

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into the State Education System in Victoria

Traralgon – Wednesday 27 March 2024

MEMBERS

Trung Luu – Chair

Ryan Batchelor – Deputy Chair

Michael Galea

Renee Heath

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Lee Tarlamis

PARTICIPATING MEMBERS

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Georgie Crozier

Moira Deeming

David Ettershank

Wendy Lovell

Sarah Mansfield

WITNESSES

Leesa Lawrence, and

Leanne Vella, Voices for Special Needs.

The CHAIR: Welcome back to the Legislative Council Legal and Social Issues Committee's public hearing for the Inquiry into the State Education System in Victoria.

I would now like to welcome Leanne Vella and Leesa Lawrence from Voices for Special Needs. Before you speak, I just want to read this to you. All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during this hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. The transcript will be ultimately made public and posted on the committee's website.

I would also like to welcome back all the people in the gallery.

Just for the Hansard record, could you please state your name, your organisation and the role you play there before I ask you for an opening statement.

Leanne VELLA: Thank you, Chair. Leanne Vella. I am the spokesperson for Voices for Special Needs.

Leesa LAWRENCE: I am Leesa Lawrence, and I am a member of Voices for Special Needs.

The CHAIR: Thank you very much for coming in today to give some evidence. I invite you to make your opening statements.

Leanne VELLA: Yes, sure. Thank you, Chair. Legislative Council members, I thank you for this opportunity to speak today. However, I come here today with a very heavy heart, once again seeking to strongly advocate for and present to you recommendations for improving the safety and educational outcomes of children with disabilities, speaking directly to those residing in special and developmental schools across the state of Victoria

Firstly, I wish to advise that today I am here not only as an abandoned mother of two children, one with severe disabilities, speaking of my own experience, but I am also here today with my spoken voice representing these 60 predominantly non-verbal children and their families and the trauma they have experienced. I will speak specifically to seven recommendations. However, let it be noted that our recommendations extend beyond this.

In reference to our 356-page document, cited as appendix 1, which you have all seen, Voices for Special Needs formed in 2020 after a critical incident at Latrobe Special Developmental School became the catalyst for past and present families to come together. Voices' formation was built on a cohesiveness of personal experiences involving abuse, sexual abuse, violence, neglect, segregation, seclusion, discrimination, human rights violations and, sadly, lack of leadership and best practice frameworks from not only the past but also the present executive school committee.

What one family believed was only happening to them soon became a realisation that this was not a single experience. In fact Voices' historical accounts highlight cultural and systemic patterns, fraught with nepotism and severe lack of leadership at Latrobe Special Developmental School. So today we are seeking another avenue and another opportunity to advocate for effective change in the hope that we may work towards not only higher and best practice standards of education for those with disabilities but furthermore save children from the ongoing threat of abuse, which I remind Council members statistically stands at one in three with a disability experiencing abuse.

So in direct reference to motion (2)(b), yet also relevant to motion (3), Voices is making the following recommendations today: one, we are calling for stronger restrictive practice guidelines. What we would really love to see is a national standard with accountability measures for breaching. We would like to see stronger mandatory reporting requirements, including engagement plans and strategies with those affected, including the parents and carers. We are calling on, similar to preschool, mandatory reporting of all incidents. We are asking for the establishment of a standalone special education department. We are seeking the installation of CCTV in all special and developmental schools across the state. We are calling for the establishment of an independent integrity authority, and finally, but not least, full authority to the Commission for Children and Young People. Thank you, Chair.

The CHAIR: Okay. Thank you, Leanne. Do you want to speak, Leesa?

Leesa LAWRENCE: No.

The CHAIR: Okay. I will ask Ms Bath if she has a question. Can you start?

Melina BATH: Thank you. You represent a number of families?

Leanne VELLA: We do.

Melina BATH: And roughly how many children are you representing in those families?

Leanne VELLA: We are representing 60 children in our documented data.

