# Managed Growth Funding and Australian Tertiary Education Commission Implementation Papers

The Australian Disability Clearinghouse on Education and Training (ADCET) provides national leadership in the inclusion of people with disability in tertiary education through providing information and professional development for disability practitioners, educators and support staff.

ADCET welcomes the opportunity to provide feedback to the establishment of an Australian Tertiary Education Commission (ATEC), a new Managed Growth Funding System in order to ensure people with disability have fair access to education and learning.

Please do not hesitate to contact us for any clarification or questions.

Regards

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# Background

The Australian Disability Clearinghouse on Education and Training (ADCET) provides national leadership in the inclusion of people with disability in tertiary education through providing information and professional development for disability practitioners, educators and support staff.

Our approach is sector-led drawing on good practice, research and the lived experience of people with disability to develop resources, content and projects of national significance which drive positive change in the tertiary education sector (Higher Education and VET). Our projects, activities and resources are highly strategic, building capacity within and across the tertiary education sector to enable full access, participation, retention and success of students with disability. ADCET has been working with the tertiary education sectors for more than 20 years.

We appreciate the opportunity to provide feedback on the Managed Growth Funding Implementation and the Australian Tertiary Education Commission (ATEC) Implementation consultation papers. While we support initiatives aimed at expanding access to higher education for students with disability, we have identified several potential risks and challenges posed by the proposed models, as well as opportunities to enhance their effectiveness. This submission outlines our concerns and offers recommendations for improvement, addressing both papers together given the overlap in the threats and opportunities for the success of students with disability.

# Key issues and recommendations

## 1. Enrolment caps and student choice

The introduction of enrolment caps through the implementation of Managed Growth Targets (MGTs) could inadvertently limit the choices available to students with disability. If preferred institutions reach their caps, students may be redirected to other institutions that may not meet their specific needs in terms of accessibility, location, or be close to their support networks. Students with disability often choose institutions based on the availability of specialised support services: students reward (or penalise) universities for their work towards disability inclusion through demand behaviours in this way. Students may prioritise universities which have a demonstrated track record in effectively supporting students with disability, only to be sent to a less appropriate institution with which hasn't met their MGT but has insufficient maturity to support them to succeed. Caps on enrolment could force students to compromise on these essential services if they cannot secure a place at their preferred institution. Choice and control are key lynchpins in the disability reform ecosystem: ensuring that people with disability are empowered to self-determine

their educational future is vital. As such, the Department should consider how choice and control can be enabled through the proposed MGT framework.

There is also a lack of clarity regarding the process for the reallocation of students towards their non-preferred institutions: it is not clear which agency/body will be responsible for the reallocation, how students with applications across multiple states will be managed, or what timeline this reallocation process might occur over. Such a process would need to be made completely transparent to the student and not disadvantage students with disability by limiting the time they have to arrange adjustments and accommodations for their learning prior to commencing their studies. It should also not disadvantage students by limiting the course content/degree choice, or impact issues such as commuting, finding suitable accommodation, access to ongoing family support or access to employment. All elements of the decision of students with disability when considering their choice of institution and vital to success.

## 2. Enhancing MGTs with additional policy levers

It is imperative that universities are held to account in their pursuit of increased capacity to support students with disability. Currently, there is little to no enforcement of the *Disability Standards for Education 2005* in Australian universities. For students to feel confident that they will attend an institution which will be capable of offering the support they are entitled to, the Department should consider how ATEC or TEQSA could implement a monitoring, regulatory, and compliance duty under the DSE. This could be implemented as a part of the TEQSA accreditation process (e.g. institutions must prove how they are complying with the DSE), be measured through the Student Experience Survey (SES) by disaggregating disability data and using it to identify pockets of strong and poor practice, or work in partnership with the Student Ombudsman (note: the Ombudsman shouldn't hold the core accountability for this monitoring responsibility, the government cannot delegate the enforcement of its own laws). This will ensure that universities comply with their duty to support students with disability to succeed on an equal basis to their non-disabled peers as per Article 24 the United Nations Convention on the Rights of Persons with Disability.

Further, funding for research into evidence-based academic and student support activities specifically tailored to students with disability must continue. Organisations like ADCET play a vital role in the research translation and proliferation of best practice in this space.

## 3. ATEC leadership and lived experience

ADCET welcomes the Department's intention to appoint a First Nations Commissioner to the ATEC. It is equally important to ensure that the lived experience of other equity cohorts is represented at the leadership level of the ATEC: the fact that these lived experiences have often been absent from decision-making processes is why we have a tertiary education sector which underserves these cohorts. Lessons from experience in the

disability policy space suggest that reforms often fail, or miss important perspectives, when lived experience of disability isn't represented in leadership groups.

ADCET suggests that the two planned Deputy Commissioner roles should be identified/affirmative measures positions and include someone with disability to guarantee lived experience in the leadership team for the ATEC.

## 4. Performance measurement and data collection

Current methods of disability data collection in the sector are not fit-for-purpose, and continued reference to the Survey of Disability, Ageing, and Carers (SDAC) as the basis for continued data collection or comparison is concerning. Disability in the SDAC is defined as:

> ...any limitation, restriction or impairment which restricts everyday activities and has lasted, or is likely to last, for at least six months.

Conversely, students are considered eligible for DSE-related supports under the *Disability Discrimination Act 1982* definition of disability, which is:

> *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...

It is clear how the SDAC definition excludes many of the students that are captured as eligible for support under the DSE, especially students with disability that may not restrict 'everyday activities'. Therefore, relying on the SDAC as an instrument to a) predict disability prevalence in the university population for the purposes of service and support planning, or b) as a way to base the needs-based funding allocations which relate to educational supports, are inherently flawed approaches.

In addition, many students with disability do not disclose their disability at enrolment: this is for a range of reasons including perceived risk of stigma or discrimination, lack of connection to the word 'disability', because they haven't yet had a condition diagnosed, or because they acquire their disability after their have enrolled. As a result, universities will have a higher volume of students with disability in their enrolments than would first appear, and that a highly responsive, trusted, and fit-for-purpose data collection methodology is required to address these complex challenges.

As such, the Department and the disability sector must work in partnership to develop a new data model with definitions which are relevant to tertiary education: a framework which allows students to move in and out of the disability data-set, and to change their

declared support level at any given time (i.e., disability is transient and fluctuates for many people). A future model of disability data collection should be informed by the lessons learnt from the primary and secondary sector experiences of support and funding allocation. Such a framework would help institutions model for future support demands, identify support and capability gaps, and also support the Department to allocate needs-based funding (ADCET's response to the needs-based funding consultation paper will be submitted separately).