive online material quite engaging, relevant and informative. As for my tutor, I found that her knowledge regarding this topic was quite comprehensive. She was always ready to offer advice and answer any questions.'

'This training has made me implement motor skills within my classroom and through this I have seen students improve in motor coordination and confidence.'

'It has given me a greater understanding of MCD and the challenges that one faces when they have MCD. I have learned a great deal of new practical teaching strategies, ideas and activities to use and share among our staff. I have found that I have had conversations with teachers and shared information from the course. From these conversations we have put in place more strategies to assist the students.'

Children, dyslexia and the law

Children,
Parents &
Teachers

The Education (Additional Support for Learning) (Scotland) Act 2004, as amended, provides the legal framework which underpins the system for identifying and addressing the additional support needs of children who face a barrier, or barriers, to their learning. This leaflet explains how the Act can support you as parents of children with dyslexia.

What are additional support needs?

The term 'additional support needs' applies to all children and young people who need additional support to enable them to benefit from school education. The term could, for example, include those who are disabled and those who are more able, as well those with dyslexia. The additional support required could include learning support as well as non-educational provision such as speech and language therapy, or support from social services or a voluntary agency.

How can the authority help?

If a child has dyslexia the education authority must make 'adequate and efficient provision' to meet the child's need for additional support. However, in doing this the authority is not required to 'incur unreasonable public expenditure'. Where an education authority refuses to comply with your request for particular support it must explain the reason for its decision. It must also explain to you what steps you can take when you disagree with the authority's decision.

Your rights under the Education (Additional Support for Learning) (Scotland) Act

If you are concerned about your child's educational progress you can ask the school to look into whether your child has additional support needs. You should ask the class teacher, support for learning department or head teacher to do this, giving a clear idea of your concerns. These could include concerns about homework, reading, spelling, self esteem or other things. If the school does not do this, or if you are unhappy with what they do, there are further steps you can take. Please contact Dyslexia Scotland's Helpline to discuss this.

Important - Dyslexia Scotland encourages schools and parents to work together to get the best support for the child. Please read our leaflet, 'Identification of dyslexia in schools - information for parents' which covers the process of identification of dyslexia in schools, including Staged Intervention.

www.dyslexiascotland.org.uk



Co-ordinated support plan

If your child has additional needs as well as dyslexia they might require a Co-ordinated Support Plan (CSP). A CSP is a legal plan to help identify and ensure provision of services required by children/young people whose additional support needs arise from complex or multiple factors which have a significant adverse effect on their school education. The additional support needs are likely to last at least a year and require support to be provided by an education authority and at least one other non-education service or agency. The CSP is subject to regular review and contains specific information about your child. It aims to ensure that all the professionals, the child/young person and the parents/carers work together for the benefit of the child/young person's education.

A CSP will only be required by a child/young person with dyslexia when other agencies outwith education (such as health or social work) are involved in order to help the child meet their educational objectives.

Where a child/young person with dyslexia is not eligible for a CSP, other arrangements such as an Individual Education Plan (IEP) or Additional Support Plan or Collaborative Assessment Plan are likely to be put into place. These will be labelled differently by different authorities.

The Education (Additional Support for Learning) (Scotland) Act and the Code of Practice set out criteria for eligibility for a CSP. There is also a factsheet on CSPs available from Enquire (see end for contact details).

Appropriate support not being provided?

If you feel that an appropriate level of support is not being provided then you should discuss this with the headteacher. If the issue is not resolved then you should write to the education authority. If you are still concerned then there are other steps that you can take, all of which are cost-free to parents. Contact our Helpline for more information.

Mediation - This is a voluntary process involving an independent third person who is the mediator between individuals involved in the disagreement. The aim is to work towards an agreement that is acceptable to everyone involved. The education authority will organise the mediation. Further information can be found in Enquire's Factsheet on Mediation.

Independent Adjudication - Also known as dispute resolution, this is a service which is available through the education authority, whereby a formal review of the case is conducted by someone independent of the authority, with experience in the education of children and young people with additional support needs. Further information can be found in Enquire's Factsheet on Independent Adjudication.

Additional Support Needs Tribunal for Scotland (ASNTS)

You can also make a reference to the ASNTS where your concerns relate to a co-ordinated support plan, a placing request to a special school or transition from school to post-school. The ASNTS website explains how parents can make a reference and how they can be supported to do this.