Melina BATH: There will be people here saying, 'You're just tired parents of kids with disability.' Could you explain: you have made some very strong recommendations and very strong allegations. I want to go to 'Stronger mandatory reporting requirements, including engagement plans/strategies with those affected'. Can you speak to why that is important? Why do you feel that you are being let down? And I will say by a school and then the education system.

Leanne VELLA: Yes, sure. Thank you. We are seeking stronger mandatory reporting requirements because a lot of our evidence, which is cited in our appendix, and the journey we have been on following a lot of process, which has been liaising with relevant authorities, has led us to constantly having a door closed really and just being pushed one way or the other. But what we are finding is that if family are informed and engaged and know what is happening to their child, they would be much better placed to support their child rather than families being kept in the dark and often having to deal with regressive behaviours.

Melina BATH: So your children are often non-verbal – is that what you are saying? They cannot come home and explain what happened during the course of the day.

Leanne VELLA: The majority of our children in our documentation are non-verbal. We do have a few cases where the children are verbal, and it has been an opportunity for the parents I guess to progress their case. We have one family who sought legal action because their child had a minimal level of verbal communication and was able to actually report that they had been sexually assaulted multiple times throughout their junior schooling. That led to, I guess, an outcome for that child. We have statements from other students that are verbal. Sadly, we have one statement from a verbal student who basically, in their account of their experience within this school, actually validated a large number of collective experiences and incidences that non-verbal children have been exposed to and how they have been treated. Some of the things that student verified were the constant manhandling of students, whether it be dragging, pushing, throwing a student up against the wall with a hand around the throat –

The CHAIR: Just before you continue, Leanne – excuse me, Ms Bath –

Leanne VELLA: Chair, yes.

The CHAIR: All these allegations made have in the past been reported to police and all these incidents you have mentioned here have been reported – is this correct?

Leanne VELLA: All of our incidents have been reported.

The CHAIR: They have been reported. Okay, thank you. I just wanted to make sure they have, you know.

Leanne VELLA: But we are calling for stronger mandatory reporting. We have had one of our cases investigated, and the outcome through that own-motion investigation has highlighted some major downfalls of process within the Department of Education. What I am flabbergasted about is we have had child safety standards in practice since I think it is 2016 – do not quote me on that, but it is a lengthy period of time – and yet what we are still seeing is children being failed through mandatory reporting requirements. When we have sought accountability, we are then told that there are failures within the departmental process.

Melina BATH: Who is telling you that?

Leanne VELLA: The investigators.

Melina BATH: Such as?

Leanne VELLA: Investigators within the Commission for Children and Young People.

Melina BATH: So the CCYP is saying that there is –

Leanne VELLA: Yes. Again, we have been following process, liaising with the right authorities, doing our best really to get outcomes and get some justice and accountability in hope that we can make some effective change so other students will not succumb to what these children have succumbed to, which is that, sadly, now a lot of these 60 children not only just have a disability but they have now got trauma on top of their disability. There is a parent here today whose child can no longer go to school because her child now has a psychiatric diagnosis of PTS due to their time within this educational setting. So it is challenging. We are calling for stronger mandatory reporting requirements.

Melina BATH: Can I just stop you there. Can you provide an example to the committee of where the system is letting them down? And I am asking the questions; I am not directing here. What is happening? There is communication from parent to school about an issue. Is it going further on? Is the parent writing to the region? What is happening in that flow of information? Why is there a breakdown?

Leanne VELLA: For us in our experience, and again keeping in mind I am speaking directly to one school here, leadership – there is just very much lack of leadership. I think from there our story and our data and our numbers tell us a story of nepotism, of cover-up. We have had families that will tell you stories where they have called regional office and they have not even got past the front desk of administration. We ourselves have been fortunate to sit down with [REDACTED] [REDACTED]. Sadly, our advocate at the time with us, a former CEO within the disability sector, their words to me were: ‘This man is just not a friend of disability.’ So what we are finding is that leadership and real understanding of what it is to live a daily life within the disability world is really lacking.

