



Children and Young People
with Disability Australia

PO Box 172, Clifton Hill VIC 3068

P: 1800 222 660 (regional or interstate)

E: info@cyda.org.au

ABN: 42 140 529 273

7 May 2024

Committee Members
Portfolio Committee No.3 - Education
Committee Office
Legislative Council
Parliament New South Wales

**Re: Inquiry Into Children And Young People With Disability In New South Wales
Educational Settings, Hearing – 22 April 2024, Supplementary Questions**

Via email: PortfolioCommittee3@parliament.nsw.gov.au

Dear Committee Members

I am writing on behalf of Children and Young People with Disability Australia (CYDA) to respond to the supplementary questions sent to CYDA on 30 March 2024. CYDA welcomes the opportunity to provide further information to the Committee.

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability aged 0 to 25 years. Our vision is that children and young people with disability are valued and living empowered lives with equality of opportunity; and our purpose is to ensure governments, communities, and families, are empowering children and young people with disability to fully exercise their rights and aspirations.

Inclusive education is a signpost for the type of society we want in the future. CYDA acknowledges the fears of families currently in or just out of the segregated system. People are fearful of what “*mainstreaming*” would mean. Just closing down ‘*special schools*’ without transforming local primary and secondary schools to be more inclusive would also do students a massive disservice. Inclusive education is not about mainstreaming, it’s about transformation.

Please refer to the attached [Appendix A](#) for our responses to the supplementary questions, Table 1, including our analysis of the Disability Royal Commission’s recommendations, for education, detailed in Table 2 and [Appendix B](#) for further information on CYDA’s relevant policy work. If you would like to know more about our responses or CYDA’s work, please feel free to contact CYDA’s Policy and Research Manager, Dr Liz Hudson on

Yours sincerely

Skye Kakoschke-Moore
Chief Executive Officer

Website www.cyda.org.au
Facebook facebook.com/CydaAu
Instagram [cydaaus](https://instagram.com/cydaaus)
Twitter [@CydaAu](https://twitter.com/CydaAu)

Appendix A

Table 1 CYDA’s response to supplementary questions

#	Supplementary question	CYDA’s response
1	<p>Some opponents of inclusive education argue that it is not possible for every single child with a disability to be accommodated in a mainstream school because of the extent of the adjustments required to meet the differing needs of each student with a disability. Would a ‘single classroom’ model intended to include all children regardless of their disability exclude the possibility of exceptions in certain circumstances? If so, what do you say to those people who argue that we cannot end segregated education on the basis that not all children can in their view be accommodated into inclusive education environments, even if they are well-resourced?</p>	<p>Decades of research show the benefits of inclusive education for ALL students.¹</p> <p>Often, we hear that many children are supposedly too complex or “too disabled” to attend their local school. This is a cycle of misinformation, based on outdated views of what is best for students with disability and ignores what some exemplar schools are currently doing.</p> <p>We hear and recognise the fears of families currently in or just out of the system. People are fearful of what “mainstreaming” would mean. This is not what we are asking for. Just closing down special schools without transforming local primary and secondary schools to be more inclusive would also do students a massive disservice.</p> <p>Teachers need smaller classes, more time to plan, in-house access to supports and expertise and more support from the system.</p> <p>We also need to address the misnomer of “parent choice”. If your local school is not prepared or equipped to provide and support your child to learn with their same age peers successfully and safely, then going to a special school is not a choice. It’s a compromise or coercion.²</p>
1a	<p>Are you concerned that a move to end segregated education could lead to the isolation of specifically children with more complex disabilities, in home</p>	<p>There is a genuine concern that without intentional planning and leadership, phasing out segregated education could inadvertently isolate some students already disconnected from the education system. It is imperative to recognise that such inequity contradicts fundamental principles of equity and inclusion enshrined in the Disability Discrimination Act,</p>

¹ Hehir, Thomas. (2017) A Summary of the Evidence on Inclusive Education Alana Institute and Abt Associates

