

Education and Learning Workshop

Issues paper

Introduction

Education and learning is an important area for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission)

Education is both

- A place of potential violence, abuse, neglect and exploitation and
- An important part of a society that includes everyone.

The Royal Commission had a workshop in October about **Education and Learning**.

There are 3 sections of this paper

- **Section 1** is called **Foundations**. It talks about why the Royal Commission is interested in education and learning.
- **Section 2** talks about the main **Issues and Barriers** faced by people with disability and their right to education.
- **Section 3** talks about how education and learning fits in the Royal Commission's Terms of Reference.

Section 1 – Foundations

The Royal Commission has a Human rights-based approach.

This means it is based on the things the **Convention on the Rights of Persons with Disabilities** (CRPD) talks about.

The right to education is important in international human rights rules.

Article 24 in the CRPD requires **States** to make sure all education systems are inclusive.

The **Terms of Reference** ask the Royal Commission to focus on the experiences of people with disability.

These experiences might be different for people depending on things like their age or gender or race.

The Royal Commission will also focus on

- First Nations people with disability and
- People with disability who speak languages other than English.

Section 2 – Outline of issues and barriers

Section 2 is about important issues and barriers students with disability have.

This is based on

- Research
- Past reports and inquiries
- Information from the Royal Commission's workshops.

We also want to hear about other issues and barriers you may have with education.

2.1 Access to education and learning

Accessibility of education services (all stages)

This includes

- Buildings
- Education resources and
- Communication and the way education is run.

These barriers may be worse for students in regional, rural and remote areas.

Early childhood education

Research says children with disability in early childhood education have the same issues as primary and secondary students.

This shows that children with disability and their families have experiences from the start of learning of

- **Prejudice**
- **Exclusion**
- **Discrimination**

Primary and secondary education

- **Gatekeeping**

Gatekeeping means to stop children with disability going to the school they want to go to.

Research has shown this happens a lot.

This includes

- Not letting a child with disability go to a school
- Not letting a child go to school full time
- Only letting a child be in segregated classes or
- Pushing for home-schooling.
- **Partial enrolment**

All States and Territories have 'flexible' or 'special' plans for students.

These plans let a child go to primary or secondary school part-time hours only.

There is not enough information about the number of students with disability who go to school part-time.

- **Segregation**

More children with disability have been segregated in special classes or 'special' schools in the last 10 years.

A lot of students with autism have been segregated.

A lot of First Nations students with disability are in special schools.

- **Exclusion from school activities**

Students with disability may be left out of school activities like

- Excursions
- Assemblies
- Sports carnivals.

This can affect a student's

- Education
- Their feeling of fitting in and
- Being part of the community.

- **Suspensions and expulsions**

Research says that children with disability are suspended and expelled from schools more.

Suspended means they cannot go to school for short times like a few days.

Expelled means they are not allowed to go back to that school.

Tertiary and further education

Students with disability are often not able to meet the 'requirements' of

- University courses
- Technical, vocational or further education programs.

Some courses have different 'requirements'.

This means students with disability cannot be part of these courses.

2.2 Appropriateness and adaptability of education and learning

Lack of reasonable adjustments

Laws like the Disability Discrimination Act 1992 and Disability Standards for Education 2005 have rules about education providers making **'reasonable adjustments'** to support and include students with disability.

Students with disability do not always get the adjustments they need or that the law says they should get.

Reviews of the Education Standards say that more rules for reasonable adjustments are needed.

Lack of individualised supports and planning

Students with disability may need their own support systems to be part of learning.

This is called individualised supports.

The Education Standards do not help or have rules on individualised supports.

Extra supports may be needed when moving between stages of education like from primary to secondary school.

Inflexible curricula

Curricula may not let teachers make education inclusive for everyone.

Australia does not have a national way to change curricula for students with disability.

Lack of culturally responsive teaching

Inclusive education needs to value diversity including different cultures.

The Education Standards do not focus on the different barriers students with disability face like First Nations students and students with disability who speak languages other than English.

Workforce capability issues

The skills of school staff including teachers is important to make sure education is inclusive.

Many teachers do not get the right training about inclusive education.

Behaviour management

Sometimes responses to behaviours of concern are wrong and do not work for the student or for the school.

Good practice say there is a need for different styles for responding to behaviours of concern and supporting students with disability.

Section 3 – Terms of reference

3.1 Violence, abuse, neglect and exploitation

People with disability may deal with lots of forms of violence, abuse, neglect and exploitation in education.