My personal experience of why I have removed my child from this school really came down to one word, and that was the [REDACTED] was not a leader. I had been advocating for an entire year. I had spent over \$5000 of my son’s NDIS funds. I might remind committee members it is not the NDIS’s place to be topping up departmental responsibilities, but we are seeing it time and time again. So I spent a year of having to send in my son’s entire allied health team to try and skill up staff on how to not only keep my child regulated so he can be engaged but how to communicate with my child. Now, when I started on this journey, I was of the belief, as were we all, that by sending your child to a special school you are sending them there expecting and thinking – naive, I know I am naive now – and believing that they are the experts and they are going to be telling me, almost, how to support my child and how I can do things at home to support my child, when in fact it was the complete opposite.

Melina BATH: I have got more questions, but I am sure you –

The CHAIR: We will come back to you.

Melina BATH: Thank you very much, Chair.

The CHAIR: Deputy Chair, you are up.

Ryan BATCHELOR: Thanks, Chair. Thanks so much, both of you, for coming in today and for the evidence in written form and your advocacy over a long period of time but also the evidence you are giving us today. I just want to unpack a little bit more some of the recommendations you are making so I can better understand what you see as the deficiencies of the current system so that we can think about how to formulate recommendations and pathways forward in the deliberations that we are going to have to take. I think the last dot point you made was for full authority for the Commission for Children and Young People. Can you unpack that a little bit for me? What authority do you think is lacking now, and what do you think should happen in the future?

Leanne VELLA: Yes. We have recently had a case come to an end with the Commission for Children and Young People, and the family were really heartbroken at the outcome. It is similar to what I was saying under the mandatory reporting comment. The Commission for Children and Young People's outcome of an investigation led to them making recommendations to the Department of Education, but where it fails for us is it is purely a recommendation. It then comes up to the department whether they actually take on those recommendations or not. So what we would love to see is for the Commission for Children and Young People to actually have authority to almost force change, really, within the department and also some accountability measures for breaches of policy or procedure, which have resulted in some horrendous consequences for the child.

This case in particular I am speaking to led to the parent removing their child from school. It really came down to the principal not believing this child when the child disclosed they had been sexually assaulted. This was a child who was non-verbal but had very good other communication cues and a very high level of intellectual ability to communicate what had happened to them, but there was just no belief there; the leadership failed to believe. So we would love to see the Commission for Children and Young People having stronger powers to implement change themselves.

Ryan BATCHELOR: Are you aware of any mechanisms that are in place where the implementation of prior recommendations made by the commission are followed up on in any kind of systematic way? With reports and recommendations made by independent agencies often there is a process internally within government departments to go back and, in a sense, review the status or review the process of implementation of prior recommendations that have been made, so that reports are not just made and put on the shelf and forgotten about. Are you aware of any such processes that might exist within the education department, in relation to the recommendations from the Commission for Children and Young People?

Leanne VELLA: No, and our experience with this individual case is that, as I sit here now, the parent is actually still waiting on a written communication from the department. That has not been the failure of the parent writing to the department, asking. They have had their feedback from the commission, and the commission have advised them, 'If you don't hear back from the department of what their outcome is going to be, you need to come back to the commission.' But our experience is you do not get a reply or a response – you are pretty much ignored – or if you do get a response, good luck if you get it within six to 12 months.

Ryan BATCHELOR: I might just briefly touch on – it is probably related, but you say you want stronger mandatory reporting. Again, what is the deficiency in the current system, and what would you like to see, in a bit more detail? I just need to understand in a bit more depth.

Leanne VELLA: For us, and for our cases, it is just not happening. It is not happening. There is no –

Ryan BATCHELOR: Do you think that is a failure of the legislative framework, or do you think it is a failure of the policy framework?

Leanne VELLA: It is leadership and it is regional office. I think the policy and procedure are there. Is it tight enough? I do not know; I am not an expert on that. But where it is failing? It is failing from the moment a child discloses something to who they believe is their leader and then all the way into regional office. For us it has been a pathway of failure. There has been a pathway of not believing, and then that has just stemmed in. And when we have tracked our own investigation, what we have found is just cover-up and, sadly, a pathway of nepotism.

