ACD

Submission: Inquiry into the Early Childhood Education and Care Sector in Victoria

November 2025

Background

ACD is the Victorian advocacy service for children with disability and their families. We are a not-for-profit organisation led by, and for, families of children with disability.

Our vision is an inclusive community where children with disability and their families thrive.

We welcome the opportunity to contribute to the Inquiry into the Early Childhood Education and Care Sector in Victoria and to highlight the need for the Victorian government to fully consider and respond to the needs of children with disability and their families in its child safety and service improvement reforms.

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ACD acknowledges the Traditional Owners of this land. We recognise their continuing connection to land, waters and community. We pay respects to Elders past and present.

Recommendations

- Ensure the Victorian ECEC workforce undertakes mandatory, high-quality child safety training, with required periodic refreshers, that builds capability to create a child-safe culture for children with disability.

- Strengthen requirements and oversight of pre-service training so all educators enter the workforce with high-quality, consistent preparation, including:
    - Children's rights, including under the Disability Standards for Education
    - Understanding complex behaviour and diverse communication needs
    - Practical strategies for making reasonable adjustments and creating safe, supportive learning environments.

- The Department of Education should review and strengthen its role in building the capability of the ECEC workforce to support children with additional needs, complementing and building on the Commonwealth's Inclusion Support Program.

- Strengthen and expand the Kindergarten Inclusion Support Program through increased funding and improved processes, ensuring services have the capability and resources to provide safe, high-quality and inclusive early learning for children with disability.

- Increase investment in child and family focused disability advocacy to support families with children with disability to raise concerns and make complaints.

- Increase resourcing to investigate and follow up complaints, including actions where providers who have breached their obligations.

- Work with all jurisdictions to establish a single national information-sharing mechanism across human services with vulnerable clients, including aged care, childcare, disability services and the NDIS, to ensure that any worker barred in one sector cannot obtain or retain a Working with Children Check or work in another sector.

- Work with all jurisdictions develop a unified system that prevents providers deemed unfit in one sector (such as the NDIS) from registering or operating in another (such as ECEC), supported by real-time data sharing between regulatory bodies.

- Work with all jurisdictions to reduce reliance on large-scale for-profit providers and ensure early learning systems prioritise equity, inclusion and children's rights.

- Enforce tighter requirements for staff-to-child ratios by ensuring ratios are met within each individual learning space and by closing any loopholes that allow services to undermine these standards.

Specific risks for children with disability

Children with disability are at greater risk of harm than their peers without disability.[1,2] Children with disability are:

- At more than three times higher risk of physical violence
- Nearly three times higher risk for sexual violence
- Over four times higher risk for emotional abuse and neglect[3]

"Increase in reported use of inappropriate discipline or interactions by educators in childcare settings, often in relation to children with additional needs."

ACECQA Safety Review, 2023[4]

Children who are non-verbal face increased vulnerability, as they are unable alert to others to mistreatment or tell their parents what's happened. Disability often has a genetic link and many children with disability have parents with disability, who may need additional support in raising child safety concerns.

A one-size-fits all approach will not meet the safety needs of children with disability in early learning settings. Tailored supports and strategies are required to safeguard children with disability and address existing systemic risks.

Quality of workforce training and resources

Capabilities to provide inclusive education are inextricably linked to child safety and service quality. However, the current Early Childhood Education and Care (ECEC) workforce is not equipped with the knowledge and skills needed to support and safeguard children with disability. Victorian and national reforms aimed at strengthening child safety and quality will not be effective unless they address the underlying factors that place children with disability at higher risk of harm and educational disadvantage, including gaps in workforce capability and resourcing.

Inconsistent training on child safety

Currently, there is no mandatory or consistent approach to upskilling pre-service educators or the existing ECEC workforce in the safety, rights, and support needs of children with disability.

All educators, teachers, and staff entering the ECEC workforce should receive consistent, high-quality child safety training that includes:

- Children's rights, including under the Disability Standards for Education
- Understanding complex behaviour and diverse communication needs

[1] Maclean, M.J., Sims, S., Bower, C., Leonard, H., Stanley, F.J., O'Donnell, M. (2017). Maltreatment risk among children with disabilities. *Pediatrics 139*(4). doi: 10.1542/peds.2016-1817.
[2] Llewellyn, G., Wayland, S., Hindmarsh, G. (2016). *Disability and child sexual abuse in institutional contexts*. Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney.
[3] Wayland, S., & Hindmarsh, G. (2017). *Understanding safeguarding practices for children with disability when engaging with organisations.* Australian Institute of Family Studies. Available at Understanding safeguarding practices for children with disability when engaging with organisations
[4] Australian Children's Education & Care Quality Authority. (2023). *Review of Child Safety Arrangements under the National Quality Framework*. Available at Review of Child Safety Arrangements under the National Quality Framework Executive Summary

- Practical strategies for making reasonable adjustments and creating safe and supporting learning environments

Training must be strengths-based and designed to promote high expectations for children with disability

ACD also recommends the introduction of mandatory, child safety training, with required periodic refreshers.