² viii. Sayers, M. (2022) Evidence, page 199, transcript of proceedings, Public Hearing 24, Wednesday, 8 June 2022, The Royal Commission Into Violence, Abuse, Neglect and Exploitation Of People With Disability
From <https://disability.royalcommission.gov.au/publications/transcript-day-3-public-hearing-24-canberra>

#	Supplementary question	CYDA's response
	schooling or in settings with a more limited group of peers?	<p>the Disability Standards for Education, and the Convention on the Rights of Persons with Disabilities (CRPD).</p> <p>Under these legislative frameworks and international standards, every child has the right to an inclusive education that promotes accessibility, participation, and social integration. This includes students who may require specialised supports and accommodations to fully engage in educational settings.</p>
1b	As we transition to an inclusive education model, is there a danger that those children who are 'easier' to include will be brought into the mainstream, relieving some of the pressure to end segregated schooling but exacerbating discrimination felt by children with disability left behind?	<p>It is incumbent upon educational authorities to ensure that mainstream schools are equipped to provide inclusive education for all students. This means implementing individualised support plans, promoting universal design for learning, and facilitating collaboration between schools, families, students and support services.</p> <p>Schools must allocate, or be allocated, sufficient resources and personnel to meet the diverse needs of students, in accordance with their legal obligations under the Disability Discrimination Act and the Disability Standards for Education. This includes providing access to specialised equipment, assistive technologies, and workforce.</p> <p>Monitoring and evaluation mechanisms should be in place to assess the effectiveness of inclusive education initiatives and ensure compliance with legal requirements and international standards. Stakeholders, including students, families, educators, and advocacy groups, must be actively involved in this process to identify barriers, address challenges, and advocate for the rights of all students.</p>
1c	How do we plan to ensure that this doesn't happen?	<p>All systems and stakeholders must ensure that the transition to inclusive education is guided by considerations such as age and geographical location not disability type.</p> <p>By prioritising age and location-based transition strategies, NSW can ensure that inclusive education initiatives reach all students who stand to benefit, regardless of their individual circumstances or characteristics. This approach promotes inclusivity and equity by focusing on broad demographic factors rather than specific disability types.</p>

# Supplementary question	CYDA's response
	<p>Ensuring an inclusive education for all students with disability, requires a whole system change approach. Inclusive education requires a fundamental transformation of educational practices, policies, and attitudes, rather than simply mainstreaming students with disability into existing systems. This transformation involves shifting from a deficit-based approach that focuses on students' limitations to a strengths-based approach that emphasises their abilities and potential. It also requires challenging and dismantling systemic barriers to inclusion, including ableist attitudes, beliefs, and structural inequalities that perpetuate discrimination and exclusion.</p> <p>By highlighting the need for transformational change in the NSW approach to inclusive education, you can underscore the importance of addressing root causes of exclusion and inequity, rather than merely implementing superficial changes. This perspective reinforces the NSW commitment to creating truly inclusive and equitable educational environments where all students can thrive.</p>
<p>1d</p> <p>How can children from the Deaf community be fully included in mainstream education while respecting and encouraging their bilingual language needs?</p>	<p><i>"The UN Convention on the Rights of Persons with Disabilities (UN CRPD) commits governments to recognising the importance of sign languages and promoting their use. The UN CRPD also entitles deaf people, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture. Being allowed to develop their cultural and linguistic identities – including in educational settings – is a key right of deaf children."</i>³</p> <p>In line with the principle of "nothing about us without us,"⁴ CYDA defers to Deaf Australia regarding education for Deaf children. This principle underscores the importance of involving individuals with disability in decisions that affect them directly, including those related to education. This collaboration seeks to advocate for policies and practices that prioritise the rights, needs, and aspirations of Deaf children within the broader context of inclusive education.</p>

³ 7 September 2016: WFD Position Paper on the Language Rights of Deaf Children
<https://wfdeaf.org/news/wfd-position-paper-language-rights-deaf-children/>

⁴ Charlton, J. I. (1998). *Nothing about us without us: Disability oppression and empowerment*. University of California Press.

