CORRECTED VERSION

LAW REFORM COMMITTEE

Inquiry into Access to and Interaction with the Justice System by People with an Intellectual Disability and Their Families and Carers

Ballarat - 17 November 2011

Members

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Ms J. Garrett
Mr C. Newton-Brown
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Mr J. Burt, Principal, Ballarat Specialist School.

The CHAIR — Thanks, John, for coming today. My name is Clem Newton-Brown, I'm the Chair of the Law Reform Committee. Parliament has a number of committees that inquire into various issues and report back to Parliament as to recommendations to the legislative change and this is one of three inquiries that we're currently doing.

The Deputy Chair is Jane Garrett, who is the member for Brunswick and is not here today. Donna Petrovich is also an apology today, she's the Upper House member for Northern Victoria. Anthony Carbines, member for Ivanhoe, and Russell Northe, member for Morwell. We're fairly casual, we ask people to go through their submissions and we will ask questions as they arise. When you're giving evidence here you're protected by parliamentary privilege but not outside the room and we record everything and a transcript will be available for you to check over. If you could start with your name and address and who you represent and then launch into what you want to tell us.

Mr BURT — Thank you. Thanks very much for the invitation and the opportunity. My name is John Burt, I am the principal of Ballarat Specialist School. My address is 25 Gillies Street North, Lake Gardens. Having been a principal for now 26 years, and having been in the system for 45 years, it is very apparent, particularly in the last 18 years as principal of Ballarat Specialist School, that we still have a huge gap with people with intellectual disability and identifying particularly students that are going to fall into the system, and we recognise that in as young as three to five year olds, yet we know it's going to happen and, sadly, most of the time we're proved correct. Education is the key to it all but it's an education of the community as well as the individuals that are out there.

The CHAIR — As far as Ballarat Specialist School goes can you tell us a bit about who the school caters for and how long you have been involved with that?

Mr BURT — Ballarat Specialist School came into being in 1997. Prior to that, Ballarat was serviced by two specialist settings; one was called the Ballarat Special Developmental School and the other one was called Begonia Park School. In 1994, I took up the position of principal of Begonia Park, which was mainly for students who weren't coping with mainstream schools.

The CHAIR — Because of intellectual disability?

Mr BURT — No. They had an intellectual disability but they had severe social and emotional problems and mainstream schools were unable to cater for them so they were literally dumped into this setting. When I went there we had 59 students and most of the time I spent my time on the roof trying to get kids down and back into classrooms and into activities that were quite meaningful for them.

Over a number of years we worked very hard on improving conditions and relationships with parents, carers and the agencies about how we could do much better than what we were doing. As a result of that, to cut a long story short, a merger of the two settings took place. Have in mind that these two settings were on the same site, separated by two glass doors, each had their own administration, each had their own transport system, and each duplicated everything that they were doing. The SDS type

school dealt with lower functioning intellectually disabled, but most of them had multiple disabilities as well so there was physical, autism, cerebral palsy, and you name it, it was there.

In 1997 both schools' councils came together and we brought the school together to become Ballarat Specialist School. We now service in the vicinity of 380 students with a whole range of disabilities. What actually happened, and we didn't anticipate this, but what it proved to us is change can happen. Our more robust students and the kids that would spend most of their times up on the roof, because we had these lower functioning students in need of much more hands-on care, lowered their level of expressing themselves in inappropriate ways, and the kids that were down at the other end of the scale rose because they had better models to follow.

We now have a clientele across the range in the vicinity of about 380 students living, functioning and working together for 98 per cent of the time, I would say; we don't have those sorts of disturbances. This brings me to you saying education can make significant differences within a small community as we've been able to do there.

The CHAIR — It seems like a large number of students with disabilities.

Mr BURT — And we have a large staff.

Mr NORTHE — That's a large range of age group too, isn't it, John?

Mr BURT — And do you know that that's its strength? We are now working from three to 18 year olds. This afternoon I have a meeting with Department of Human Services and heads of our department and the Department of Education to bring in a program for next year for 18 to 21 year olds who are falling through the cracks and don't get placed anywhere. What happens to them? They become bored. What are they into next? They're into inappropriate behaviour, then they become part of the justice system and we lose them, sadly, because many of our students haven't got the capabilities of matching it with the rank and file that are in the system but they quickly learn how to do that. It's not a lot of students that we lose completely but one or two is one or two too many and hence my passion for trying to do something about what we can do to provide meaningful engagement for these individuals and these people.

I've just come back from a camp with eight 17 and 18 year old boys, and it was just a magnificent experience. These kids are functioning probably six to seven years below their chronological age. We gave them the experiences to be out in the community doing things that most of us enjoy doing, and they matched it with us, and no one knew they had a disability, no one recognised them as being different. Physically very able but they're the kids that are suspect and prone to getting into the inappropriate type behaviours because they can do things and they're very active.