Ryan BATCHELOR: Last question: are there any jurisdictions you think are doing this well that we could

Leanne VELLA: No. Look, I think we can always be improving and learning, and I think the sad bit is that I removed my child thinking this was just happening to me. Leesa removed her child thinking it was just happening to her. Our other mums were the same. But it was not until we came together and we started sharing our stories that we then realised, 'Hang on a minute – this isn't just me. This is actually bigger than just me, and this actually isn't okay.' But what we find as parents is we are just trying to get through a day, to be honest. As a special needs parent you spend 99.99 per cent of your life advocating for your child, so you choose your battles, yes? I chose my battle – to just leave. I chose not to take on the education department, not to take on the principal. I chose to just leave.

That is what happens. We just make a decision: do we take on the battle or do we just leave? Sadly, most of the time we just leave. So the uniqueness of voices is coming together collectively; we have all learnt that there are real injustices and lack of duty of care happening to our children, but there is no avenue for us to go down. When some of us have tried, we have just kept hitting brick walls. So that is when we exit; we just find another place to go and do not take the battle on.

The CHAIR: Thank you. I will just move on quickly to Dr Heath.

Renee HEATH: Thank you. Thank you so much for your presentation and for coming today. All those children there – were they abused in the same school?

Leanne VELLA: Yes, they were.

Renee HEATH: Wow. So there are 60 victims?

Leanne VELLA: There are at least 60 that we are aware of. Their abuse varies; their neglect varies. I guess that is there to show that this is real, and every one of these children has a story, and their families have a story, and the variance of abuse is different.

Leesa LAWRENCE: We have some statistics.

Leanne VELLA: Leesa has prepared some statistics for me, but basically within this 60, 40 per cent have left school; 22 per cent have graduated; 5 per cent have been affected by grooming; 50 per cent have been physically assaulted or manhandled; and 24 per cent have been involved in sexual abuse treatment.

Renee HEATH: Wow. And is the sexual abuse from staff or other children?

Leanne VELLA: The sexual abuse reported has been junior children being sexually assaulted by seniors and senior boys being assaulted by a known sexual predator who should have had protective measures put in place. We had one incident of a child disclosing sexual abuse by an adult, and that child was not believed.

Renee HEATH: Right. Wow. I am so sorry about that. And you said up to 60 children are in the documented data. This is probably going to sound like a silly and potentially even insensitive question. How did you get their stories if they are –

Leanne VELLA: The stories have come from family, but what I did not mention at the start of my statement is we have a consortium of whistleblower staff within our consortium, so we have their documented stories. We have some of their documented journal entries. I have one documented journal entry here that sits really heavily on my heart. I think it alone encapsulates the need for CCTV within these schools. I think what we would find with the establishment of CCTV would be for starters it would give a voice, not only eyes but a voice, to the non-verbal children. It would see the eradication of staff that are there for the wrong reasons, and it would give families and staff and leadership an opportunity when there is a behaviour or an incident to be able to unpack that and determine what has been the trigger and how we can work to set up a better behavioural plan to support that child and keep everyone safe – keep the students safe and the staff safe.

I heavily, heavily have been seeking the establishment of – I have even had conversations with staff within the Ombudsman's office about it – CCTV within special schools and developmental schools. And keeping in mind the developmental school I am talking about, this is a school where the most vulnerable children go to school. These are the children with severe disabilities, severe intellectual disabilities and mobility issues, and predominantly they are non-verbal.

Renee HEATH: Yes. And is there a staffing quota so there is more than one adult with students at a time? Are there measures like that? I am just trying to understand.

Leanne VELLA: There are ratios. And look, as I have said, our seven recommendations that I have spoken to today – we have not stopped at that. We do have recommendations about staffing. Whilst classroom sizes within special schools are meant to be kept at a small level, I feel personally the educational support worker numbers within those classrooms to support teachers are just not enough, especially when you have got a classroom where there might be three or four children in wheelchairs and you have only got one ES in there or two ESs in there. And then that is not counting the children that might have behavioural issues on top of their disability as well.