Supplementary question

CYDA's response

From the Deaf Australia website:⁵

"The Deaf Community in Australia strongly believes that Deaf people have a right to quality education delivered through natural and accessible sign languages. However, this rarely happens. Too often, the focus of the education system is on teaching deaf children to speak, at the expense of their holistic education, and the role natural sign language could play in providing equity of access to both academic and social learning is mostly severely undervalued or ignored. This is exacerbated by a lack of deaf teaching staff to provide the insight of lived experience and, crucially, role models for deaf children.

The other fundamental issue is the principle of 'inclusive' education being mis-applied to deaf children. This principle assumes all disabled children will benefit from being educated in mainstream settings. This assumption is highly problematic for deaf children, for several reasons.

The main challenges deaf children face every day is access to information and communication in both the classroom and, crucially, the playground. When deaf children are split up into mainstream schools, this access is very difficult to deliver. The children often experience social isolation, and the scarce resources available for ensuring equitable communication access in the classroom, whether through Auslan interpreting or other means, are inefficiently divided across a multitude of locations trying to support individual deaf children. This means a deaf child might receive such communication support for only a small fraction of their schooling hours per week.

The education system for deaf people is complicated by variations across States and locations in policies, approaches, expertise, and resources. The accommodations, assessments, and support for deaf children are often dependent on the ability of individual teaching professionals to explore and modify pedagogic strategies to fit both the deaf child and the whole classroom/school.

⁵ Deaf Australia, AIDE Toolkit – 3.3 Education, <https://deafaustalia.org.au/aide-toolkit-home/3-3-education/>

# Supplementary question	CYDA's response
	<p><i>Deaf Australia is committed to advocate for reforms to the education system at all stages to achieve better outcomes for deaf children in both educational attainment and life-time well-being.”</i></p>
<p>2 In our inquiry we have heard evidence indicating that while people with disability overwhelmingly support inclusive education, parents and educators are more split on the issue. Why do you think this is?</p>	<p>Inclusive education, which aims to provide equitable opportunities for all students regardless of ability, has been a subject of debate among various stakeholders, including people with disability, families, educators, bureaucrats and politicians.</p> <p>Like any significant change program, ensuring an inclusive education system in NSW may invoke feelings:</p> <ul style="list-style-type: none"> - fear of change and the unknown - comfort with current state and perception of change as losing something - challenging people's sense of control - not understanding why the change is happening - perception of risks and threats <p>A culture of ableism, and other forms of discrimination, endure where individual and organisational discrimination goes unchallenged. For instance, segregated delivery of education perpetuates the belief that people with disability are not worthy of being accommodated alongside everyone else in the community, creating an 'othering' effect.</p> <p>Truly innovative and effective approaches to education and development need to begin with anti-ableism⁶.</p> <p>Barriers to inclusive education prevent children and young people who experience disability from learning and participating fully, with far-reaching and lifelong implications. Major barriers include negative attitudes and stigma around 'difference' and 'disability', inadequate education and professional development for teachers and specialist support staff, and systemic barriers, such as inadequate funding and support from education authorities. Underpinning these barriers is ongoing ableism.</p> <p>There continues to be considerable discussion of the potential of education to bring about social change, with</p>

⁶ See Cheri Byrne-Haber's (disability expert and activist) nine steps to being anti-ableist <https://sheribyrehaber.medium.com/are-you-ready-to-be-anti-ableist-in-2021-239103637949>