This training should include a focus on:

- Creating a child-safe culture for children with additional needs
- Recognising varied presentations of behaviour and communication
- Building skills in de-escalation responses

There is also a need for comprehensive training and support for the ECEC workforce to build their capacity to understand and uphold their safety obligations. This training must include a strong focus on the role of families in promoting child safety, the importance of listening and responding to parental concerns, and addressing biases towards disability in risk assessment and decision-making.

"I've been teaching for 21 years and since having children it's only now that I've actually learned more about disability in education and reasonable adjustments just from my personal perspective of being a mum."

Parent and teacher, ACD consultation, March 2025

Insufficient resources to build workforce capacity and deliver inclusive service

Inclusion Support Program

The Inclusion Support Program (ISP) is the primary mechanism for supporting inclusion in childcare services. While it has several components, funding overwhelmingly subsidises additional educators, and these additional educators are not required to have specialist skills or knowledge in inclusive practice.

The ISP's own evaluation[5] found that it does not sufficiently build the capability of the workforce to support children with additional needs and that a more strategic, system-wide approach is required. The Productivity Commission's inquiry into universal ECEC[6] reached a similar conclusion and recommended immediate changes to the ISP along with investment in a strengthened, needs-based inclusion funding model.

Although the ISP is a Commonwealth program, the Victorian Department of Education also plays a crucial role in ensuring that ECEC services can deliver inclusive, high-quality learning. Building capability at the service level is fundamental to child safety because children are at greater risk of harm when their needs are not understood or met, when they are isolated within a service, or when staff lack confidence to provide safe and appropriate support.

In 2023, the South Australian Royal Commission into Early Childhood Education and Care released its final report, which examined opportunities to better leverage early

[5] Deloitte. (2023). *Review of the Inclusion Support Program – Final report*. Commissioned by the Department of Education. Available at Inclusion Support Program review - Department of Education, Australian Government
[6] Productivity Commission. (2024). *A path to universal early childhood education and care: Inquiry report.* Available at Inquiry Report - A path to universal early childhood education and care - Productivity Commission

learning to deliver more equitable outcomes for children. While the Commission noted that the Commonwealth is responsible for ensuring adequate funding for inclusion support, it also found that state governments can strengthen inclusion by investing in the capability of services to support children with additional needs.

Similarly, we urge this inquiry to consider the Victorian Department of Education's role in ensuring that Victorian ECEC services have the capability to uphold the Child Safe Standards, particularly given the well-established current limitations of the national inclusion support system.

Kindergarten Inclusion Support Program

The Kindergarten Inclusion Support (KIS) Program is the primary funding mechanism that assists services to plan for and implement inclusive programs for children with disability or additional needs in kindergarten programs. As with the ISP, a core function of KIS is to provide funding for an additional educator.

Families consistently report significant challenges in applying for and obtaining KIS support. The application process is described as confusing, difficult to navigate and emotionally confronting, requiring families to describe their child 'at their worst.' Families also highlight that the process has an overly narrow focus on behaviours of concern, rather than taking a holistic view of a child's inclusion and safety needs.

Families also report that outcomes are influenced by varying levels of knowledge across centres about KIS, and by educators' familiarity with application requirements and supporting documentation. The process is also onerous for centre staff, placing additional pressure on an already stretched workforce and, in some cases, acting as a deterrent to educators assisting families.

For children who are not deemed eligible for KIS, there are few alternative supports available. Many families are told to 'get the NDIS' to support their child's participation in kindergarten, which undermines the obligations of education providers and the broader education system. Insufficient inclusion funding directly compromises the quality and safety of early learning environments; without adequate resources and staffing, services cannot deliver inclusive programs that meet the diverse needs of all children.