Dyslexia Scotland
Charity No: SC 000951
Registered No: SC 153321
Dyslexia Scotland © 02/20

Further information

- Enquire, the Scottish Advice Centre for Additional Support for Learning, also provides detailed advice www.enquire.org.uk
- 'Identification of dyslexia in schools - information for parents' www.dyslexiascotland.org.uk/our-leaflets
- Dyslexia Scotland has a template letter to send to local authorities. Contact our Helpline on 0344 800 8484 or helpline@dyslexiascotland.org.uk for more information
- Additional Support Needs Tribunal for Scotland www.asntscotland.gov.uk

Appendix 15A –15D Interview Questions Used in Scottish Interviews

Appendix 15 A: Interview Questions: Administrators -Special Needs

Formulation and communication of policy

- a. How would you describe your role in formulating policy for the local authority?
- b. To what extent do you work with pre-existing policy, formulated by Education Scotland or adopted from other local authorities?
- c. When new policy is formulated or existing policy adapted, what are the triggers for this? You might like to mention a recent example.
- d. How responsive is your local educational authority to local conditions? Does a degree of local knowledge inform the implementation of your policies?
- e. Considering that each local authority in Scotland is performing similar tasks to you, does this ever become an issue of unnecessary duplication of effort?
- f. To what extent does the local authority share policies (on special needs or dyslexia) with other local authorities?
- g. With regards new policy, how are new policy initiatives communicated to special needs teachers? Is it generally via emails, bulletins and/or web links? How often are workshops or training sessions held across the authority, such as every month, every term or annually?
- h. What does the transmission of special needs policy from policy-maker to classroom rely on for a smooth transition?

Diagnosing and responding to dyslexia

- a. How are cases of dyslexia most often diagnosed and assessed in schools? What role does the classroom teacher play in this process? Also, how involved are, special education teachers, school counsellors, or Dyslexia Scotland?
- b. How efficient is the process of diagnosing dyslexia? Do cases remain undiagnosed or unidentified for some time?
- c. Once a child is assessed as dyslexic, how quickly are measures put in place to help that child?
- d. Of the pupils with additional support needs in the local authority, what proportion have an Individual Educational Programme?
- e. Is that proportion increasing or decreasing over time, or does it fluctuate?
- f. I understand the local authority has a staged intervention process for pupils with dyslexia?

Are the needs of a dyslexic pupil typically met within intervention stages 1 and 2 involving support within the school, and stage 3 reserved for complex cases involving other agencies? What role does the local authority play each of these intervention stages?

- g. What role does the local authority have in providing adjustments for a pupil with dyslexia? What role does the school play?
- h. Does the local authority have a policy position on how classes with pupils with dyslexia are to be structured? For example, a mix of one-to-one instruction, small groups or whole class instruction in a dyslexia friendly environment where what works for dyslexics works for all?
- i. Does the local authority endorse any particular teaching method for pupils with dyslexia, such as teacher-centred direct instruction, kinesthetic learning, inquiry-based learning, game-based learning or any other approach to learning?
- j. What is the policy position on how assistive technology is to be used by pupils with dyslexia?
- k. (If yes). How is that policy supported and funded?
- l. What is the policy position on how assistive technology can be used by pupils with dyslexia when taking exams?

Training and qualifications of special needs staff

- a. I would like to know about the general level of training and experience of additional support needs teachers in the local authority. Firstly, are the levels of training or experience in your opinion adequate?
- b. How are levels maintained? And improved upon?
- c. To what extent do teachers upgrade their qualifications, such as through the Career Long Professional Learning (CLPL) in Dyslexia and Inclusive Practice?
- d. How are teachers and executive staff encouraged to do these modules?
- e. Prompt: For example, are casual staff supplied to relieve teachers to undertake this training?

Funding

- a. Do you consider the block grant from the Scottish Government sufficient to fund SEN in the LA's schools?
- b. How is the local authority funding allocated to support pupils with dyslexia?

Communication with parents

The local school plays the major role in communicating with parents, and is usually the first place a parent makes an inquiry or complaint.

- a. What system is there in the local authority to deal with parent inquiries or complaints, when the parent feels the issue is not adequately addressed by the local school?