# Supplementary question	CYDA's response
	<p>emphasis placed on the importance of working with children, from an early age onwards, to break the cycle of entrenched ableism. However, if adults have not examined their own attitudes and practices, they are likely to perpetuate that cycle and ultimately prevent inclusive education being realised.</p>
<p>3 How do we bring parents, educators and the broader public on board with a planned transition to inclusive education?</p>	<p>'Special schools' and segregated settings are often described as necessary to support 'parent choice'. This idea of choice is a misnomer. If the local school is not prepared or equipped to provide and support a child to learn with their same age peers successfully and safely, then going to a special school is not a choice. It is a matter of compromise or, in some situations, coercion.</p> <p>Self-segregation or choosing to be apart from peers, occasionally results from long existing attitudes and systemic biases rather than a conscious preference for separation. Whether it is the option to home-school or work in low-paying Australian Disability Enterprises, the choice is valid only when it's born out of true preference and not forced due to systemic failures.</p> <p><i>"Choice is not the right term when you are asking me to choose between two things that do NOT deliver – isolating my child from our local community or a system that doesn't support her to learn. That's not a choice."</i> (Parent of child with disability aged 12, October 2023)</p> <p>Recognising the different roles of the NSW and the Australian Governments, there are a number of steps in an inclusive education roadmap to ensure inclusive education:</p> <ol style="list-style-type: none"> 1. Lead by example: Model inclusive practices at all levels of the education system, with leadership across NSW – government/department/unions/advocates and individual school administrators. Demonstrate a commitment to diversity, equity, and inclusion in both words and actions. 2. Address concerns: Acknowledge and address concerns that stakeholders may have about inclusive education, such as worries about decreased academic performance or disruptions in the classroom. Provide evidence-based information to alleviate these concerns and emphasise the importance of supporting all students.

# Supplementary question	CYDA's response
	<ol style="list-style-type: none"> 3. Student voice: Involve students and families in decision-making processes related to inclusive education. Solicit their input and feedback through avenues, such as parent-teacher associations or community forums. 4. Address barriers: Identify and address any barriers or challenges that may hinder the successful implementation of inclusive education. This could include issues related to funding, infrastructure, or attitudes towards disability and diversity. 5. Monitor and evaluate progress: Continuously monitor progress and outcomes related to inclusive education initiatives. Collect data, solicit feedback, make adjustments as needed, and share this information with all stakeholders, to ensure that the transition is successful and sustainable.
<p>4 Were NSW to establish an independent complaints mechanism for families to raise issues within a school, what should this look like?</p>	<p>If NSW were to establish an independent complaints mechanism for families and students, it should be designed to be accessible, transparent, impartial, and effective. CYDA would encourage the Committee to consider:</p> <ol style="list-style-type: none"> 1. Independence: The complaints mechanism should be independent of the education department and school authorities to ensure impartiality and avoid conflicts of interest. It could operate as a separate office or agency with its own staff and budget. 2. Accessibility: Families and students should have easy access to the complaint mechanism, with multiple channels for lodging complaints, such as online forms, phone hotlines, email, and in-person visits. Information about the complaints process should be available in Easy Read, Auslan and multiple languages to accommodate diverse needs. 3. Transparency: The complaints mechanism should have clear and transparent procedures for lodging, investigating, and resolving complaints. Families and students should be informed of the progress of their complaints and provided with updates on any actions taken. 4. Impartiality: Complaints should be handled by trained staff who are impartial and unbiased. The mechanism should ensure fair treatment for all parties involved and provide opportunities for both the complainant (students