Going right back, we've started a residential program where kids live in at our school for up to 10 weeks; four nights a week they stay at school and live in. Where did that concept come from? That concept came from taking kids away on camps and doing things with them. That's the key to it, doing things with them. Getting staff on board to do that is a challenge but that's what gets the results. Out of our residential program, which has now been running since 2005, 86 per cent of the students that

have gone through that program are deemed to be able to live independently. That is significant. Parents from typical middle-class families are in tears when they see their students making a cup of coffee for them because they never thought they'd do that sort of thing. However, give them an environment and the passion to go with that to say, yes, you can do that, change can happen.

As a result of the residential program, we've now got our own farm where these robust boys are actively doing work on the farm that we call school, and the school room is a 27 acre block with market gardens, calves, pigs, sheep, horses, you name it, and a market garden. They're involved. My passion now is to extend that outside school hours, the farm activity, because life doesn't stop at 3 o'clock or 3.30 in the afternoon, it goes on, and these kids go into environments that really worry us. The percentage of kids now coming to school in those senior ages has quadrupled. We used to lose them at 16. The Federal Government gives them a pension for a disability, they put the pension in their pocket and they were gone. However, now they're putting the pension in their pocket and they're actually paying to come and do activities at the school. We're up to 90 senior students in that 17 to 18 year old bracket so the retention rate is there.

The CHAIR — How much do they pay out of their pension to come to the school?

Mr BURT — To do the residential program it's not a lot; they pay $20 a week so they get all their meals, everything is catered for. On the farm we have two two-bedroom flats that we've now built so four students live on this farm seven days a week for up to a year, and I'm the landlord, and they pay rent of $100 to use the flat and that comes out of their pension. But the learning experiences that they're getting from that is enabling them now to go into the community and take up their rightful position in a very occupied and active way. It's been a great story and it's been a great journey, and I think what it does is eliminate the need for juvenile justice, but it's all about education.

My biggest conflict with the government of the day when we were setting up the residential program, and it was done in 2005, was we don't want a bar of that because we don't want to set up institutions again. This isn't an institution, this is an educational residential unit to teach people how to live, and we're talking about living skills and life skills, and that's what education should be about. I've raved on, I'm sorry.

The CHAIR — No.

Mr NORTHE — Unique by the sounds of this, John.

Mr BURT — We're the only place that I can find in the western world that runs this educational residential program for 10 weeks. The kids, as I said, come in Monday morning, they stay at school until Friday afternoon and go home on the weekends. At the weekends they have set activities that they have to do in their home environment, or wherever they're living, that carries that on. The assessments are done before they come into the program, immediately after the program, and then through Monash University and the University of Ballarat where independent people come in and then do assessments three months after they've completed the program to

see what the students have retained, and that's where I'm saying the 86 per cent figure comes in.

The students living on the farm on weekends are doing the feeding and maintaining the place over so we've got people there seven days a week. Also on the farm we have a resident, an adult connected to the school, and it's one of our leading teachers who lives there with their family so there's someone there 24/7, if they're needed. We haven't had to use them because these kids take the responsibility, given the opportunity. I reckon it's better than reading, writing and arithmetic, and these kids have got an intellectual disability.

The CHAIR — John, one of the difficulties I see about the inquiry that we're doing is — —

Mr BURT — Nothing to do with it, is it?

The CHAIR — No, it's very relevant. Just getting back to that, we're making recommendations as to what's been phrased as a catch-all intellectual disability and it seems that there's various ranges and types of intellectual disability, and I'm not sure whether the recommendations that we can make can apply to everybody equally.

Mr BURT — You can't.

The CHAIR — Given your experience dealing with all the different types of disabilities, can you give us any advice as to how you communicate meaningfully with people? Is there a way of having a catch-all recommendation as far as facilitating communication with people with disabilities or is it just very specific person to person?

Mr BURT — I think it is specific person to person but there also is a formula. What myself and my staff try to do all the time is to treat them as equals. Forget about the disability, focus on what they can do, be them the parents or be them the students and it's developing relationships. I know systems would have great difficulty in doing that, and so does the education system have great difficulty in doing that, because I think we're focussed on numbers and we focus on results rather than people. I would love to see us look at the person for who they are and what they are capable of doing.

I often say when I'm addressing groups and things, for so-called regular type people you might have to tell them once or twice. For our kids, it might be 4,000 or 5,000 times, but don't give up because eventually they will get it and once they've got it, it stays. We have a number of different agencies come into the school because of the circumstances of families, the circumstances of the individuals that are there, and I guess what the negative side of that is many of them don't know them, many of them haven't had the opportunity to get to know the people, and as a result of that the communication breaks down.

