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17 October 2011

The Hon Ted Baillieu  
Premier of Victoria  
Parliament House  
Spring Street  
Melbourne VIC 3000

Dear Premier Baillieu

Re: **Abuse of Children with Disabilities in Victorian Schools**

You may have seen the Four Corners exposé on sexual abuse of children with disabilities in an Adelaide school two weeks ago. Unfortunately, reports of physical abuse against children with disabilities in Victorian schools have been prolific in the last few years, however regrettably, the Department of Education and Early Childhood Development ("DEECD") have not seen fit to act.

As a Disability Advocate, I have been approached over the past 4 years by a number of parents of children with disabilities, particularly those who attend special schools, with reports of:

- physical abuse;
- solitary confinement;
- chemical restraint;
- splinting.

Most if not all of these parents have taken their concerns to the senior school level, the Regional Office, and/or human rights commissions in Victoria and Sydney. Others are taking their matters to courts.

They have received little consolation, as the formal position of the DEECD is to justify physical abuse, solitary confinement and chemical restraint in the name of "behaviour management".

In addition to myself, a number of disability advocacy agencies have also received this information, and we have been shocked that by its behaviour and its defence of that behaviour, the DEECD seems to have ignored all best practice research in the last few decades in relation to educating children with disabilities.

There are a number of special schools, and some mainstream schools, that believe that it is best practice to respond to disabilities such as Autism Spectrum Disorder with violence, seclusion and chemical restraint.

While the responsibility for this abuse lies with the former government, your government is now at the helm, and has a responsibility to rectify the situation. It is with regret that I inform you that the staff responsible for most of the special schools in Melbourne are approaching the education of children with disabilities with a mindset which is decades behind the times, and some may argue in breach of criminal law if not most human rights legislation.

The *Children, Youth and Families Act 2005* is being breached by the failure of DEECD staff to report the abuse of children, I can only assume because that abuse is being committed by work colleagues.

I have assisted parents in writing to principals, regions and departmental secretaries, but there has been no appropriate response to date, except to defend practices which are inhumane, cruel and life-threatening. It has been a challenge for myself, other advocates and parents to know what to do next.

Some of the specific issues are listed below:

1. The use by Bulleen Heights School of a martial arts instructor to train staff in the "behaviour management" of children with disabilities.
2. The solitary confinement of children with disabilities at Bulleen Heights, Wantirna Heights and Southern Autistic in small rooms, and what parents and professionals refer to as "cages"(small fenced in areas) as punishment for "bad behaviour".
3. The training of staff in physical force to respond to behavioural issues and even "silliness" in children with disabilities by Departmental psychologists and others.
4. The persuasion/ultimatums given to parents that their children cannot attend school unless they are medicated to control their behaviour.
5. A general acceptance of cruel treatment towards children with disabilities.
6. A general acceptance of self harming behaviour by children, without questioning as to why this may occur at school.
7. Daily 2 to 4 hour bus trips for children with disabilities to travel to and from school with no access to toileting or activities.

There are many special schools in Victoria, and one can only infer that these practices may be occurring at all them, as the DEECD head office endorse these practices. I say that after viewing letters parents receive subsequent to complaints.

The above take place in a vacuum of best practice. You will find that in similar schools in the USA, such practices are viewed as barbaric and inexplicable, particularly due to the lack of best practice positive behavioural approaches.

The most recent report I have had of physical assault to address Autism relates to a complaint lodged with the Australian Human Rights Commission last week. The most recent report I have received on the requirement to medicate is this week. I have yet to hear reports of sexual abuse, however the physical abuse of children with disabilities is just as unacceptable.

The new Minister for Community Services, Mary Wooldridge, has disowned the practice of physical restraint of adults with disabilities, and has made it clear that this is no longer acceptable practice by the Department of Human Services.

Conversely, the DEECD have made it absolutely clear that they have no intention of addressing these issues.

In all good conscience, it is not possible to allow this abuse to continue.

An independent inquiry is urgently required. I would be grateful if you could let me know within 21 days if your government will agree to hold such an inquiry. I have copied a number of people in to this letter, either because they have an interest in the cessation of abuse against children with disabilities, or they have knowledge of this abuse.

There are a number of DEECD employees, parents, and advocates such as myself who have a significant amount of information to give to independent investigators. I ask that if you agree to such an investigation, you will consider how you will protect those people. From my own experience, and from reports from parents, it is DEECD practice to malign and seek retribution against parents and advocates who complain.

Due to the high numbers of children with Autism who are on the receiving end of this abuse, any investigation would have to involve professionals who are knowledgeable in this field. Unfortunately there are very few in Victoria, as those who profess expertise are often the same endorsing abuse and confinement. Any auditor should have expertise in best practice research around restraint, seclusion and positive behaviour. The group A4 should be able to assist.

In the event that you are initially advised by anyone from the DEECD that such practices are acceptable, you may wish to contact the Australian Psychological

Society, peruse research on restraint and seclusion, view papers from the Office of the Senior Practitioner - Department of Human Services, and view the attached paper "In The Name of Treatment".

Yours Sincerely  
Julie Phillips

cc. Minister Martin Dixon  
Department of Education and Early Childhood Development

Minister Mary Wooldridge  
Minister for Community Services

Mr Bernie Geary  
Child Safety Commissioner

Dr Joe Tucci  
Chief Executive Officer  
Australian Childhood Foundation

Ms Sue Pennicuik  
Ms Colleen Hartland  
Australian Greens Victoria

Ms Stephanie Gotlib  
Executive Officer  
Children with Disability Australia

Ms Elizabeth McGarry  
Chief Executive Officer  
Association for Children with a Disability

Mr Bob Buckley  
Convenor  
A4 (Autism Asperger's Advocacy Australia)

Mr Murray Dawson  
Chief Executive Officer  
Autism Victoria

Mr Matthew Bowden  
Mr Michael Bleasdale  
Ms Therese Sands

Executive Directors  
People with Disability Australia

Mr Greg Hunt, MP  
Member for Flinders

Ms Gail McHardy  
Executive Officer  
Parents Victoria

Ms Jan Ashford  
Chief Executive Officer  
Communication Rights Australia

Ms Ariel Couchman  
Ms Tiffany Overall  
Co-directors  
Youth Law

Ms Rhonda Galbally  
Chair  
National People with Disability & Carer Council

Associate Professor Keith McVilly  
Australian Psychological Society

Associate Prof John Tobin  
Melbourne Law School

Ms Caroline Frohmader  
Executive Director  
Women with Disabilities Australia

Mr Brian Babbington  
CEO  
Families Australia

Mr Ken Baker  
CEO  
National Disability Services

Mr Mark Patterson  
Executive Director  
National Council of Intellectual Disability

Ms Katie Lyon  
Victorian Representative  
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