

Disability Royal Commission – Education and Learning

Frequently Asked Questions (FAQs)

Education and learning is a key area of inquiry for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission). The right to education is not only a right of every child and young person with disability, but it is also critical to in achieving social transformation for people with disability through empowerment, inclusion and the unlocking of human potential.

Too often however, the education system not only represents a setting for violence, abuse, neglect and exploitation but also marks the beginning of a lifetime of marginalisation in other areas.

The Royal Commission wants to hear your stories in relation to your child with disability experiences in the education system. Your experiences and stories are important in driving change and building an inclusive education system free from violence, abuse, neglect and exploitation.

The Royal Commission have released an [issues paper](#) on learning and education. The Royal Commission is encouraging responses from individuals and organisations to the issues paper, by 20 December 2019 (although submissions will be accepted after that date).

What forms of violence, abuse, neglect and exploitation occur in education environments?

People with disability may be subject to many forms of violence, abuse, neglect and exploitation in education and learning environments.

Violence and abuse include the use of the restrictive practices of restraints, and seclusion.

Violence and abuse also include bullying, humiliation and harassment, and significant violations of dignity on a systemic or individual basis.

Neglect in education can be a single significant incident for an individual (or group of students) such as being denied an educational opportunity like going on camp or an excursion with their peers. Educational neglect is also a broader systemic issue that involves denying a student with disability educational access such as not providing the necessary services, supports or adjustments they need to access the curriculum and form peer relationships.

Sadly, the denial of genuine inclusive education, and widespread educational segregation and exclusion is a common experience for far too many children and young people with disability. This is evident in the alarming rates of abuse and violence, ableism and unwelcoming school cultures that continue to fail children with disability.

The Disability Royal Commission presents an opportunity for Australia to right these wrongs and start providing children with disability the inclusive education they are entitled to – it is their human right.

What is inclusive education?

Inclusive education is about everyone learning, growing and flourishing – together – in all our diversity. Inclusive education recognises the right of every child and young person – without exception – to be included in general education settings. It involves adapting the environment and teaching approaches to ensure genuine and valued full participation of all children and young people. It embraces human diversity and welcomes and supports all as equal members of an educational community.

The United Nations has said that every person with disability has a right to inclusive education and that “segregation” and “integration” are not inclusive education. As explained in the Royal Commission’s Issues Paper on Education and Learning “Integration is the ‘process of placing persons with disabilities in existing mainstream education institutions with the understanding that they can adjust to the standardised requirements of such institutions. Segregation occurs ‘when the education of students with disabilities is provided in separate environments designed or used to respond to a particular impairment or to various impairments, in isolation from students without disabilities.’”

For more information please see a fact sheet developed by Children and Young People with Disability Australia [Fact Sheet 1: What is inclusive education](#)

If your child has not experienced an inclusive education the Disability Royal Commission is interested in hearing from you.

Is the Royal Commission interested in hearing about educational segregation, including students with disability attending a special school or special class?

Yes. All children and young people with disability have the right to be included in general education settings, without being separated from their peers on the basis of disability.

As explained in the Royal Commission’s Issues Paper on Education and Learning, Segregation ‘occurs when the education of students with disability is provided in separate environments designed or used to respond to a particular impairment or to various impairments, in isolation from students without disabilities’. This is the definition of ‘segregation’ adopted by the United Nations in relation to the right to inclusive education in the Convention on the Rights of Persons with Disabilities.

For example special schools, special education units and special classes for children with disability are all forms of segregation in education.

Many families feel they have no other option than to send their child with disability to a special school or a school with a special education unit or classroom, despite wanting their child to be included in a regular classroom at their local primary or secondary school.

Similarly, many families are told that the special education pathway is the best option for their child with disability and students without disability, which is compelling many families to choose a segregated education.

Example

“Just been forced out of mainstream into a segregated special needs unit at a different primary school this term. Currently allowed to do longer days – 25 hours a week. Up until last week it was only 10 hours a week and his start at the new placement was delayed so he was away from school altogether for seven weeks before that” – family of a child aged 10–12 years, mainstream school with special unit, regional ACT

Is the Royal Commission interested in hearing about my child who has been denied access or discouraged from attending a particular school?

Yes. Every child and young person with disability has the right to attend their local primary and secondary school and be included in every element of school life across the curriculum, classroom and other school activities. No school, government or independent, is permitted to discriminate on the grounds of disability.

“Gatekeeping” is when there is formal or informal denial of access or informal discouragement of children with disability attending their school of choice.

This might include school staff saying your child is better off going to another school, a special school or a school with a special unit because the school doesn’t have enough resources or the skill to support your child because of their disability. It may also include refusing to enrol a child with disability, only offering part-time hours, or encouraging home-schooling.