Dyslexia Scotland and the Toolkit

I notice that a prominent feature of the Scottish approach to dyslexia is the role played by agencies such as Dyslexia Scotland, in offering initiatives such as the Addressing Dyslexia website, the Addressing Dyslexia Toolkit and the Dyslexia Unwrapped online hub for young people.

- a. How do schools in the local authority make use of these resources?
- b. What sort of communication or networking is there between the local authority and Dyslexia Scotland – as in the flow of ideas?
- c. Do any other charities or foundations contribute resources to the local authority?
- d.

General

I have covered the more obvious differences between the Australian approach and the Scottish approach to education of pupils with dyslexia, but there must be other advantages and disadvantages of each system you have noticed.

- a. What particular personal observations would you like to add?

Appendix 15 B: Interview Questions: Special Needs Teachers

Class structure

- a. Is there a dedicated English class for pupils with learning difficulties? (Further prompt: Are S4 classes streamed?)
- b. How many pupils are there in your S4 English class, and what proportion of them receive targeted support under individualised educational programmes?
- c. How is the decision made to move a student onto an individualised educational programme?
- d. (Further prompt: How does this work in practical terms within the school and classroom, in initially assessing dyslexia, monitoring progress and determining whether to move a student onto an individualised educational programme?)
- e. Do you find any particular seating arrangement works best with pupils with dyslexia?
- f. What mix of general class work, group work and individualised work do you find most useful in your S4 English class?
- g. (Further prompts: How often does your S4 English class do personalised tasks, work in groups, and or work as a whole class? When you use group work, how are these groups decided on?)
- h. What role does the learning assistant play in helping pupils with learning difficulties? That is, which pupils does the assistant help, and why?

Class activities

- a. How does a typical S4 English lesson run? What sequence of steps does a typical lesson follow?
- b. What sort of activities do the pupils carry out in class? This might include written work, discussions, art work, online tasks, role plays, recorded audio or whatever else you might regularly do in class.
- c. What teaching strategies have you found effective in engaging with pupils with dyslexia?
- d. Do you favour lesson plans with a defined structure, or do you see an advantage in a flexible approach, or some mixture of the two approaches?

Accommodations for dyslexia

- a. What provision is there for helping pupils out of class, involving perhaps yourself, your teaching assistant or the school's website?
- b. Do pupils with dyslexia have access to assistive technology, such as text to speech software?
(Further prompts: Do they have their own tablets or laptops? How much do they use them

- for classwork and for homework?)
- c. Do any of the general school computers have assistive software for dyslexia, such as the computers in the library?
 - d. How is assistive technology for dyslexia funded within the school? That is, how is the software and hardware bought in the first place?
 - e. How is assistive technology for dyslexia supported within the school? That is, who has the appropriate expertise, and how is that funded?
 - f. How do you adapt your resources for pupils with dyslexia?
(Further prompts: This could include your choice of textbook, the multimedia you use, the digital files pupils use or the sheets you hand out.)
 - g. How do pupils with learning difficulties record their work?
(Further prompt: Do they write a paragraph or a page, do they have their work scribed, or can they use other formats, such as bullet points, story boards or flow charts?)
 - h. When it comes to copying from the board or from a textbook, how different is the task for pupils with dyslexia, compared with those with more advanced reading skills?
(Further prompt: Do they have alternatives such as printed sheets, or files on their laptops or tablets?)
 - i. Is there a school-wide policy on how to offer adjustments to pupils with dyslexia? (Further prompt: This might include use of text to speech software, adapted learning materials, a flexible means of response as an alternative to writing, individualised homework, and use of multimedia as an alternative to reading.)

Homework and assessment

- a. When you assign homework to pupils with dyslexia, how often is it necessary to take special steps for their dyslexia?
(Further prompt: Is it necessary to have the homework scribed into their homework diaries, recorded as a voice memo on their digital devices, or accessible by way of text to speech on the school website?)
- b. When a student/pupil with dyslexia does an English test, how often are adjustments necessary?
(Further prompt: Is it necessary to have a person reading or scribing, or is assistive technology generally used?)
- c. When it comes to assessing the work of pupils with dyslexia, what sort of policy does the school follow?
(Further prompt: To what extent are pupils with dyslexia assessed in relation to the rest of the class, and to what extent in relation to their own progress?)