Renee HEATH: Yes. Okay. And now those 60 children – were they all withdrawn from the school? And if so, where did they go?

Leanne VELLA: Sadly, some of the children still reside at the school, because it comes down to one word – your capacity as a parent. Some parents do not have capacity to look at other options for their children. For me now, I do 150 kilometres travelling a day to take my child to what I hope and believe is a safer school. It took me two years nearly to get a conveyancing allowance from the Department of Education to support my travel. That conveyancing allowance is about \$240 a term. It costs me about \$300 a fortnight out of my pension to take my son to what I hope is a safe school. Some parents have not been able to continue the journey of travelling, so they have had to stop. Some have homeschooled. There are a large number, as I said, that have just left.

Renee HEATH: Do you know if there have been measures put in place to protect kids now since the report of those 60 incidents? Because it is a hell of a lot. The other question I just had is – you have spoken about nepotism; what is an example of nepotism that you have seen?

Leanne VELLA: An example of nepotism that we have on our books is: we have an eight-page document relating to one specific staff member, and this one specific staff member has had five individual bullying and harassment complaints against them, yet that staff member still resides at the school because of their relationship with someone within regional office. The [REDACTED] at the school is the best friend of the [REDACTED]. The [REDACTED] is still working at the school, and even when I write to the department of justice asking them to explain to me why [REDACTED] working with children check has not been revoked even though we have evidence of her covering up over 40 sexual assaults – I just do not understand. I am really struggling to understand. So I am now put on another pathway to raise the same issue.

I can see you are looking a bit worried, so I will say this: we committed to being in this for the long haul. We understand that our appendix is incredibly detailed; there are a lot of stories in there. But what I will say to legislative members is: those stories are real, they are told with truth and they are told with the ambition of wanting to make some real change. I am here today in the hope that I can fire up your hearts a bit the way mine is fired up, because you guys have the power to make some change within the department. I refer to the current education department as incredibly prehistoric. I think it is incredibly removed from what is happening in the daily lives of special needs families. I think there is a lack of humility and kindness and gentleness towards our children, and I really feel there is a lack of effective leadership that really gets disability. Hence my advocacy for a standalone department.

Renee HEATH: Thank you.

The CHAIR: Okay, thank you. Dr Sarah Mansfield.

Sarah MANSFIELD: Thank you. Thank you for appearing today. In your submission and in your opening remarks you mentioned the need for an overhaul of the special education unit within the department of education, and you suggested that it perhaps should become an independent or standalone unit. Can you explain that a bit further?

Leanne VELLA: Yes, sure. Sarah, as I said recently, we found the inner Gippsland [REDACTED] very much not a friend of disability. We would love to just have our own [REDACTED] who gets disability, who is passionate about disability, who really wants to work and strive for these children to have good-quality education so they can have good-quality lives. I think what is often lacking is recognising capability, and instead what we find is that our children end up being almost in a babysitting service.

Look, it is incredibly complex. Like I just said before to the Deputy Chair, we do have recommendations around staffing numbers, training and things like that. But for us it is having one place for us as families to go to with assurance that when we go there, there is going to be a level of leadership that understands our daily life, understands our needs, understands our struggles. There is a disability unit, yes, within the department, but in all honesty, our stories will tell you we did not know it. We did not know it existed; we do not know its capabilities. It is not communicated to us properly. We know who our regional director is, but we actually do not know the resources that we as parents have readily available for us. So having a unit that is very much standalone to us – and not only to us but to the special schools and developmental schools as well – I think also says to us, ‘You’re important. Your children’s lives are important. Your children’s education is important. We value you. We want you to have outcomes so we can see you participating and having a life within our community.’

Sarah MANSFIELD: And now that you have discovered there is a special education unit within the Department of Education, what do you know of the capabilities of the staff and leadership within that unit? Are you able to shed any light on that from your experience?

Leanne VELLA: Look, what I know of it is that again it comes down to your principal and your principal’s ability to advocate for your child’s needs to regional office. So if you have not got a great principal that is bending over backwards for your child, you are just not going to get the resourcing out of regional office.

