



**Children and Young People  
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8 August 2016

Mr Joshua Morris MLC  
Chair  
Economy and Infrastructure Committee  
Parliament of Victoria  
Parliament House  
Spring Street  
EAST MELBOURNE VIC 3002

Email: [eic@parliament.vic.gov.au](mailto:eic@parliament.vic.gov.au)

### **RE: INQUIRY INTO RIDE SOURCING SERVICES**

Dear Mr Morris

Children and Young People with Disability Australia (CYDA) welcomes the opportunity to contribute to the Economy and Infrastructure Committee Inquiry into *Ride Sourcing Services*. This brief submission focuses on ride sourcing services in relation to school transport for students with disability in Victorian schools.

CYDA is the national representative organisation for children and young people with disability aged 0 to 25 years. The organisation is primarily funded through the Department of Social Services and is a not for profit organisation. CYDA has a national membership of 5500, with 48 percent being Victorian members.

CYDA's vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met.

#### **Concerns with Present Provision of School Transport for Students with Disability**

In Victoria, government funded transport is available to students enrolled in special schools. CYDA has raised significant concerns about the provision of bus transport to students with disability in Victoria for a number of years, particularly in relation to length of travel, inadequate policies and procedures and breaches of human rights.

Presently the policy is that the travel time for each journey can be up to two hours for a student to travel to or from school – a potential of four hours per day.<sup>1</sup> In some circumstances this involves additional travel time to and from a designated 'pick up' point.

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<sup>1</sup> Victorian Government Department of Education and Training 2016, *Students with Disabilities Transport Program*, State of Victoria, Melbourne, p. 23.

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CYDA is aware that children from as young as five years of age, are spending four hours a day or more traveling to and from school. In some cases this involves very short distances of less than 10km. In many instances the families must utilise school transport because of work or other family commitments so it is not simply a preferred choice of families but the only transport option.

It is the view of CYDA that this travel frequently involves children being subjected to breaches of human rights. The extensive travel time immediately denies many children significant opportunities and experiences of play, recreation, extracurricular activities and family time. All are basic rights outlined in the United Nations *Convention on the Rights of the Child*, to which Australia is a signatory.<sup>2</sup> Further, for children with high health and physical care needs, the long periods spent travelling to and from school inhibits the provision of necessary support.

In addition, students with disability experience abuse on school transport, including treatment which fits within United Nations' definitions of torture, cruel, inhuman or degrading treatment or punishment.<sup>3</sup> Examples include students being restrained during bus trips and denial of food, drink and the opportunity to use toilets.

It is the view of CYDA that limited and inadequate policies and procedures regarding school transport are key contributors to these shameful experiences of students with disability. For example, aside from criminal checks, there is minimal requirements or procedures for staff who drive or chaperone transport services in relation to qualifications and provision of professional development. There are also limited and inadequate policies regarding provision of specialised support for students with communication support needs and medical care needs.

Lack of supervision is another important issue. In many cases there is one driver and one chaperone supervising up to 50 students. A lack of appropriate supervision can allow peer-to-peer abuse to occur, such as bullying and assaults.

CYDA also has concerns in relation to policies and guidelines regarding restraint of students with disability. It is believed that present policies do not provide sufficient safeguards and do not ensure provision of evidence based behaviour support to prevent the use of physical, mechanical, chemical or psychosocial restraint. For example, the Victorian Government 'Restraint of Student' policy contains no reference to school transport settings.<sup>4</sup>

The following experiences reported to CYDA demonstrate these significant concerns:

*My eight year old son used to spend up to four hours a day travelling to and from his school which was less than 10km away from our home – Parent.*

*I have a 10 year old son that attends (a special school) and can be traveling for 90 minutes or more each way every day. I feel that this is a disadvantage to him and many other children therefore I believe that the education department should do a review of their current policy – Parent.*

*The many attributes associated with longer travel time (for my son to and from school) are:*  
- *Headaches every day from pure exhaustion due to travel time;*

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<sup>2</sup> United Nations General Assembly 1989, *Convention on the Rights of the Child*, articles 5, 16, 31.

<sup>3</sup> United Nations General Assembly 1984, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

<sup>4</sup> Victorian Government Department of Education and Training 2016, *Restraint of Student*, State of Victoria, Melbourne, viewed 8 August 2016, <http://goo.gl/OZ6bCw>.