The Royal Commission will look at the types and level of violence, abuse, neglect and exploitation in education and learning.

We want to know what types of violence, abuse, neglect and exploitation are more common.

Violence and abuse might be the use of

- Constraints
- Restrictive practices
- Seclusion
- Humiliation
- Harassment
- A person having their dignity taken away.

Neglect can take away the basic needs including education.

This might be for 1 person or for a lot of people.

Past inquiries have shown that bullying and harassment of students with disability happens often.

Research also shows restraints and seclusion are still used in Australian schools.

We also want to know what can be done to make education better for people with disability.

Questions

1. Are any **forms** of violence, abuse, neglect or exploitation **more common** in education and learning environments?
2. Is the **level or type** of violence, abuse, neglect or exploitation of people with disability different between:

- a. Stages of education and learning (e.g. early childhood, primary, secondary, tertiary, further education)?
 - b. Settings of education and learning (i.e. inclusive, integrated or segregated)?
 - c. States or Territories?
 - d. Government, Catholic or Independent education settings?
3. How do students of **different** ages, genders or races experience violence, abuse, neglect and exploitation differently?
4. What are some of the **causes** of the issues and barriers (in Section 2)?
- How do these issues and barriers **link to** or **influence** the experiences of violence, abuse, neglect or exploitation by people with disability in education?
5. What things **stop** violence, abuse, exploitation and neglect of students with disability in education?
- How can inclusive education help stop violence, abuse, neglect and exploitation in society?
6. Do you have any experiences or examples you would like to share?

Experiences of violence, abuse, neglect or exploitation in education can be shared by making a submission on the Commission's **website**.

3.2 Reporting, investigating and responding to violence, abuse, neglect and exploitation

The Royal Commission will look at the

- Tools for students with disability and their parents or guardians to report violence, abuse, neglect or exploitation
- Way the reports are investigated and
- Responses to violence, abuse, exploitation and neglect of students with disability.

Questions

7. What barriers are there to **reporting** violence, abuse, neglect or exploitation in education?
8. What barriers are there to **investigating** violence, abuse, neglect or exploitation in education?
9. Are there **good practice** examples that encourage reporting, investigation and responses to violence, abuse, neglect or exploitation in education?

3.3 Education and inclusive societies

Education helps people

- Work
- Live in the community
- Vote
- Access justice.

There is a link between inclusive education and social inclusion.

Inclusive societies support people with disability to be independent and be free from violence, abuse, neglect and exploitation.

Questions

10. What has stopped Australia from meeting the responsibilities of **Article 24** of the CRPD?

What needs to change in

- Commonwealth, State and Territory governments
 - Schools and communities
 - Individual classrooms?
11. What is needed to help the **move** from segregated or integrated settings to inclusive education settings, and to keep the change?
12. What is the effect of inclusive education on learning and work for
- a. Students with disability
 - b. Students without disability?
13. How does inclusive education make society more inclusive?

Word list

Abuse

If someone is treating you badly.

Accessible

When something is accessible, everyone can use it.

This might be a

- place
- building
- transport service
- information
- website.

Curricula

The subjects at school or university

Dignity

To treat someone with respect.

Discrimination

To treat someone unfairly

Exclusion

To leave someone out

Exploitation

If someone is taking advantage of you.

Exposed

When something is not hidden anymore.

Evidence

Proof that something is true.

Inclusive

Including everyone.

Institution

Any large organisation such as a

- service provider
- school
- work
- business or
- charity.

Integration

Persons with disabilities in mainstream education adjusting to the requirements of such institutions.

Neglect

If someone is not helping you the way they are supposed to help you.

Prejudice

To treat someone differently because of their race, gender or disability.

‘Reasonable adjustments’

Changes to let people with disability to be part of things like work or learning.

Recommendations

Ideas about things that could be done.

Royal Commission

A formal public inquiry. It is an official way of looking into a big problem and working out what went wrong.

Segregation

Education of students with disabilities in separate environments designed and in isolation from students without disabilities.

States

Countries like Australia

Systemic

A problem for a lot of people or lots of areas or organisations

Terms of Reference

A list of the things that the Commissioners look into.

Violence

If someone is hurting you physically.

Contact us

You can phone **1800 517 199** between 9am and 6pm AEDT, Monday to Friday, excluding national public holidays.

If you are experiencing any violence or abuse, or if you feel unsafe call 000 or contact the Police.

Website – www.disability.royalcommission.gov.au