Communication

- a. How do you communicate with the parents of pupils with dyslexia?
- b. What steps has the school taken to make the other various subject teachers aware successful strategies to accommodate pupils with dyslexia?
- c. (Further prompts: Do you have a role working with them to make them aware of the needs
- d. of pupils with dyslexia? Is the staff told where to access information about teaching these pupils?
- e. When a new teacher, such as a casual/supply teacher, takes over a class with pupils with dyslexia in it, what information are they given about dyslexia?
- f. (Further prompt: This might include suggested lesson plans and resources, appropriate
- g. teaching strategies, or profiles of pupils detailing their strengths and difficulties.)
- h.

Funding and training support

- a. In this question I want to turn to the various mechanisms for reporting learning disabilities in schools and for receiving the appropriate funding. These mechanisms include the Scottish Government's block grant and the provision of Pupil Equity Funding. In your experience, how effective are these mechanisms for delivering support to pupils with dyslexia?
- b. Have you made use of online training, such as Career Long Professional Learning (CLPL) in Dyslexia and Inclusive Practice?
(Further prompt: How useful do you feel these initiatives are?)

Dyslexia Scotland

- a. What role does the Addressing Dyslexia Toolkit play in helping the pupils with dyslexia in your class?
- b. What role do online resources play in the school's provision of support for pupils with dyslexia? I'm thinking of the Addressing Dyslexia website and Dyslexia Scotland's online hub, Dyslexia Unwrapped.
- c. Other than Dyslexia Scotland, are there other charities or private foundations that provide assistance to pupils with dyslexia in your school?

Appendix 15 C: Interview Questions: Parents

Identification

- a. When and how was your child was identified with dyslexia?
(Prompts, if needed: When did you first suspect your child may be dyslexic? When was your child identified with dyslexia? Who did you approach, and what sort of process did you go through?)

Personalised support

- a. What sort of support and what sort of accommodations has your child been given at school since their dyslexia was identified?
- b. Under the staged intervention model, what stage is your child currently on, and what form of targeted support do they receive at school?
- c. What is your opinion of your child's progress under the staged intervention?
- d. Homework and testing
- e. Do you often help your child with their English homework, and, if so, how?
- f. When your child is studying for a test or exam, are there any particularly useful ways you find you can help them?
- g. Have you found any particular technology useful in supporting your child when they study at home? This might be a tablet, computer, or particular software.

School environment

- a. How does your child get on with other kids?
- b. (Prompts: Do they have a group of supportive mates? Are other kids understanding when it comes to their dyslexia, or do they get bullied?)
- c. How often does the school provide you with updates about your child's progress? How do they do that?
- d. During Your child's school career so far, which teacher has helped you most in understanding their dyslexia?
- e. Which aspect of the education system have you found most helpful with your child's dyslexia?
- f. Are there any aspects of the education system that you find less helpful, with your child's dyslexia?
- g. Have you incurred any particular expenses, supporting your child with their dyslexia?
(Prompt: Have you been able to get assistance from a charity or private foundation?)

Support organisations

- a. Have you drawn on any organisations like Dyslexia Scotland, Dyslexia Ayrshire or the British Dyslexia Association, for support?

- b. (Prompt: How did you go about getting that support, and what form did it take?)
- c. To what extent do you or your child use online resources, like the Addressing Dyslexia Toolkit, the Addressing Dyslexia website, or Dyslexia Unwrapped, the online hub for young people with dyslexia?
- d. Have you found any particular books or websites helpful in supporting your child with their dyslexia?

Appendix 15 D: Interview Questions: Students

Dyslexia support

- a. How does your English teacher help you in class?
- b. If there's a teaching assistant, how does that person help you??

Accommodations and technology

- a. Do you use a tablet or laptop at school for your work, and at home for your homework?
- b. What do you use your tablet or laptop for, during lessons and for homework?
- c. What special software do you have on your tablet or laptop to help you read and write?
- d. Do you find your use of your tablet or laptop helpful with your work?
- e. Do you also use the school computers, and if you do, do they have any special software to help you?
- f. How do you manage copying from the board or from a textbook? (Prompt: Do you have to get the same amount copied as everyone else?)
- g. When the class is asked to read a page or more in a textbook or on a sheet, do you do the same activity, or do you have access to audio, to help you read?
- h. When the class is asked to write an answer in class or for homework, do you do the same activity as everyone else, or do you give an answer differently, taking into account your dyslexia?
- i. How often is what you read in class explained by images, diagrams, mind maps, colour highlighting, video or audio clips?