I remember in 1995 we had a nine year old student who needed to be put out in Gillies Street, hung, drawn and quartered and shown to the world because this kid had done something drastically wrong. And he had. But we sat around a table and there were 26 people from different agencies talking about this poor little nine year old boy and

21 of the 26 had never, ever seen him and yet they were going to be making recommendations about what was to happen with this character. Now that really worried me. And that's where our concept of setting up a One Stop Shop for parents, carers, agencies, and that became the school. We now employ our own occupational therapists, our own physiotherapists, our own speech pathologists, our own social workers; they're all there five days a week to work with these families and kids.

The CHAIR — Getting back to your comment about there is a formula. If we find — and it seems to be a fairly common thread amongst the evidence we've had so far — that there's communication problems with police, lawyers, courts, as far as your formula goes what could apply to those various groups that are dealing with people with intellectual disabilities?

Mr BURT — You bring them in. We have the police come into our place one afternoon a week to work with our kids.

The CHAIR — So training for those people, hands-on training for those people?

Mr BURT — Yes; let them share what we're doing and be part of that. We have a fantastic relationship with our police here in Ballarat. It's nothing to get a call over the weekend: John, so and so is in a bit of strife, can you come down and give us a bit of a hand with it? Yeah, no worries. And we solve it. That doesn't mean you whitewash it, what it does mean is that kid has got to take responsibility for what he's done and then do something about it to make sure that it doesn't happen again. That's not to say it won't happen again, it will probably happen again the next weekend, but if you do it often enough then it could change. And in a lot of cases it does change. Education, communication.

The CHAIR — When you say education, what you're suggesting is it's not just a matter of having a unit at the police college where they go through this is how you deal with people, it's actually hands-on, coming to a facility like yours to see how people who are experienced deal with them?

Mr BURT — Yes.

Mr CARBINES — Mr Burt, you've obviously met a lot of parents over your time in education. What's your assessment of what are some of their concerns or what their aspirations are for their children in terms of some of the things that we're looking at in trying to make their interactions with the community and with authority and agencies better? What do you find seems to concern parents and perhaps what they aspire to when you're dealing with them?

Mr BURT — Many of the parents that we deal with have the same difficulties that the students have, unfortunately, so they may have an intellectual disability as well. The treatment of those people virtually has to be the same as the way we treat our students.

Mr CARBINES — Do you find some of those parents, their experiences I suppose then in growing up and the interactions they've had with agencies and authorities — —

Mr BURT — Is very negative.

Mr CARBINES — Does that get through to their children at times?

Mr BURT — Yes, it does. And trying to break that cycle is the challenge for us all the time with those sorts of families. Having a full-time work person who makes sure that all of our students the year they turn 18 when they leave us has somewhere to go is very important. To illustrate to the parents that we are serious and that these students can be fruitfully occupied, and developing respect and trust between us is again the key to it.

Mr CARBINES — Some of those students could potentially aspire to do more or be involved more than perhaps what their parents were able to given the different opportunities?

Mr BURT — Absolutely. And we've got examples of that now. Every second Friday afternoon of every term, our past students come back and talk to the families and the students who are about to leave this year about what they're doing. I've got a job as a bricklayer; I've got a job labouring. Drives me up the wall but, gee, I go home stuffed of a night and I sleep, and I get this amount of money in my pocket. The question is: is that better than just getting a pension? Yes, I feel much better about it myself. Self-esteem, you know, is pretty important stuff.

Mr CARBINES — So some of the parents can see — —

Mr BURT — And the parents recognise that and they say: well, he's got the potential to be able to do something that I've never done. And that's work for a living

Mr CARBINES — That becomes almost no different to what any parent might aspire to.

Mr BURT — Absolutely. Exactly the same. Again, that's what I was trying to say before, if you treat them as equals, they love hearing your stories about your own kids and your own family situation, and sometimes never let the truth interfere with a good story, sometimes you have to do that. But the genuineness of these people wanting the best for their kids is no different to you or I, but they've got to be given that opportunity, and somehow we've got to break the system so that they're not dependent on pensions all the time. I know we're a very small percentage of the total population but there are obvious changes happening.

Mr CARBINES — But that then leads to perhaps some of those students who are coming back, to relate where they're at and they go off and have families of their own, they will have perhaps a different expectation.

Mr BURT — Being as old as I am now, I'm on the third generations of some kids and their kids are now attending our school. That's a disappointment; however, you can't interfere with genetics and the intellectual disability is there, but what we've got to do is to teach them to be able to live with that and live a fruitful life with that, because that's not going to change. An IQ test done on a three year old, when we do the IQ tests on an 18 year old, it's going to be the same, it doesn't change. But what

happens as they get older, the gap gets wider with their peer group and that's where the conflict often happens. It's a fascinating area to work in, I can tell you.

The CHAIR — Thank you very much for that. You're obviously very passionate about your work; that's great.

Mr BURT — All encompassing, actually, and enjoyed every minute of it.

The CHAIR — It's been very helpful so thank you very much for coming.

Mr BURT — Thank you for the opportunity.

Witness withdrew.