# Supplementary question	CYDA's response
	<p>and families) and the school to present their perspectives.</p> <ol style="list-style-type: none"> 5. Timeliness: Complaints should be addressed promptly and efficiently to minimise disruption and ensure timely resolution. The mechanism could establish deadlines for each stage of the complaints process and prioritise urgent or high-priority cases. CYDA would be keen to provide input on those categories, so they prioritise student voice and needs. 6. Confidentiality: The complaints mechanism should respect the confidentiality of all parties involved and protect sensitive information. Confidentiality clauses could be included in agreements with complainants and school personnel to safeguard privacy, prioritising students and families. 7. Mediation and resolution: The mechanism could offer mediation services to facilitate constructive dialogue and negotiate mutually acceptable solutions between the parties involved. If mediation is unsuccessful, the mechanism should have the authority to conduct thorough investigations and recommend appropriate actions or remedies, prioritising students and families. 8. Accountability: The complaints mechanism should be accountable to the public and subject to regular review and evaluation, for example by the NSW Audit Office. It could collect feedback from complainants and stakeholders to identify areas for improvement and make necessary adjustments to its processes and procedures. 9. Professional development: Staff members responsible for handling complaints should receive comprehensive training on the CRPD, the social model of disability, conflict resolution, communication skills, disability pride, cultural sensitivity, and relevant laws and policies. Additionally, students and families could be provided with support and guidance throughout the complaints process, including individual advocate services.
<p>4a Would NSW benefit from establishing an office similar to Victoria's Independent Office for School Dispute Resolution?</p>	<p>Several differences between NSW and VIC could influence the establishment and operation of an office for school dispute resolution in NSW:</p> <ol style="list-style-type: none"> 1. Legal and governance structures: NSW and VIC have different legal frameworks and governance structures for

# Supplementary question	CYDA's response
	<p>education. Any new office in NSW would need to align with the state's existing laws, regulations, and administrative processes, which may differ from those in VIC.</p> <ol style="list-style-type: none"> 2. Education policies and practices: NSW and VIC have different education policies and practices, and leadership. These differences could affect the types of disputes that arise in schools and the strategies needed to resolve them effectively. 3. Geographic and demographic factors: NSW and VIC vary in terms of geography, population density, and demographic composition. These factors can influence the distribution of schools, the diversity of student populations, and the availability of resources for dispute resolution services. 4. Education department structures: The organisational structures of the education departments in NSW and VIC differ, more than likely impacting how disputes are managed and resolved at the administrative level. 5. Existing support services: Existing support services for school dispute resolution, may operate differently. Any new office in NSW would need to complement and integrate with these existing services to avoid duplication and ensure coherence. <p>It's essential to conduct a thorough assessment of the specific needs and context of NSW before deciding whether to establish an office similar to Victoria's Independent Office for School Dispute Resolution. Collaboration with stakeholders and careful consideration of the unique challenges and opportunities in NSW would be crucial to the success of any proposed initiative.</p>
<p>4b Should the NSW Ageing and Disability Commissioner be resourced to proactively act to prevent discrimination against children with disability in our education system and ensure all children have an equal opportunity to learn in our schools?</p>	<p>To ensure the effective resourcing of the NSW Ageing and Disability Commissioner for proactive action against discrimination in the education system, several changes may be necessary:</p> <ol style="list-style-type: none"> 1. Funding: Ensure sufficient financial resources are allocated to the Commissioner's office to carry out its duties effectively. This includes funding for staff, training, investigations, outreach programs, and other necessary expenses.

#	Supplementary question	CYDA's response
		<p>2. Staffing: Employ staff members with expertise in education, disability rights, and discrimination law to handle complaints and investigations related to discrimination in the education system effectively.</p> <p>3. Monitoring and evaluation: Implement mechanisms to monitor progress, evaluate the effectiveness of interventions, and gather data on discrimination in the education system to inform future policies and initiatives.</p> <p>Any change needs to better equip the NSW Ageing and Disability Commissioner, to proactively address discrimination in the education system and ensure that all children have equal opportunities to learn and thrive in schools.</p>
5	Which recommendations from the Disability Royal Commission does Children and Young People with Disability Australia support?	<p>Below see Table 1 CYDA Analysis - DRC Recommendations 6 & 7 – Education and Restrictive practices</p> <p>CYDA has been actively engaged in the work of the Disability Royal Commission (DRC), having made a total of 22 submissions to the DRC, and note that CYDA's work has been cited 34 times in the DRC final report.</p> <p>Our analysis of the DRC recommendations, for education, detailed in Table 1 below, draws from the contribution of a range of experts, including young people with disability, education academics and CYDA staff with lived experience and expertise.</p> <p>Although we support most recommendations outlined in the DRC final report, our analysis uncovers areas that raise concerns, therefore we have chosen to oppose some of the recommendations. We are particularly concerned by the commissioners' split decision on phasing out segregated settings, as we believe this creates division in the community and stalls progress toward a pathway of inclusion and a society that is genuinely inclusive of people with disability.</p> <p>Call to action</p> <p>CYDA calls for national and state and territory government action to ensure inclusive education and phase out segregated education via a reasonable timeframe including:</p>