Sarah MANSFIELD: Just going back to that special education unit that you said does exist within the Department of Education, is that a unit you have had any direct contact with yourself, or is it only via the principal and the regional director?

Leanne VELLA: The only direct contact I have had on a personal level has been purely through the psychologist within that unit.

Sarah MANSFIELD: Okay. All right. But it sounds like there is not a lot of –

Leanne VELLA: There is not a lot of contact, no.

Sarah MANSFIELD: Yes, and it is not particularly transparent, at least to families, what that unit does or who is involved with it.

Leanne VELLA: No.

Sarah MANSFIELD: You also spoke about, I guess, the need for improved communication, like a benchmark communication policy. You have highlighted a number of deficiencies with communication, but what are some of the bare minimum things you would like to see when it comes to communication within the system?

Leanne VELLA: I think we need to see better communication with the parents. I can give you an example. We have a case where the police came into the school to talk to a student and the parents were not informed of that. It was seen as enough that the principal was there representing the independent third person, so to speak, but from that there was no communication back to the parents about what that conversation involved. The parent was actually told: ‘File an FOI so you can actually find out what that conversation was about.’

For us, we want to see more open communication. We know stuff happens, but what we want are opportunities to sit down and honestly and openly, whether it an incident or whatever it is. We need to be able to talk about it, strategise about it and put measures in place. We do not blame other students. I can tell you now that with the senior students that sexually assault other students, we do not blame them. We see them as being failed just as much as the children that have been abused. But if we can have open dialogue, if we can sit down – let us not cover it up and let us not make it taboo; let us talk about this stuff. How can we support not only our children but the other children there? We care. We genuinely care. We are not selfish parents. We get it. I think there is just not honest communication for us – at all. There is always a cover-up. You never get the full story. We have to read between the lines to get the full story, and sadly, what we end up with is we have to read our children’s behaviours and their aggressions and then go, ‘Something really serious has happened here.’

The CHAIR: Thank you, Sarah. Joe, you have got 5 minutes.

Joe McCracken: Thank you so much, Leesa and Leanne, for your opening and the work that you are doing. You have obviously experienced a lot of challenges; I can appreciate that. I am interested to know more about the communication issue that you were talking about before and having a communication policy as almost like a minimum standard. What would that look like?

Leanne Vella: We would love to see all incident reports, with parents having to sign off on them, especially for non-verbal children – almost very similar to the preschool model. You know, verbal children can go home and tell their families what has happened to them every day; we do not have that privilege. Every day we pick up our children we are just wondering what kind of day they have had. We have to go off other cues. But definitely we would love to see stronger requirements around incident reporting and making parents sign off on that. That gives us an opportunity. You know, if Johnny has been climbing a piece of equipment that is constantly resulting in him falling, then what strategies can we put in place to minimise that or eliminate that risk to that child?

Joe McCracken: Is that part of or probably one of the main reasons why you are advocating for CCTV in schools as well –

Leanne Vella: We are, yes.

Joe McCracken: so that there is a record of that, particularly for those non-verbal students?

Leanne Vella: Yes, absolutely, Joe. I think it is even more than that. We spend a lot of our time trying to establish what is going on with behaviour. We are taught as parents that every form of behaviour is communicating something. So by having access to CCTV to pull that back when a child might be having an episode or a meltdown, you can identify triggers. Sometimes it is as simple as another child playing with a toy that triggers that child. So having CCTV would allow us to strategise on things and be able to put better measures in place. However, one of our other recommendations is seeing more behavioural experts placed within special schools to actually support staff. If we can understand behaviours and put measures in place to implement change or minimise risk or minimise behaviour, we are working towards better steps of engagement.

Joe McCracken: I was going to ask on another matter too. I know you have done a whole lot of work in supporting people with disabilities. Have you ever had to put an FOI in, for anything at all?

Leanne Vella: Yes, we have, Joe. We have had to put several in.

Joe McCracken: What has been the result of that?

Leanne Vella: We filed an FOI for a family whose child sustained a laceration to the back of their neck. That family never saw an incident report. It went on a big journey, but bringing it back, we filed an FOI and the incident report came back completely redacted.

