

family

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20th December 2023

The Hon. Prue Car MP
Deputy Premier
Minister for Education and Early Learning
Minister for Western Sydney
154 Queen St
St Marys NSW 1790

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Position Statement on Inclusive Education and the Disability Royal Commission Final Report Recommendations

Dear Ms. Car

We write to you in your role as Minister for Education and Early Learning, specifically in relation to the *Disability Royal Commission (DRC) Final Report, Volume 7, Part A: Inclusive Education*.

The key points made by all six Commissioners were (Page 79):

- Under article 24 of the *Convention on the Rights of Persons with Disabilities*, Australia has obligations to recognise the rights of people with disability to education. Education is the starting point for an inclusive society.
- We agree with *General comment no. 4 (2016)* on the right to inclusive education of the Committee on the Rights of Persons with Disabilities that ensuring the right to inclusive education entails:

- a transformation in culture, policy and practice in educational environments to accommodate the differing requirements and identities of individual students
- a commitment to removing the barriers that impede that possibility.
- We agree mainstream schools need major reforms to overcome the barriers to safe, equal and inclusive education. However, the Commissioners hold differing views on certain aspects of inclusive education.

We support for mainstream schools to have major reforms implemented with clear timelines, transparency of the process and co-design of people with the lived experience of disability

All Commissioners agreed that the status quo can no longer be tolerated, stating:

“a safe, quality and inclusive education can only be delivered through significant transformation of the school system. In Part A, ‘Inclusive Education’ we recommend legislative and policy changes, improved procedures and support services, and changes to culture, capability and practice ‘on the ground’. We recommend that these changes are embedded in school practices through enhanced workforce training and support, improved data collection and use, stronger oversight, and greater accountability. Reform at the scale we are proposing requires careful prioritisation and a coordinated approach.”

These suggested changes are reflected in Recommendations 7.1-7.13, listed below.

Recommendation 7.1 Provide equal access to mainstream education and enrolment

Recommendation 7.2 Prevent the inappropriate use of exclusionary discipline against students with disability

Recommendation 7.3 Improve policies and procedures on the provision of reasonable adjustments to students with disability

Recommendation 7.4 Participation in school communities

Recommendation 7.5 Careers guidance and transition support services

Recommendation 7.6 Student and parental communication and relationships

Recommendation 7.7 Inclusive education units and First Nations expertise

Recommendation 7.8 Workforce capabilities, expertise and development

Recommendation 7.9 Data, evidence and building best practice

Recommendation 7.10 Complaint management

Recommendation 7.11 Stronger oversight and enforcement of school duties

Recommendation 7.12 Improving funding

Recommendation 7.13 National Roadmap to Inclusive Education

We expect Recommendations 7.1-7.13 to be implemented with clear timelines, a transparency of process and co-designed by people with a disability, their families, disability advocacy organisations and disability representative organisations.

We support Recommendation 7.14 to phase out and end segregated education

The DRC heard overwhelming evidence that people living in segregated settings are more likely to experience violence, abuse, neglect and exploitation. All Commissioners agreed that reforms are required to ensure that no one is forced to participate in settings designed exclusively for people with disability. However, Commissioners were split over the future of settings such as special schools.

We agree with Commissioners Galbally, McEwin and Bennett (who have lived experience of disability) and call on the government to give significant weight to the three Commissioners and accept their **Recommendation 7.14**. Phasing out and ending special/ segregated education.

Recommendation 7.14 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 treaties, 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.

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.

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, 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.

We, the undersigned, have the expectation that the NSW Government's response to the DRC Final Report – Volume 7 – Part A: Inclusive Education must:

1. Address the major reforms required to overcome barriers to safe, equal and inclusive education. Accept **Recommendations 7.1 – 7.13** and implement them with clear timelines and transparency of process.
2. Address the ongoing segregation of students with disability in education. Accept **Recommendation 7.14** Phasing out and ending special/segregated education.

We recognise the implementation of Recommendations 7.1-7.14 will require specific long-term planning and budgetary allocations, involving co-design with people who have the lived experience of disability, their families, disability advocacy organisations and disability representative organisations. Ultimately, it will be worthwhile to improve laws, policies, structures and practices to ensure a more inclusive and just society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation.

Kind regards

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Edward Morris, Chief Executive Officer | Physical Disability Council of NSW (PDCN)

Carolyn Hodges, Acting Chief Executive Officer | People with Disability Australia (PWDA)

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