1. Developing a National Inclusive Education Plan aligned to Australia's Disability Strategy with legislation to support inclusive education from early childhood education through to tertiary level education
2. Ensuring the National School Reform Agreement (NSRA) and Commonwealth funding model supports and incentivises inclusive education, by holding states and territories accountable to deliver the full inclusion of all students in mainstream school settings
3. Implementing an independent oversight body to ensure that all levels of education providers are meeting their statutory and legal obligations and complaints can be independently investigated, monitored, and resolved

CYDA believes the future for children and young people with disability should include:

- From birth or when disability is first identified, families are encouraged and supported to strive for inclusion in their local community, and to make early childhood education and care the first step of an inclusive education alongside their nondisabled peers
- Students learning alongside children and young people with disability understand that disability is something to be welcomed as part of our society
- The presence of language and cultural adjustments, along with supportive mentors, enabling students to access language and literacy through Auslan, Braille, or augmentative and alternative communication
- Students with disability are not seen as a problem, and all schools have the right funding, support, training, and cultures for inclusion
- The voice of students with disability is sought after by teachers, schools, and stakeholders, encouraged by families, and routinely included in school and education system feedback processes and evaluations
- Families, teachers, schools, and stakeholders have high expectations and believe all students can flourish with the adjustments that support

#	Supplementary question	CYDA's response
		<p>engagement, attendance, and participation, such as sensory supports and spaces</p> <p>Students leave their school education with options for education and employment knowing that society understands their value and there are pathways to an independent life</p>

Table 2 Response to supplementary question 5

CYDA Analysis - DRC Recommendations 6 & 7 – Education and Restrictive practices

DRC Recommendation #	CYDA's Recommendations to Government Action: Endorse/ Oppose/ Consider	Call for government to act
Volume 7, Part A: Inclusive Education		
Note: We intentionally focused our comments on prioritised areas of key concern within the CYDA community and have not addressed every DRC recommendation.		
Recommendation 7.1 Provide equal access to mainstream education and enrolment	Endorse	Ensure legal entitlements for enrolment and adjustments under the Disability Discrimination Act and Disability Standards for Education nationwide. Combat gatekeeping in education by including targets, reporting, and accountability in the National School Reform Agreement. Support dissemination of clear materials on school record-keeping & rights for students and families.
Recommendation 7.2 Prevent the inappropriate use of exclusionary discipline against students with disability	Endorse	Support the recommendation to review the inappropriate use and over representation of exclusionary discipline used against students with disability. All states and territories: Integrate measures in the next NSRA for national progress. Learn from South Australia's efforts to combat over representation of students with disabilities in suspensions and expulsions.
Recommendation 7.5 Careers guidance and transition support services	Consider	Appropriate guidance and support to further education or work need to start earlier than Year 9. Facilitate structures that foster confidence and independence that set students up for success in the workplace.
Recommendation 7.9 Data, evidence and building best practice	Endorse	Prioritise investment in national data collection across education that informs targets and outcomes for a range of intersecting priority equity cohorts, including correlation of enrolment, attendance and engagement information with input from children and young people to provide a clearer view of experiences in education settings.
Recommendation 7.11 Stronger oversight and enforcement of school duties	Endorse	While increased enforcement is beneficial, providing support for schools