Joe McCracken: Wow, really?

Leanne Vella: So I filed an appeal to the information commissioner, and the information commissioner overturned the Department of Education and we got the FOI back. What that story tells you, and this –

Joe McCracken: Just quickly, are you able to provide that to the committee at all? Confidentially of course.

Leanne Vella: Yes, sure. We can do that. So what –

Joe McCracken: It would be good to see the original one and also the one –

Leanne Vella: The one that was overturned?

Joe McCracken: Yes, absolutely.

Leanne Vella: Yes. That family actually have a legal case, but they are very fearful of pursuing their legal case. But the outcome of that FOI, after it was overturned, is that it has resulted in the evidence showing

that the [REDACTED] of the school covered up a criminal offence. That student was actually attacked with a razor blade, and it was covered up.

Joe McCracken: Wow.

Leanne Vella: We get told all the time, 'File an FOI.' The family I mentioned before, about the police interviewing their son: 'File an FOI.' Our case that went to the Commission for Children and Young People I can assure you is not over yet, but we are told, 'File FOIs.' I know we are speaking directly to the department of ed here, but I can assure you we are told to file FOIs to other state government departments as well.

Joe McCracken: Have you ever had to make any submissions to the state government or even to the department?

Leanne Vella: So, Joe, we did the right thing. When we first started out on this, we filed a 15-page document to WorkCover.

Joe McCracken: Would we be able to get a copy of that to look at, if that is not breaching any confidentiality or anything like that?

Leanne Vella: Yes, sure. No, that is fine. You could file an FOI and get it anyway. We did provide the Department of Education with the preliminary document and we met with [REDACTED]. At the time we had two disability advocates with us, and we made it very, very clear to [REDACTED] that we were advocating for a judicial inquiry into Latrobe Special Developmental School. We believe that our information at the time, which when we met with him was probably this much and now is this much –

Joe McCracken: It has led to more questions.

Leanne Vella: Yes. We very much advocated for a judicial inquiry, and we advocated for being involved in any terms of reference that would be set up to undertake an investigation into the school. What happened was that two days before Christmas I was railroaded by [REDACTED] being –

Joe McCracken: What do you mean by 'railroaded'?

Leanne Vella: Two days before Christmas he was chasing me saying a company had been contracted – it was Worklogic – so the department had gone off, without any consultation from us, and contracted somebody externally to undertake a twofold investigation.

Joe McCracken: Like a private investigator, is that –

Leanne Vella: I do not really want to go into it –

Joe McCracken: Yes, of course.

Leanne Vella: but pulling it apart, there were a lot of methodology issues. Basically, in a nutshell, Voices for Special Needs refrained from participation.

The Chair: Thanks, Joe. I think time has come up. I know there are a lot of questions that we want to ask you. I know time is tight, but I want to ask a couple of questions before we wrap this up. Leanne, I am just a little bit concerned in relation to incidents involving police, and the kids, the students, were interviewed and the parents were not told anything about it. I find that hard to comprehend, having been a police officer myself. If it involved a student, when allegations are made against or to the student, the parent would be informed. So I am not sure what the situation was there. Having said that, that is a problem. Not the school but the police had an obligation to either inform the parents or pass on what allegation or charges had been made or of a victim. I am sure there would be more to that version of the incident.

Just in relation to various recommendations you have mentioned, you said the policies and regulations are in place but are not implemented properly or being followed properly. I understand you mentioned a recommendation on CCTV footage and mandatory reporting. I found that a little bit, I would say, unusual for a special school that all is not reported. Even at primary schools kids fall over and it is reported to parents what is going on. So that is something I think not in the regulations or the mandatory stuff, but I think it is in relation to

the actual following through from early-stage reporting and stuff. I think all these recommendations you put forward need to go hand in hand to incorporate with each other, to assist each other, and having CCTV by itself with no mandatory reporting does not really support and assist the kids. So they might have CCTV footage there, but not having mandatory requirements conducted properly, I think it is overlooked, and I think both go hand in hand. I just want you to clarify for us that independent integrity authority – does that mean the Commission for Children and Young People, or is it separate?