Example

“I applied to 36 schools in WA, have attended four, which two have removed him and three would not meet his needs and assaulted him” – family of a child aged 7–9 years, special school, rural WA.

Is the Royal Commission interested in hearing about schools being inaccessible?

Yes. Many schools have inaccessible buildings, education materials and communication methods and tools. Often textbooks and online materials may not be in accessible formats. In some cases, schools do not allow students with disability to communicate via augmentative or alternative communication. Augment means to add or increase. Speech may be ‘augmented’ in a range of ways such as by using body language, facial expressions, vocalisations, gestures and eye pointing. Alternative means a ‘substitute for’ such as pointing to symbols, signing, spelling or using an electronic device.

For students with intellectual disability accessibility issues can occur when information is not presented in a way that they can understand, such as by using visuals supports and using shorter words and sentences.

Example

"School unable to accommodate student not toilet trained despite being part of disability. Schools didn't appear resourced or confident to accept borderline level 3 autism" – family of a child aged 4–6 years, special school, regional NSW

Is the Royal Commission interested in hearing about my child not being able to attend school full-time?

Yes. All States and Territories provide for exemptions to compulsory schooling of children, and some States and Territories allow for 'flexible' or 'special' arrangements for students. These provisions mean that some children with disability will only attend primary or secondary school on a part-time basis. This is in effect a denial of their educational rights and it is a form of educational neglect.

Example

"Trying to get full hours x 5 days. School indicated that if he will come to this school, he will be only allowed to attend 9am to 11am" – family of a child aged 4-6 years, does not attend school, metropolitan QLD.

Is the Royal Commission interested in hearing about my child being excluded from school activities?

Yes. Students with disability are sometimes excluded from school activities, such as excursions, assemblies, sports carnivals and other school activities. This may include limited communication with families about upcoming excursions resulting in missed opportunities. This denies or limits a student's access to a benefit provided by the school and is a form of discrimination.

Example

"The principal at times forgets to include the support unit kids in activities. Or they are always separated from the mainstream kids by default" – family of a child aged 10–12, mainstream school with a special unit, metropolitan NSW

Is the Royal Commission interested in hearing about my child being restrained or secluded?

Yes. Restraint and seclusion are restrictive practices and constitute neglect, violence and abuse. Restraint includes any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability. This can include physical (e.g. holding or pulling a student), mechanical (e.g. tying up a student or not allowing them to use their wheelchair) or chemical restraint (e.g. saying a child cannot attend school unless they take a certain medication like Ritalin). It can also include psycho-social restraint, which involves using intimidation or threats to control a student.

Seclusion includes solitary confinement of a student in a room or area from which their exit is prevented by barrier or another person. Seclusion includes situations in which a student believes they cannot or should not leave an area without permission.

Example

"Restricted practice with the use of weighted equipment in a time-out room with no communication with the family. Also has been locked in a support unit area and refused access to the mainstream area during recess and lunch" – family of a child aged 13–15 years, dual enrolment, regional NSW.

Is the Royal Commission interested in hearing about my child being suspended or expelled?

Yes. Students with disability are often suspended at greater rates than their non-disabled peers. Suspension is a disciplinary measure that requires students to stay away from school for a set period due to what is deemed "inappropriate" behaviour.

For students with disability, suspensions are often enforced when the school is not providing an inclusive education environment and meeting a student's needs appropriately. It is important to understanding that behaviour can be a form of communication for students with disability that indicates they do not feel safe, supported or understood.

Students with disability can also be expelled because the school is not providing an inclusive and supportive environment.

Suspensions and exclusion of students with disability who have not been supported and included and are not having their needs met, unfairly punish them on the grounds of disability and are a form of discrimination and neglect.

Example

"Suspended 60 out of 150 days in the first three terms last year. Went on part time hours. First week back this year he was suspended for four days and last week of second term he was suspended for four days" – family of a young person aged 13–15 years, mainstream school with special unit, metropolitan NSW.

Is the Royal Commission interested in hearing about my child not receiving reasonable adjustments to assist them in participating in education?

Yes. The *Disability Discrimination Act 1992* (Cth) and Disability Standards for Education 2005 (Education Standards) require education providers to make reasonable adjustments to assist students with disability to participate in education on the same basis as other students. However, students with disability do not always receive the adjustments they require to participate in learning.

This may include not allowing the student to learn the same curriculum as everyone else because the school says the student cannot "keep up" with their peers and it is too hard to tailor or modify the curriculum. It may also include failing to provide information in Braille or Auslan.

When a child is isolated in the classroom, far away from everyone because they are told not to "disrupt the other students", this may also result from a lack of reasonable adjustments needed to assist the child to participate in the class lesson.