DRC Recommendation #	CYDA's Recommendations to Government Action: Endorse/ Oppose/ Consider	Call for government to act
		to attain the desired outcomes is crucial. Combining enforcement and accountability measures represents positive progress.
Recommendation 7.12 (d) Improving funding	Endorse	Accountability and transparency for students and families to ensure the allocated funds for people/students with disability are being used appropriately.
Recommendation 7.13 National Roadmap to Inclusive Education	Endorse	Support the recommendation to implement a roadmap to inclusive education to ensure sustained momentum and a pathway to transform into an Inclusive Education model.
Recommendation 7.14 Phasing out and ending special/segreated education	Endorse, yet with a more ambitious timeline	Support Commissioners Bennett, Galbally, and McEwin's call for federal and state governments to acknowledge Article 24 of the CRPD and address its incompatibility with our current dual-track education system. CYDA advocates for prohibiting enrolments in segregated settings for children entering their first year of school starting in 2025.
Recommendation 7.15 An alternative approach Achieving inclusion and retaining choice	Oppose	Reject Recommendation 7.15. Segregation is not a choice 'Special schools' and segregated settings are often described as necessary to support 'parent choice'. This idea of choice is a misnomer. If the school is not prepared or equipped to provide and support a child to learn with their same age peers successfully and safely, then going to a special school is not a choice. It is a matter of compromise or, in some situations, coercion.
<p>Volume 6, Recommendation 6.35 Stronger Legal frameworks for the authorisation, review and oversight of restrictive practices.</p> <p>Note: We intentionally focused our comments on prioritised areas of key concern within the CYDA community and have not addressed every DRC recommendation.</p>		
Recommendation 6.35	Endorse, but go even further	Ensure that states and territories establish clear legal frameworks in disability, health, education, and justice settings, emphasising that restrictive practices are a last resort. They should only be used in response to a severe risk of harm, employing the least

DRC Recommendation #	CYDA's Recommendations to Government Action: Endorse/ Oppose/ Consider	Call for government to act
		<p>restrictive approach for the shortest duration possible.</p> <p>Australian Government to not only support the elimination of restrictive practices but also address the root causes by endorsing the Eight Point Action Plan outlined in A Pathway to Elimination Report (2023),⁷ which advocates ending legal authorisation for restrictive practices, deinstitutionalising and desegregating environments, and reforming service systems with a focus on trauma-informed approaches. Advocate for a shift in Australian societal attitudes towards the harm and discrimination caused by restrictive practices, particularly concerning children and young people with disabilities and their families.</p>
<p>Recommendation 6.36 Immediate action to provide that certain restrictive practices must not be used</p>	<p>Endorse</p>	<p>State and territory governments should immediately adopt the list of prohibited forms of restrictive practices agreed upon by the former Disability Reform Council in 2019 and ensure that the use of seclusion on children and young people is not permitted in disability service settings.</p>
<p>Recommendation 6.38 Strengthening the evidence base on reducing and eliminating restrictive practices</p>	<p>Endorse</p>	<p>National Disability Research Partnership should commission a longitudinal study of the impact of positive behaviour support and other strategies to reduce and eliminate restrictive practices. This work must be led by people with disability and include young people to ensure that the settings and strategies they experience every day are included.</p>
<p>Recommendation 6.40 Targets and performance indicators to drive the reduction and elimination of restrictive practices</p>	<p>Endorse</p>	<p>The Government to take leadership on eliminating restrictive practices in education settings via the next National School Reform Agreement including monitoring targets and performance indicators.</p>

⁷ [Research Report - Restrictive practices: A pathway to elimination \(The University of Melbourne University of Technology Sydney The University of Sydney\) \(2023\). Page 241](#)



Appendix B

Reports and resources

CYDA's work is rights-based and led by the direct experiences and diverse voices and visions of children and young people with disability across Australia. CYDA grounds its work in evidence and a human rights approach. Below is a list of resources and reports that provide further detail related to this letter and CYDA's responses to the supplementary questions.