Leanne VELLA: Chair, I am just going to go back, if I can keep my brain working with yours, to your first comment. We have a whole nother segment about policing, I can assure you, so let us just keep that in mind. There are some major issues with the treatment of our children within the policing sector. Secondly, with your comments about mandatory reporting – yes, there is a process in place. Yes, it happens in mainstream, because let us remember I am speaking predominantly here about children who are non-verbal. Within mainstream, you cannot hide it; it has to be reported. But within special schools, these children are vulnerable. They often have other means of how they communicate things. So if you do not have a principal who is there because they genuinely care for these children and want to do everything in their power to believe these children, then this is how we get away with not doing mandatory reporting.

The CHAIR: I agree with you.

Leanne VELLA: And my argument to the investigator on this mandatory reporting flawed process, whatever you want to call it, was very much this: ‘At some point you can have all the procedure in the world, but with our children you should be bending over backwards outside of procedure to believe our kids and fight for our kids and make sure our families and the children have all the supports in place, regardless of procedure.’

The CHAIR: So can you expand in relation to the independent integrity authority? Is that separate to the commission itself?

Leanne VELLA: Yes, it is, very much so.

The CHAIR: And at what stage does the independent integrity authority intervene or oversight the incident reporting?

Leanne VELLA: Sure. We advocated for an independent integrity authority to the disability royal commission as well. We want to see a body that is completely separate from any state department. We want it separate. Our experience with VRQA – we understand VRQA exists, we understand what their capacities and capabilities and responsibilities are, but I find it incredibly difficult to deal with VRQA when the departmental secretary sits on the board. I question how impartial that is. Now, we requested an invite with VRQA. We eventually said to the Commission for Children and Young People, ‘Get us some airtime with VRQA. We will finally meet with someone from the board of VRQA.’ We are still waiting. So we are calling for an independent integrity authority that might be made up of people like Leesa and me, who are trained in legislation, who are trained in regulation, who are trained in everything, who have the power to walk into a school without notice and make sure they are operating properly. That integrity authority then has the power to feed back reports to your Commission for Children and Young People, who no longer are just making recommendations. They have full power to make accountability measures and put accountability measures in. My concept here is bigger than education, by the way, Chair; I am talking about an integrity body that would operate across all departments.

The CHAIR: Yes, I hear you and I understand all that. That is what I wanted to make clear. That would assist us with the mandatory reporting. It would also assist us in relation to the school itself operating, because without one or the other, it will not actually assist us doing so.

Leanne VELLA: And we need to see the eradication of schools investigating themselves. Leesa and I sit here as parents who every year would fill out the school survey. I can assure you both she and I have put our names down to be contacted by the regional office to discuss some of our issues and concerns of our child’s placement within a school setting. I am yet to have had a phone call from the regional office on that survey.

The CHAIR: It is good that you bring this to light, because in every area, not just specialist school areas but across the community, there will always be good practice and bad practice. When it comes to light, that is when

we improve and get better. That is where recommendations like yours will actually assist in that procedure. I know we have gone a little bit over time. Ms Bath is itching for one more quick question.

Melina BATH: It is actually just a request, Chair, if I could, through you. You talked about CCYP and the recommendations from CCYP to the education department or to the minister – you said that there were recommendations. Could you please provide those on notice to us?

Leanne VELLA: Yes.

Melina BATH: That is my question.

The CHAIR: Thank you. If there is anything further you want to pass on to us – I know Mr McCracken has mentioned some of that – just forward it over.

I just want to wrap this up. Thank you so much for your evidence today. Definitely all the stuff you have brought forward we will definitely look into to inform our recommendations, looking specifically at your recommendations. But I think all need to go hand in hand, not just one without the other, to make it a more efficient process. Thank you so much.

Leanne VELLA: Thank you for your time, and all the best. I hope you can implement some really effective change for all the children, but definitely the special education children.

Witnesses withdrew.