- Dehydration from not drinking and sitting in the hot bus for long periods;
- Not being able to go to the toilet for the duration of the bus trip;
- No food whilst on the bus;
- Sickness increased from (being) run down and sheer exhaustion;
- More meltdowns when he gets home;
- Unable to eat properly at night (because he is) too tired;
- Medication given way too early in the morning in order to catch a bus;
- (Sensory issues) increased with the increased noise;
- We should never put a cost figure on a child with (disability), (the school) currently disadvantages our children making the buses bigger (and) trips longer instead of smaller buses and shorter routes
- The emotional and physical cost on a child;
- Not being able to join sports clubs events (from) Monday- Friday (because) they come home too late and too exhausted;
- Miss out on...after school therapies;
- The emotional toil and stress on families due to having more meltdowns; and
- Teachers at (school) would find that these children are less attentive during the day and possibly more disruptive – Parent.

*A boy aged eight years old who was completely independent in toileting and continent was not provided with any options in the event he needed to go to the toilet if required throughout his two hour trip to and from school. After wetting his pants on a trip as he could not hold on any longer, his parents sought action from the Department of Education to ensure he could go to the toilet if needed to. The Department advised this was not an available option for him instead suggesting a number of possible options including a) wearing a nappy b) withholding of fluids during the afternoon or c) the provision of an absorbent towel in the event a situation arose if he couldn't access a toilet and simply couldn't hold on any longer.*

*In 2013 an 11 year old student who attended a special school in regional Victoria who was tied up by a bus driver during trips to and from school.<sup>5</sup>*

*In June 2015, a student who attends a special school in Melbourne was left on a locked bus for five hours because the driver failed to check that all students had exited. The student had fallen asleep when the other students exited the bus at 9am and was not found until 2.30pm.<sup>6</sup>*

In 2010 CYDA and the Disability Discrimination Legal Service made representations to the Federal Attorney-General regarding breaches of human rights conventions in school transport for students with disability in Victoria. The letter informed of breaches of the *Convention on the Rights of the Child*, *Convention on the Rights of Persons with Disabilities* and *Victorian Charter of Human Rights and Responsibilities*. Since this time there has been no discernible change and students with disability continue to experience abuse and violation of rights due to lengthy school bus rides.

This shameful treatment demonstrates a critical need for reform of policies and procedures regarding school transport provision for students with disability, with a focus on developing robust safeguards.

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<sup>5</sup> J Topsfield 2013, 'Tough Discipline on the School Bus,' *The Age*, 8 April 2013, viewed 8 August 2016, <http://goo.gl/GIUpEs>.

<sup>6</sup> M Calligeros 2015, 'Bulleen Heights Special School Student Left on Locked Crown Coaches School Bus,' *The Age*, 11 June 2015, viewed 8 August 2016, <http://goo.gl/kcyRx5>.

### **Proposed Changes to School Transport Provision for Students with Disability**

The provision of school transport for students enrolled in special schools will be impacted by the establishment and implementation of the National Disability Insurance Scheme (NDIS). The NDIS represents a significant shift from the previous model of providing block funding to disability services to providing portable and individualised funding packages, with a focus on enabling people with disability to exercise choice and control in relation to supports received.<sup>7</sup>

On 1 July 2016, the NDIS commenced its national rollout beyond the initial trial sites. The Scheme is progressively being rolled out and will be fully operational by July 2019, when it will be accessed by an estimated 460,000 people with disability.

In the coming years the provision of disability services and supports will therefore undergo a significant transitional period as services and organisations commence being providers funded through the NDIS and people access supports through Individual Funding Packages (IFP). Some students with disability with an IFP will be able to use this funding for school transport.<sup>8</sup>

While there is still considerable uncertainty around how school transport will be delivered through the NDIS, CYDA would like to highlight recent media coverage of this issue, which has reported that ride sourcing services are being considered as school transport option for students with disability. Specifically, it was reported that the National Disability Insurance Agency and the University of Melbourne's Centre for Market Design are developing a range of school transport options to replace the present bus system, referred to as a "smart market."<sup>9</sup> It is reported that in addition to existing transport provision, other transport providers including "non-emergency medical transport, taxis and share-ride or carpooling options" are being considered through the project.<sup>10</sup>

While reform to school transport provision for students with disability is urgently needed, CYDA has significant concerns about the reported proposal. In particular, it is the view of CYDA that the regulatory gaps around ride sourcing services, lack of training and appropriate expertise of drivers and the lack of supervision poses significant risks for students with disability. This is particularly important because of the heightened vulnerability to abuse experienced by children and young people with disability.

While there is a significant gap in Australian data, international research indicates that children and young people with disability are over three times more vulnerable to experiencing abuse and neglect than their peers without disability.<sup>11</sup>

CYDA is frequently informed of children and young people with disability experiencing abuse, most often in education settings. This includes blatant examples that are clearly defined as abuse, such as physical assault. However, students with disability also experience incidents that are often not considered abuse because the child involved has a disability. Students being restrained to 'manage

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<sup>7</sup> *National Disability Insurance Scheme Act 2013 (Cth)*, section 2(3).

