



# Closing remarks – Chair, Ronald Sackville AO QC

## Public hearing 7: Barriers to accessing a safe, quality and inclusive school education and life course impacts

I wish on behalf of the Commissioners to thank most sincerely everyone who has given evidence this week. We have been examining an extraordinarily important set of issues which raise very complex and difficult policy questions. The Royal Commission greatly appreciates the evidence that has been given by advocates, experts as well as the witnesses for the NSW and Queensland Governments. Their evidence has been a very a great assistance.

But we especially wish to express our gratitude to the students and their families who have shared their experiences with us over the course of the week. I know that Mr Power has referred to their evidence but I also want to do so as a way of emphasising just how much importance the Commissioners place on that evidence.

We express our deep appreciation to Quaden Bayles and to his mother Yarraka Bayles from whom we heard on Monday.

We also heard on Monday directly from Alice in a video in which she spoke passionately in support of tearing down the metaphorical wall that stands between students with disability and their ability to achieve their goals and aspirations. Alice said that she wants to eradicate the one size fits all approach to inclusivity, an issue about which we heard a good deal of evidence from experts and advocates.

On Tuesday we heard from Amy who shared Sam's story with us and we also heard briefly from Sam. We heard how very young children with disability who require support

or adjustments can experience inappropriate disciplinary measures, or their behaviour which manifests as a result of a disability can be characterised as 'naughty' or 'deliberate'.

On Wednesday we heard from Sarah and from Kobe, who spoke of the consequences when trust between student and teacher is ruined and who echoed Alice's views by emphasising the importance of teachers understanding that not all kids with autism are the same.

On Thursday Sharon and Alex told us of their experiences in attempting to secure adequate supports and schooling for Jack. Their persistent and dedicated efforts were ultimately unsuccessful, leading to the heartbreaking decision to remove Jack from his last school at the age of 13 or 14. This left him, as Sharon said, barely able to write his own name. Jack, despite being denied his right to education spoke powerfully and cogently about this experiences telling us how actions that were inherent in his condition were perceived as deliberate or disobedient and resulted in escalating disciplinary sanctions being imposed on him with disastrous consequences.

Today we heard directly from Maria Rachel Scharnke who gave evidence after making a submission to the Royal Commission. She made the submission and gave her evidence because, as she said, she is determined to do all she can to reform both educational and broader systems so that people with disability can be fully included in society. She has decided to dedicate her life mission to advocacy on behalf of people with disability.

We have seen the clip from Quaden. When he was asked what message he would like to give to children who do not understand how their comments can hurt him, he replied:

“Just don't be rude to kids who have disabilities, and just be kind and be nice”.

That sentiment, expressed by a young boy who has experienced severe bullying and abuse in the education system, puts it in a nutshell. His insight is not confined to the behaviour of other children, but as we repeatedly heard during the week, can be equally applied to educational authorities. It must inform their approach to children with complex needs whose behaviour is so often wrongly characterised as deliberate or wilful.

Jack, for example, explained the extraordinarily beneficial consequences of having a teacher who was kind, understood his needs and went out of her way to make him feel as comfortable as possible to ensure his inclusion in the educational program.

A fundamental rule of policy making is that if you ask the right questions you have a fighting chance of producing answers that are workable, worthwhile perhaps even genuinely transformational. If you ask the wrong questions, you will undoubtedly produce the wrong answers.

As was stated at the outset of this hearing, the focus has been on the barriers to securing safe quality and inclusive education for children with disability in what are usually described as main stream schools. Identifying these barriers is the necessary precondition to asking the right questions and then developing workable, worthwhile and perhaps genuinely transformational reform proposals.

The barriers were identified in one way or another by the lived experience witnesses, the advocates and experts and indeed were often acknowledged by the Government witnesses. Without in any way intending to be exhaustive, they include these:

- The long standing attitudes of some educational authorities toward what are perceived to be the challenges presented in teaching children with disability acceding leading to punitive responses to what is seen as “difficult” and “deliberate” behaviour, rather than attempting to ascertain the causes of the behaviour and providing the support the student needs. We have the devastating consequences that can flow from the inappropriate and disproportionate application of disciplinary sanctions to a student with disability.
- There is a surprising disconnect between the existing legal requirements for the provision of reasonable adjustments or supports and the provision of adjustments at school level.
- There are rigidities in addressing the undoubted challenges presented in implementing a policy of inclusive education, leading to failures to provide individual adjustments and support for students with disability. This is encapsulated by Allice’s condemnation of the “one size fits all” approach.

- The systems of funding to provide support for children with disability in schools are complicated and apparently not well understood. The devolution of decision making authority to local levels is undoubtedly well intentioned, but generally appears not to be a closely audited process that leads to unevenness in practice and significant disparities between schools.
- As we have so often heard in our hearings, there is limited data available to inform policy making. For example, there is limited data on suspensions and exclusions, part-time attendance of students with disability and the use of restrictive practices in schools. It is difficult to address and rectify a problem if we do not fully understand its nature and extent.
- The lack of training for teachers to enable them to perform their extremely important and onerous responsibilities. We do not underestimate the difficulties of the multiple roles that teachers have to perform. A persistent theme, however, is the need to devote more attention to the training of teachers to equip them to apply a philosophy of inclusive education in mainstream schools.

The next step for the Royal Commission is to develop proposals that are workable, worthwhile and have the potential to achieve transformational change in curbing the violence, abuse, neglect and exploitation of school students with disability. Some proposals no doubt will be relatively straightforward, at least in principle, such as measures to ensure that State educational authorities understand and comply with existing Commonwealth law. Others will involve much greater complexity, difficulty and possibly controversy.

No one should underestimate the difficulty of the task facing us. But it is the task we now have to perform.