The classroom

- a. Where do you usually sit in English class?
- b. (Prompt: What part of the room and in what sort of group?)
- c. How often do you work in a particular group, or on a slightly different task on your own?
- d. What sort of class activities do you feel you learn from most in Year 10 English?
- e. What sort of things do you find make you lose focus?

Homework and testing

- a. When you are studying for a test, are there any particular techniques that you find useful?
This could include highlighting key words, using mind maps, looking at a video, or studying with a friend or parent.
- b. What happens when you do English tests? Do you have a person reading or writing for you, or do you use software to help you read or write?

- c. How do you feel about tests and assessments? Do you feel you are being compared with other students, or are you encouraged to see your own progress in your own terms?
- d. When you have your work marked, do you lose marks for poor spelling?
- e. How is homework given to you in English class? Is it usually a question on the board, an exercise in your textbook or on a sheet, or perhaps a file on your computer or online?
- f. If you have questions about your English homework, what do you do? This might include looking online, asking your parents, asking your mates or asking your teacher.

School environment

- a. Are other kids understanding when it comes to your dyslexia?
- b. Do you get support for your dyslexia in your other classes, other than the English class?
- c. What do you enjoy most at school?
- d. What do you enjoy most outside of school?
- e. What do you enjoy least at school?

Support organisations, Scotland

- a. To what extent do you use online resources, like the Addressing Dyslexia Toolkit, the Addressing Dyslexia website, or Dyslexia Unwrapped, the online hub for young people with dyslexia?

Appendix 16 - 2017 Enquiry into Students With a Disability or Special Needs Submission 416

**Submission
No 416**

INQUIRY INTO STUDENTS WITH A DISABILITY

SPECIAL NEEDS IN NEW SOUTH WALES SCHOOLS

Name: Mr Jim Bond

Date received: 14 June 2017

Inquiry into the education of students with a disability or special needs in NSW government and non-government schools

Submission by Mr Jim Bond

(transcribed by the secretariat on 31 May 2017 and 1 June 2017)

“It is the duty of the State to educate, and the right of the people to demand education”

– Edmund Barton, Australia’s first Prime Minister.

My name is Jim Bond and I have suffered throughout my life with dyslexia. I left school at the age of 14 and, unable to read, took on laboring jobs. However, after a back injury I was no longer able to work. I have become an active lobbyist for my rights and others with dyslexia and learning difficulties. In December 2008, I had significant involvement in the passage of an amendment to the NSW Education Act 1990 which made children with significant learning difficulties legislatively recognised for the first time as a group entitled to special help in schools.

In 1992, the federal Disability Discrimination Act (DDA) recognised dyslexia as a disability, yet here we are in 2017 still advocating for children with dyslexia in schools. Therefore, I believe there should be state legislation similar to the DDA which recognises and defines dyslexia as a **disability**, rather than a “significant learning difficulty” as found in current state legislation. Without clearly defining dyslexia as a disability in legislation, the NSW Department of Education will not recognise or provide support for it.

I also believe that we should have special schools dedicated to dyslexic children, like those in the United Kingdom and United States. In Scotland, for example, there are dyslexic-specific schools. This would address the problem of mixing dyslexic children, who are otherwise intelligent, high functioning children, with children with intellectual or behavioural needs.

How many generations do we have to miss? I was diagnosed at the age of 7 and I missed all my education until I went to university in 2009. I have suffered psychologically from a lifetime of fighting and advocating. I missed all my life’s opportunities and it is still happening – it is the children today that we need to keep fighting for. We need to give children equal opportunity in receiving an education and empower them to reach their full potential.

