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Disability Royal Commission Final Report: Inclusive education for students with disabilities must involve a responsible transition and the phasing out of segregation

Support for Recommendations for mainstream reforms and an inclusive education roadmap

Family Advocacy has actively participated in the work of the Royal Commission into Violence, Abuse, Neglect, and Exploitation (Disability Royal Commission) through submissions, public hearings, and various consultations. We are part of the Australian Coalition for Inclusive Education (ACIE), a coalition comprising national, state, and territory organisations committed to advancing inclusive education in Australia, encompassing both government and non-government schools.

Regarding Inclusive Education, Family Advocacy, in principle, welcomes the Disability Royal Commission's Final Report, particularly Recommendation 7.13. This recommendation calls on all Australian governments to establish a national inclusive education roadmap with specific time-bound targets, measures, and milestones for implementing inclusive education reforms. We are pleased to note that many of the recommendations aimed at improving the mainstream education system align with the "pillars" outlined in the [Roadmap for Inclusive Education](#) developed by ACIE, of which Family Advocacy is a part of.

The distinguishing feature of the Roadmap is its clear objectives and milestones, designed not only to implement inclusive education but also to eradicate segregation based on disability in public education. Inclusive education can only be achieved through ongoing enhancement of mainstream practices alongside a phased and responsible transition away from segregated approaches. This transition involves moving away from "special" schools, co-located education support units within mainstream school premises, and "special" classes where students are segregated based on their disability.

Until we merge the parallel tracks of mainstream and segregated education into a single inclusive pathway to education, regular schools will not undergo the necessary transformation to provide equal and non-discriminatory education to all children, regardless of disability. This alignment is fundamental to realising an inclusive education system where all children attend school, play, grow, and learn together, fostering authentic and reciprocal connections and relationships that promote respect for their diverse differences and contribute to a more inclusive society.

Support for Recommendations to phase out and end segregated education

For these reasons, Family Advocacy strongly endorses Recommendation 7.14 proposed by Commissioners Dr. Rhonda Galbally AC, Dr. Alastair McEwin AM, and Barbara Bennett PSM, which advocates for the gradual phasing out of segregated education. However, the suggested timeframe of ending segregation by 2051 is unduly conservative and risks leaving two more

generations of children behind. We strongly recommend that the government tightens this timeframe so less children are impacted negatively by continued segregation.

The struggle against the segregation of people with disabilities has been a central theme throughout the Disability Royal Commission. During the ceremonial closing hearing on September 15, 2023, Commissioners Dr. Galbally, Dr. McEwin, and Commissioner Bennett, who live with disabilities, delivered powerful messages about segregation, challenging all Australians to reconsider how we coexist with people with disabilities. They emphasised that continuing to segregate people with disabilities in separate settings devalues them and creates conditions conducive to violence, abuse, neglect, and exploitation.

Family Advocacy fully supports Recommendation 7.14 from these Commissioners, which includes:

- (a) Phasing out segregated education as a critical component of ensuring inclusive education
- (b) Explicitly incorporating the phasing out of segregated education into the national inclusive education plan such as roadmap, plan or strategy, with specific deliverables to cease segregated education settings in all jurisdictions, including agreed-upon dates for discontinuing new enrolments and placements in segregated settings, along with a moratorium on establishing new segregated education settings
- (c) Utilising the National School Reform Agreement and its mechanisms to monitor and drive inclusive education reform and the phasing out of segregated education.

We urge the government to adopt and fully implement Recommendation 7-14, in addition to Recommendations 7.1-7.13, and allocate the necessary resources to achieve these objectives.

We are particularly disappointed with the purported justification of segregated education based on "choice," as asserted by some Commissioners. Commissioners Galbally, McEwin, and Bennett rightfully disagree with this perspective. It is clear, as emphasised during the Disability Royal Commission, that often, "choice" is not a genuine option but a last resort. Children and young people with disabilities, like their parents, deserve better.

During the ceremonial closing, Commissioner McEwin stated, "I never had a parent tell me that they wanted their child to attend a special school. They repeatedly shared their efforts to collaborate with their local mainstream schools to include their disabled child in the classroom and school community."

Unfortunately, the notion of "choice" has hindered much-needed progress and continues to fuel a divisive debate. People with disabilities view their continued segregation as a form of discrimination and a human rights violation, while some parents of children with disabilities support segregation because regular schools fail to provide the necessary services and support, which are instead offered by segregated "special" schools and other settings. Both groups agree that the current education system is inadequate for students with disabilities.

A more potent approach, in line with the recommendations of the UN CRPD Committee, is to gradually shift the resources currently allocated to special schools and segregated programs into mainstream settings, creating inclusive and welcoming environments for all children and young people.

Recommendation 7.14, put forward by Commissioners with disabilities and Commissioner Bennett, acknowledges the legitimacy of both disabled people's perspectives and the concerns of some parents. It aligns with Australia's international human rights obligations under the CRPD

and other human rights treaties¹, aiming to progressively establish a fully inclusive education system. This recommendation proposes a phased and responsible transition, complete with practical, time-bound targets and budgets, to eliminate discrimination through segregation and create a universally accessible, high-quality, and inclusive education system. While we acknowledge that the longer timeframe proposed by Commissioners Galbally, McEwin, and Bennett is intended to ensure sufficient time for implementing reforms in mainstream education, ACIE's Roadmap aims for a transition within ten years, and we still aspire to achieve the end goal within a more ambitious timeframe.

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About Family Advocacy

We work with people with disabilities and their families to help them defend and promote the interests and rights of people with developmental disability across NSW.

Contact

Please contact Leanne Varga, Systemic Advocacy and Campaigns Manager or Cecile Sullivan Elder, Executive Officer on 02 9869 0866 for more information.

¹ See Byrnes, A. (2020). Analysis of article 24 of the convention on the rights of persons with disabilities and its relation to other international instruments. Royal Commission into Violence, Abuse, Neglect and Exploitation of People With Disability. <<https://disability.royalcommission.gov.au/publications/public-hearing-24-andrew-byrnes-2020-analysis-article-24-crpd-and-note-travaux-preparatoires>> confirming that "Article 24 of the CRPD obliges State Parties to transition to a system of fully inclusive education and this will involve over the medium-term to long-term the allocation of resources to general schools to support this transition and the eventual abolition of special schools or other forms of segregated education for children with disability."