<sup>8</sup> National Disability Insurance Agency 2014, *Mainstream Interface: School Education*, Geelong, viewed 5 August 2016, <https://goo.gl/ye7QON>.

<sup>9</sup> R Morton 2016, 'Uber could Replace School Buses for Disabled Children,' *The Australian*, 6 June 2016, viewed 5 August 2016, <http://goo.gl/pSNdco>.

<sup>10</sup> Ibid.

<sup>11</sup> P Sullivan et al. 2000, 'Maltreatment and Disabilities: A Population-Based Epidemiological Study,' *Child Abuse and Neglect*, Vol. 24, No. 10, p. 1257, Children and Young People with Disability Australia 2012, *Enabling and Protecting: Proactive Approaches to Addressing the Abuse and Neglect of Children and Young People with Disability*, Melbourne.

behaviour' or being denied access to food and drink during long bus rides to and from school are examples of this.

Of concern is that abuse of students with disability is often not recognised or acknowledged. Rather it is common for abuse to be renamed or excused as 'behaviour management' or an 'incident,' rather than being seen as abuse and responded to as such. In other cases, abuse is justified as necessary in order fit in with existing models of service delivery. In these cases, the resource constraints and processes of service providers are prioritised above the rights of children and young people with disability. An example is being denied access to a toilet on two hour bus journeys.

In 2012, CYDA released an issues paper, entitled *Enabling and Protecting: Proactive Approaches to Addressing the Abuse and Neglect of Children and Young People with Disability*, which discussed existing research about abuse and neglect of children and young people with disability. It identified a number of key risk factors for abuse to occur, including:

*Where (children and young people) have little choice or control over their lives; have multiple care providers, and little or no choice over who provides that care; rely on others for intimate personal care; live or spend significant time in settings where they are expected to be always compliant and well behaved; rely on alternative forms of communication; are viewed negatively by others; and are less able to be able to name abuse.<sup>12</sup>*

The paper also found that high risk environments “emphasise control; isolate children and young people, cluster people with the greatest risk together, and reinforce compliance.”<sup>13</sup> Further high levels of worker casualisation have been associated with an increased risk of client abuse.<sup>14</sup> Research has found that the “increasing number of short term and casual staff has serious implications for the recognition and response to patterns of abuse and neglect in particular, as there is a dearth of long-term moral witnesses to note the cumulative effect of this maltreatment.”<sup>15</sup>

Concerns regarding safety of students with disability on school transport were highlighted by sexual abuse experienced by seven students with disability in South Australia in 2011.<sup>16</sup> The abuse was perpetrated by the students' school bus driver, who was minimally supervised.

CYDA is concerned that ride sourcing services are likely to involve features that contribute to a high risk environment for abuse occurring. These include: a one on one model of service provision therefore lacking appropriate supervision; a casualised workforce with high staff turnover; limited requirements for employee screening; lack of policies and procedures particularly regarding child safe practice; and no training or appropriate expertise around working with children and young people with disability.

### **Key Recommendations**

CYDA recommends that the present Inquiry include a focus on the proposal to utilise ride sourcing services for school transport for students with disability. It is critical to consider how safeguards will

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<sup>12</sup> Children and Young People with Disability Australia 2012, *Enabling and Protecting: Proactive Approaches to Addressing the Abuse and Neglect of Children and Young People with Disability*, p. 12.

<sup>13</sup> Ibid, p. 12.

<sup>14</sup> S Robinson et al. 2010, 'Preventing Abuse in Accommodation Services: From Procedural Response to Protective Cultures,' *Journal of Intellectual Disabilities*, Vol. 15, No. 1.p. 65.

<sup>15</sup> Ibid, p. 65.

<sup>16</sup> N Haxton 2011, 'Bus Driver May Escape Child Sex Charges,' *Australian Broadcasting Corporation*, 8 December 2011, viewed 8 August 2016, <http://goo.gl/VovQwW>.

be implemented for students accessing government or NDIS funded transport services and how the risk factors for abuse, such as inadequate policies and workforce casualisation, will be addressed.

CYDA appreciates that ride sourcing services are being considered in order to improve efficiency of transport services. However, it is critical that transport for students with disability is not simply determined by cost but involves a rigorous safeguarding strategy with a firm basis in human rights.

This should ensure that comprehensive policies, processes and safeguards including minimum travel times, appropriate supervision, training and employee screening are developed and implemented in relation to school transport for students with disability. The work of the *Royal Commission into Institutional Responses to Child Sexual Abuse* in relation to safeguarding will be highly relevant to this work.

Please contact me if you wish to discuss further any issues relevant to this submission and the Inquiry. Thank you for the opportunity to contribute to this consultation.

Yours sincerely

Stephanie Gotlib  
**CHIEF EXECUTIVE OFFICER**