1. Equitable access to resources for students with a disability or special needs in regional and metropolitan areas

- The Department of Education provides no assistance or support to parents of students with dyslexia. Because they are not being assisted, parents are seeking information from advocates such as myself. Parents must do their own research and make recommendations for their children.
- The Department is still not supporting students with dyslexia and giving them the appropriate care. For example, very little technology has been implemented to assist the children.
- In addition, teachers are not being trained. Recommendations are not being made to universities to train teachers in educating students with dyslexia.
- I was part of a Dyslexia Working Party who made recommendations on this but they have not been accepted in New South Wales, despite these issues being raised by myself in 2010 and recommended by the Working Party and subsequently taken on by the Federal Government.
- In 2011, the late Revd Gordon Moyes, former member of the Legislative Council, and I

promoted the Right to Read program which is technology that scans books and reads them back to you, highlighting each word as it is spoken. I approached Clubs NSW and received \$65,000 in funding to implement this technology. Every school (both government and non-government) in the Port Macquarie district received this program and we paid for teacher training in it. The program eventually died out, however, because teachers did not have the time to keep it up. This is why we need special classes or schools for dyslexics – so teachers can devote time to these students in everything they do.

- The US is the world leader in setting up special schools for dyslexics, for example, the Children's Dyslexia Centres run by the Scottish Rite. Scotland is the world leader in policy and implementation for the needs of dyslexics. Both these jurisdictions have been looking at this for the last 18 years and are so well advanced in this area of educating students with dyslexia.
- We need to look beyond the Department of Education, who has not moved forward since 1992 to 2017, to make real change. We need to seek funding from outside, through private individuals if necessary, to do something positive for dyslexics to get educated given that 1 in 7 people are dyslexic – almost 5 million in population. We need to pool private and public funding, and get professionals to educate these students so they can become tax-paying members of society and fulfill their full potential.

2. The impact of the Government's 'Every Student, Every School' policy on the provision of education to students with a disability or special needs in New South Wales public schools

- Policies may be in place within the Department but feedback from parents is that they do not know which policies are in place to support their children. This suggests that these policies are not being implemented correctly as parents cannot see that it is assisting their children.
- For example, a professional couple, who would otherwise know how the Department works, approached me not knowing what to do about getting support for their dyslexic child.

3. Developments since the 2010 Upper House inquiry into the provision of education to students with a disability or special needs and the implementation of its recommendations

- In 2010 the then-Director of Disability in the NSW Department of Education told me that no changes would be made within the Department to assist dyslexics despite there being legislative support for it.
- This leads me to believe that it is the will of the people in leadership at the Department which will affect whether or not changes will be made – we can write all the laws and policies we want, but if there is no will of the people behind them in the Department, then no changes will be made.
- There is an entrenched attitude in the Department and that is why I believe we need a clean out of the Department – bring in the younger generation to renew the Department with progressive ideas – and look to private enterprise to help students with dyslexia.

4. Complaint and review mechanisms within the school systems in New South Wales for parents and carers

- The professional couple who approached me for help with their child asked people up the ladder within the Department what they could do and they come back with no

feedback.

- In the Hills area, I assisted a student by getting school support to implement technology for him but when it got to the Department, they did not agree with it. We need new leadership in the Department.
- Legislation is not being implemented in the way it is meant to be, including the complaint mechanisms. People would not be contacting me otherwise if it was.
- It is almost impossible in today's market to pursue complaints and assistance for children with disabilities given the many pressures parents have on them.