It may also include the school not communicating with the family to learn about what works best for the student because “they can’t do this for every student”.

Example

"Our son has been diagnosed with a range of conditions and hasn't been formally tested and diagnosed with specific learning disabilities. We have a report from the clinical psychologist. We have paid for tutoring, speech pathology and OT for specific learning disabilities severely affecting reading and writing ... They have refused our son any classroom accommodations so that he cannot participate in class activities and NAPLAN at a level playing field" – family of a child aged 10–12 years, mainstream school, metropolitan VIC.

Is the Royal Commission interested in hearing about my child being bullied or harassed?

Yes. Bullying can occur from other students, and can include physical and verbal bullying. It can also include bullying and harassment from teachers, principals and other school staff. A failure to assist a student who faces barriers in communicating and socialising to develop peer relationships can place a student at greater risk of bullying and harassment.

Example

"Disgusting comments from other girls every day. School PE teacher ridiculed her for not wanting to participate in sensory-overloading PE classes and music. But at home, she loves music" – family of a child aged 10–12 years, now home-schooled, regional QLD

Is the Royal Commission interested in hearing about my child being hit, harmed, abused or injured while at school either by other students or staff?

Yes. Too often students with disability have been hit, harmed, abused and injured while at school. Information received from Children and Young People with Disability Australia under Freedom of Information (FOI) or Right to Information (RTI) showed a range of abuses perpetrated by teachers and support staff at schools including sexual, physical, verbal and manipulative behaviours. Sometimes students with disability are harmed by other students.

Example

"It was alleged that the teacher grabbed a student with disability by the hair and pulled the student yelling 'go back to your desk you little (expletive)'. It was also alleged the teacher said to a student 'come back here you stupid little boy' and 'children with a name that starts with J are stupid little brats' – Allegation against a teacher in NSW which was sustained, NSW Department of Education FOI information

Is the Royal Commission interested in hearing about the complaint we made on behalf of our child regarding their education experience?

Yes. Many families need to advocate for their rights for their child to be included in education or about the bullying, violence and abuse they are experiencing. Sometimes their concerns are diminished or not listened to, or they are made to feel there will be repercussions for their child if they complain. If their complaints are not addressed by the school there is often not clear pathways for them outside the school to formalise complaints, and fear of reprisal is a major concern.

Example

“One family attended a school meeting thinking they were going to discuss their daughter's transition from preschool to kindergarten only to be met by 8 professionals (principal, teacher, teacher aide & school therapists) around the table. The family were presented with 4 pages of incidents relating to their child that they had not prior knowledge of. Previously there had been recommendations to send their daughter to a support unit. The family didn't know which way to turn for support for fear of repercussions for their daughter. At this time there were no funded advocacy organisations available to support the family through this situation.” – Family ACT as told to Imagine More

Is the Royal Commission interested in hearing about my child being denied support for their post-school transition?

Yes. Many young people with disability have extremely poor post-school transition experiences. Post school transition for students with disability is addressed in an ad hoc manner and appears to be an optional extra for schools, and the wider support system for young people with disability. Information, services, programs and resources to assist young people during the transition are fragmented across state and Commonwealth programs and services. Many students with disability do not receive the opportunity to undertake work-experience programs whilst at school and career counselling is characterised by low expectations. Schools can also cancel enrolment for students with disability past the mandatory school leaving age of 16, thus excluding students from senior schooling.

Examples

“I was never encouraged to achieve and found that expectations were very low for me. It was therefore entirely up to me to achieve what I have.”
“Career planning in Years 10 and 11 was quite minimal and tokenistic. There was nothing in particular that prepared me as a student with disability.” – Young people with disability consulted by Children and Young People with Disability Australia

Further information

Questions and Answers

The Disability Royal Commission have provided some Questions and Answers on their [website](#). The Commission proposes to update and supplement the Questions and Answers from time to time.

Accessible website

The Disability Royal Commission Action Group have developed a [website](#) to provide accessible information about the Royal Commission. We cannot guarantee the accuracy of information on this website.

Additional questions

If you have additional questions that you would like an answer to, you can email us at info@cyda.org.au

Resources

We have also developed General FAQs about getting involved in the disability Royal Commission. For more information go to <https://www.cyda.org.au/disability-royal-commission>

For more information on the evidence for inclusive education available at <https://www.cyda.org.au/inclusion-in-education> and includes:

Evidence review

Towards inclusive education: A necessary process of transformation

Fact sheets

- What is inclusive education?
- The benefits of inclusive education
- Addressing ableism in education
- Transformation to inclusive education: the next steps

About us

This fact sheet was developed by the Australian Coalition for Inclusive Education (ACIE) www.acie.org.au.



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Purple Orange



Tasmanian Disability Education Reform Lobby