1. CYDA supports the following positions in conjunction with this letter

- i. [Starting together, staying together](#): CYDA's position paper on ensuring inclusive education and phasing out segregated education
- ii. [Position Paper](#) on Segregation In 2020, CYDA and other disability rights and advocacy organisations endorsed a position paper⁸ titled '*Segregation of people with disability is discrimination and must end*', calling for action toward the goal of ending the segregation of people with disability in schools, housing, and workplaces.
- iii. The Australian Coalition for Inclusive Education's '[Driving change: A roadmap for achieving inclusive education in Australia](#)'
- iv. How to make education better - [Easy English version](#) of the ACIE Roadmap achieving inclusive education in Australia

2. CYDA's education surveys

CYDA has authored an overview of the education surveys in [Report: Disappointment and discrimination CYDA's surveys of the learning experiences of children and young people with disability in 2022 and 2023](#).

- v. Dickinson, H., Smith, C., Yates, S., Faulkner, A. (2022) *Taking the first step in an inclusive life – experiences of Australian early childhood education and care*. Report prepared for CYDA, Melbourne. [Full report](#) including PDF and plain text
- vi. Smith, C., Dickinson, H., Faulkner, A. (2023) *"I think the teachers need more help" Voices of experience from students with disability in Australia*. CYDA Youth Education Survey 2022. Report prepared for CYDA, Melbourne. [Full report](#) including PDF and plain text
- vii. Dickinson, H., Smith, C., Yates, S., Faulkner, A. (2023) *How deep does it go? Australian students with disability and their experience of entrenched inequity in education*. CYDA School Education Survey 2022, Report prepared for CYDA, Melbourne. [Full report](#) including PDF and plain text

⁸ [Position paper](#): *Segregation of people with disability is discrimination and must end* (2020)



3. CYDA's work on education

- viii. Cologon, K. (2019) [Towards inclusive education: A necessary process of transformation](#). Report written by Dr Kathy Cologon, Macquarie University for Children and Young People with Disability Australia (CYDA)
- ix. CYDA's [2024-25 Pre-Budget Submission](#): Charting an Inclusive Path
- x. [Submission](#) to the Australian Government on the Response to the Disability Royal Commission
- xi. Submission to the Disability Royal Commission, Education of children and young people with disability, [Submission 1](#)
- xii. Disability Royal Commission - [Response](#) to Restrictive Practices issues paper
- xiii. [Submission](#) to the Senate Inquiry into the national trend of school refusal
- xiv. Standing Committee on Employment, Education and Training, education in remote and complex environments, [Submission 1](#) and [Submission 2](#)
- xv. 2020 Review of the Disability Standards for Education 2005, [CYDA Submission](#)
- xvi. Sayers, M. (2022) Evidence, page 199, transcript of proceedings, Public Hearing 24, Wednesday, 8 June 2022, The Royal Commission Into Violence, Abuse, Neglect and Exploitation Of People With Disability
From <https://disability.royalcommission.gov.au/publications/transcript-day-3-public-hearing-24-canberra>

4. Further reading

- xvii. Hehir, Thomas. (2017) [A Summary of the Evidence on Inclusive Education](#) Alana Institute and Abt Associates
- xviii. Productivity Commission. (2022) Review of the National School Reform Agreement, Study Report, Canberra.
- xix. Mann, Glenys, Cuskelly, Monica, & Moni, Karen (2015) Choosing a school: parental decision-making when special schools are an option. *Disability and Society*, 30(9), pp. 1413-1427. From <https://eprints.qut.edu.au/129222/>
- xx. Kunc, N. & van der Klift, E. (2019) [Being Realistic Isn't Realistic: Collected essays on disability, identity, inclusion and innovation](#). Telwell Talent.
- xxi. Spivakovsky, C., Steele, L., & Wadiwel, D. (2023) [Restrictive Practices: A Pathway to Elimination](#). Disability Royal Commission
- xxii. Wadiwel, D., Spivakovsky, C., and Steele, L., (2022) [Complaint mechanisms: Reporting pathways for violence, abuse, neglect and exploitation](#), Disability Royal Commission