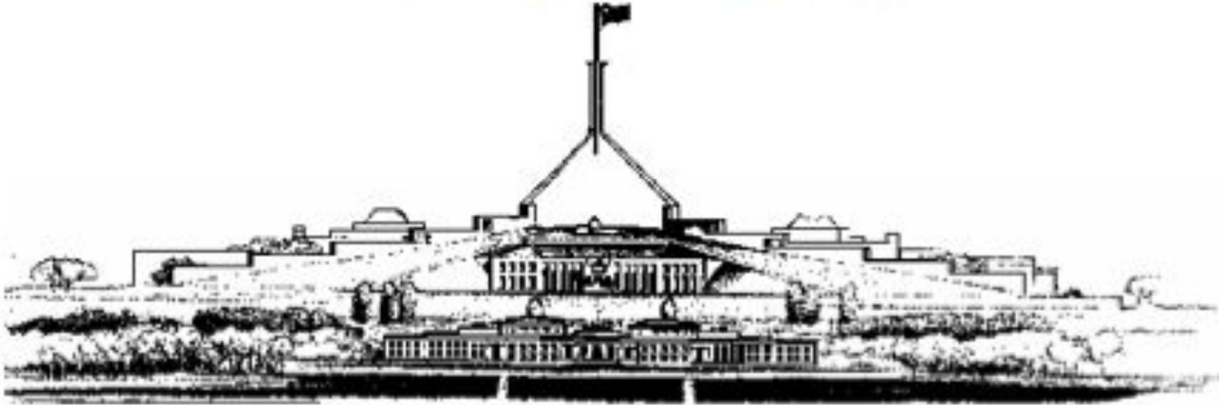
5. Any other related matters

- An incredible amount of work went in to the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. It now needs to be enacted. All I am asking for is for the professionals to follow the law.
- This is about people seeking reasonable adjustments and the Department not being willing to provide these adjustments and not allowing children to reach their full potential.



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE
ADJOURNMENT**

Dyslexia

SPEECH

Thursday, 13 February 2014

BY AUTHORITY OF THE SENATE

SPEECH

Date Thursday, 13 February 2014
Page 464
Questioner
Speaker Faulkner, Sen John

Source Senate
Proof No
Responder
Question No.

Senator FAULKNER (New South Wales) (18:49): Tonight I would like to congratulate Mr Jim Bond, a resident of Killarney Vale, New South Wales, on his recent completion of a Master of Politics and Public Policy at Macquarie University. Jim's recent post-graduate academic success follows on from his graduation with a Bachelor of Arts, majoring in political science and history, also from Macquarie University just last year. Mr Deputy President, I am sure you would agree that these achievements are certainly praiseworthy in themselves, but Jim's achievements are quite extraordinary as he suffers from severe dyslexia. Simply put, it is a first. I think he deserves our acknowledgement and congratulations.

The definition of dyslexia employed by the Australian Dyslexia Working Party—which is consistent with the definitions published by the British Dyslexia Association, the International Dyslexia Association, the National Institute of Child Health and Human Development, the International Reading Association and the Rose report on dyslexia—is this:

Dyslexia is a language-based learning disability of neurological origin. It primarily affects the skills involved in accurate and fluent word reading and spelling. It is frequently associated with difficulties in phonological processing. It occurs across the range of intellectual abilities with no distinct cut-off points. It is viewed as a lifelong disability that often does not respond as expected to best-practice evidence-based classroom methods for teaching reading.

It is important to understand that dyslexia does not affect general intelligence. In fact, studies have shown that many people with dyslexia have average or above average levels of intelligence. Unfortunately, due to low levels of community awareness, children with dyslexia are often simply regarded as slow learners or confused with having other disorders, such as ADHD.

Dyslexia has touched the lives of many. Winston Churchill, Muhammad Ali and Richard Branson are just some examples of the very prominent who have battled dyslexia. Churchill said of dyslexia, 'I was, on the whole, considerably discouraged by my school days. It was not pleasant to feel oneself so completely outclassed and left behind at the beginning of the race.'

Jim Bond tells me that up to 16 per cent of Australians experience varying degrees of dyslexia. For most sufferers, dyslexia has serious social, economic and personal consequences. People with poor literacy skills are more at risk of social exclusion, homelessness, depression and lower levels of health, education and employment prospects. Jim was first identified as having dyslexia at an early age. He said, 'When I was seven years old, Professor Delbridge from Macquarie University's Department of Linguistics first recognised that I had dyslexia. From that point on, my dream was to do a degree here at the university.'

Many people are aware of Jim Bond's important work in dyslexia advocacy. He has been a passionate and committed activist for people with dyslexia for over 25 years. He has fought hard for the widespread introduction of text to speech software and technology in primary and secondary schools, libraries and universities. He has contributed to important public policy initiatives that have transformed the lives of so many people suffering from dyslexia. Jim Bond is not one to shy away from challenging the establishment. He has contributed to changes to the employment practices of the New South Wales, Victorian and federal governments. He has fought hard for the inclusion of dyslexia as a disability in the Anti-Discrimination Act and the Human Rights Act. He has pushed for the recognition of dyslexia in the Education Act and for funding for teacher training programs.