KIS, in its current form, is under-resourced and unable to meet the inclusion needs of children with disability. It is also not adequately supporting early childhood educators to respond to individual learning and support needs within the context of the whole kindergarten group, as intended under the program's objectives. Strengthening KIS will require policy and funding reform as part of the Best Start, Best Life agenda.

From 2026, the statewide rollout of up to 25 hours of Pre-Prep for a priority cohort children will begin. This group is expected to include a high proportion of children with disability. Targeted investment is urgently needed to expand the reach and adequacy of KIS, so services are equipped to provide safe, high-quality and inclusive early learning and to enable the Best Start, Best Life reforms to meet its ambitious inclusion and participation goals.

Critical role of families and ensuring effective complaints follow-up

The National Child Safe Standards recognise the critical role of families in being informed and involved in promoting child safety and wellbeing, and in ensuring organisations remain child safe.

It is the responsibility of ECEC providers to have clear policies and procedures to record, investigate and respond to complaints (including those from families), and to escalate to regulatory bodies where necessary.[7]

Despite these protections, ACD frequently hears from Victorian families through our support line of incidents in education settings failing to:

1) Alert families of incidents of harm, and
2) Respond to family concerns and complaints regarding safety and harm

Families report that their insights, instincts, and understanding of their child and their behaviour support needs are often undervalued or disregarded. Many incidents of harm, and failures to notify families or respond appropriately, stem from an underlying, biased acceptance of harm as inevitable for children with disability.

ACD receives regular reports of children with disability being denied or discouraged from accessing early education and care. The final report of the Disability Royal Commission found that children with disability and their parents are frequently faced with the dilemma of feeling compelled to either accept situations of violence and mistreatment or speak up and risk losing access to education.[8]

Increased investment in child and family focused disability advocacy is required to support families to identify issues, raise concerns, make complaints if needed and ensure that complaints are acted on.

Alongside increased support for families to raise concerns, there is a critical need for increase resourcing to investigate and follow up complaints, including action where providers who have breached their obligations.

Families also face limited options to challenge unlawful practices or poor-quality services. ACD's Support Line, an individual advocacy service for families of children with disability, consistently observes that families experiencing difficulties in early learning have fewer avenues for accountability than those available within the school system. Overall, there is significantly less oversight from the Department of Education.

"[It's important to have] staff that listen even if they have experience with disability – every child is different and us parents know our kids [best]."

Parent, ACD consultation, April 2023

[7] Education and Care Services National Law Act 2010, National Education and Care Services National Regulations

[8] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2023). *Inclusive education, employment and housing.* Final Report, Volume 7, Part A, pp. 235-254. Available at Final Report - Volume 7, Inclusive education, employment and housing - Part A

Structural gaps in regulation, accountability and market design

Stronger national Working with Children Checks and cross-sector information sharing

Across aged care, childcare, disability services and the NDIS, a patchwork of exclusion and prohibition schemes applies to workers. There must be greater information sharing and a centralised, cross-sector 'disqualified persons' process, ensuring that individuals barred from one sector cannot obtain or retain a Working with Children Check.

A cross-sector approach to providers is also urgently needed. Currently, a provider deemed unfit to operate an ECEC service can go on to register as a NDIS service provider. Governments must establish a centralised, cross-sector 'disqualified provider' process, with real-time data sharing between regulators, to prevent providers from exploiting gaps between systems.

Market design can undermine equity and inclusion

Simply put, there are additional financial and resource costs for early learning providers to ensure children with disability and/or complex needs are appropriately supported and meaningfully included in early learning environments.[9] The ACCC's Childcare Inquiry[10] concluded that market dynamics alone do not encourage adequate or equitable supply for all communities and cohorts. We are deeply concerned that the current system, including the growing dominance of large-scale private providers and the absence of needs-based funding, enables, and risks further entrenching, educational disadvantage and exclusion for children with disability.

Tighten regulation of staff ratios

Staff-to-child ratios and qualification requirements are essential to ensuring children's developmental, learning and safety needs are met. For children with additional needs in particular, lower ratios allow educators to provide individualised support and differentiated learning experiences. However, loopholes in the current system, such as counting educators 'under the same roof' rather than in the actual learning space, undermine the intent of the National Quality Framework. These practices must be more robustly regulated and explicitly disallowed to ensure children's safety and learning are not compromised, and to ensure educators have the capacity to deliver high-quality, inclusive education.

[9] ACCC. (2023). Childcare inquiry 2023 – December 2023 final report. Available at December 2023 final report | ACCC
[10] ibid.