To its credit, Macquarie University's Accessibility Services Unit has provided Jim Bond with the facilities he needs to achieve substantial success at university. Macquarie University provided Jim with a computer and WYNN software, which reads textbooks, course materials and web pages to him. The university also provided him with a PEARL camera, which takes photos of pages and reads them back to him in seconds. Using these assistive technologies has helped Jim not only pass subjects but achieve great marks. He finished

his undergraduate degree with nine distinctions and three high distinctions and his postgraduate degree with a distinction average.

On the day of Jim Bond's graduation last year, Macquarie University's Deputy Vice-Chancellor, Ms Deidre Anderson, said:

Jim really epitomises the commitment and resilience of many people who have challenges whilst pursuing education. It's been evident in the support offered to Jim that the university's support services can really make a difference in the lives of people, and the university is incredibly proud of Jim, as are his family and friends. We look forward to seeing his ongoing work in the broader community.

Jim's achievements and activism shine a light on dyslexia in Australia and pave the way for and encourage more Australians who suffer from dyslexia to achieve success in university and tertiary education. Jim has set his sights on the ambitious goal of finishing a PhD further down the track, with a view to apparently some day entering politics. At this stage I have not discouraged him from that course of action. I certainly do wish him well and congratulate him on his academic success. I am sure it is a view that would be shared by all senators in the chamber. I congratulate him also on his very strong and committed advocacy on behalf of all Australians suffering from dyslexia.

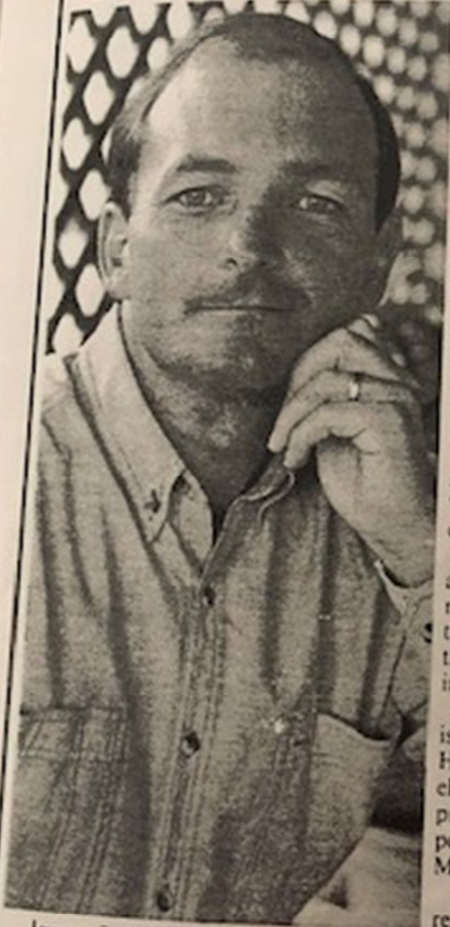
Man with a mission refuses to give up

WITH a name made famous by the movie crime fighter you would think James Bond of Killarney Vale would have little trouble getting into the NSW Police Force.

By the Central Coast James Bond is dyslexic and he has been knocked back. But so determined is he that his case

has been presented to [redacted] and is under special review by an assistant police commissioner.

Mr Bond, 34, applied to join the force more than a year ago and after accepting that dyslexia would be a problem for a [redacted] reapplied for a position as



James Bond ... fighting for job

"There are 100,000 dyslexic people out there and we're being treated as being developmentally disabled," Mr Bond said this week. Dyslexia is impairment of the ability to comprehend written language.

In Mr Bond's case he is able to read some, but not all, sections of a newspaper.

When his application for [redacted] officer position was rejected Mr Bond approached Member for The Entrance Grant McBride to put his case before the minister.

"I feel I have a good case with the Anti-Discrimination Board," Mr Bond said.

In State Parliament Mr Griffiths was asked whether Mr Bond's dyslexia was "considered to impair his ability to effectively serve as a [redacted]"

In reply Mr Griffiths said he had been assured the unsuccessful application was not related to his dyslexia but "rather to the overall need to effectively discharge the full range of the duties of the position in the public interest".

"The importance of security at premises in [redacted] House, [redacted]

else it is to be carried out, and the professional manner in which it is expected to be carried out, speaks for itself," Mr Griffiths said.

He said he had agreed to a special review of the case in consultation with the Commonwealth Rehabilitation Service.

Airport traffic

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