



Research on education of students with disability – Concerns with report commissioned by the Royal Commission into Violence Abuse, Neglect and Exploitation of People With Disability

Overview

All Means All has considered the research report “[Outcomes associated with ‘inclusive’, ‘segregated’ and ‘integrated’ settings for people with disability](#)” published by the Royal Commission into Violence, Abuse, Neglect and Exploitation (**Disability Royal Commission**) and produced by researchers from the University of Melbourne (**Outcomes Report**) as it relates to education of students with disability. In our view the Outcomes Report should not be relied upon to inform the development of policy in education of students with disability for the following reasons:

- **substantive methodological and other flaws**, including with its purported systematic review of research, that fundamentally undermine the reliability and relevance of its findings and recommendations;
- **failure to consider the historical context** and the use and impact on people with disability of segregation as a systemic practice; and
- **ethical and human rights concerns**, notably in relation to unaddressed bias and the failure to adopt a disability inclusive human rights-based approach to the production of disability research.

It is crucial to clarify from the outset that our intention is not to engage in criticism of anyone who is involved in the production of the Outcomes Report and we acknowledge their efforts. However, we feel compelled to bring attention to certain concerns we have identified and ensure that these concerns are understood, as we believe they may have adverse implications for students with disability and the realisation of their right to inclusive education. By raising these concerns, we also aim to contribute to the overall betterment of research practices in the area of disability and the mitigation of potential harm to people with disability from research that is not aligned with their human rights.

Concerns about the Outcomes Report and its approach

In March 2023 the Disability Royal Commission published the Outcomes Report on its website, which had been commissioned and funded under the Disability Royal Commission’s research program titled ‘A Flourishing Future: The Disability Royal Commission Research Agenda’. Section 5 of the Outcomes Report is titled ‘Education’ and purports to provide a systematic review of research in education focussing on ‘severe disability (although it is unclear how this was operationalised) to inform the Disability Royal Commission’s inquiry and recommendations.



Following the publication of the Outcomes Report, All Means All requested Dr. Robert Jackson PhD to consider and provide advice about the approach and findings in the Outcomes Report in relation to the education of students with disability. The request was prompted by a range of concerns from All Means All's stakeholders, including members of the SIPN and SINE Networks of families and inclusive educators, that involved, amongst others, concerns about the findings of the Outcomes Report appearing to be at odds with significant high-quality reviews of education research over many decades and with the way the research was scoped and framed.

Dr. Jackson, an academic expert in the area of inclusive education and disability, has provided his advice to All Means All in a report that can be downloaded [here](#). Dr. Jackson's report identifies substantive methodological issues with the Outcomes Report that fundamentally undermine the reliability and relevance of its findings and recommendations. For example, inappropriate search strategies for the 'systematic review' of research carried out by the authors appear to have resulted in the omission of a significant body of research including important high-quality reviews (e.g. the 2015 meta-analysis by Oh-Young and Filler) as well as the likelihood that data collected from some studies has been considered twice and may have distorted findings.

Dr. Jackson's report further identifies significant problems with the framing of the research, which neglects to consider the practice of segregation and its impact on people with disability through either a historical or a human rights lens and therefore 'de-centres' their voices and their long struggle for equality and inclusion.

In our view and for the reasons set out in Dr. Jackson's report and in this statement, the Outcomes Report, in relation to education at least, should not be relied upon to inform the work of the Disability Royal Commission or the development of policy on the education of students with disability.

More broadly, All Means All also urges researchers working in the area of disability and those who provide funding for production of disability research, including in education, to adopt a disability inclusive human rights-based approach, as recommended by the international Disability Human Rights Research Network (**DHRRN**) in accordance with its [Protocol for Rights-based Disability Research in all Fields](#) and the CBM-Nossal Partnership for Disability-inclusive Development and Research for Development Impact Network in accordance with its [Research for all: Making Development Research Inclusive of People with Disabilities](#).

The potential for disability research to cause harm

As Dr. Jackson notes in his report, few groups have experienced the extreme oppression at the hands of 'experts' that people with disability have experienced over history. In the context of academic research, it is important to acknowledge that some of the practices that persist in the academic world have not only permitted



human rights violations, but have also enabled a veil of apparent academic credibility to be provided to perspectives and positions that are contrary to human rights.

In our view, academics who participate in research that is contrary to the rights of people with disability must be sensitive to being seen to be complicit in the violation of those rights.

The UN Convention on the Rights of Persons With Disabilities (**CRPD**), which was negotiated with the substantive participation of people with disability and is considered to be the most authoritative global statement of their human rights, should underpin all research produced in relation to people with disability.

In the area of education, we are aware that knowledge and understanding of the CRPD and the rights and standards it embodies [has been shown to be limited](#) among academics and researchers, many of whom continue to produce research that is not disability inclusive or rights-based and which has the potential to significantly damage the future of inclusion for students with disability and the realisation of their right to education. We acknowledge however that an increasing number of academics and researchers in education are aligning their research with the CRPD and other relevant human rights instruments and we welcome this shift.

While the Outcomes Report utilises human rights terminology and references the CRPD it does not adopt a human rights-based approach. As noted by the DHRRN in its Protocol, research that 'conflicts with, undermines or contradicts the Convention on the Rights of Persons with Disabilities, even if it is claimed to be 'rights-based' is not human rights-based research.

Not only are the approach and recommendations in the Outcomes Report not aligned with the requirements or the goals of the CRPD under Articles 5 and 24, in some instances the Outcomes Report appears to go so far as to criticise the CRPD and some of its cornerstone concepts as 'simplistic' (p.3) and to suggest that it 'contains an oversimplified dichotomy' (p.91) that results in the characterisation of 'segregation' as a discriminatory practice that is incompatible with 'inclusion'. At the same time, the Outcomes Report also seems to assert that the CRPD 'does not appear to rule out separate settings when deemed appropriate', despite acknowledging the clear position in General Comment No.4 in relation to segregation (see 5.2.1.3, p 89). Unfortunately, assertions of this nature are deeply misguided and fail to grasp that the status of segregation on the basis of disability as a human rights issue flows from the application of the standards of equality and non-discrimination in international human rights law to the situation of people with disability, which are embodied in Articles 5 and 24 of the CRPD.

General Comment No.4 (Right to Inclusive Education) and General Comment No.6 (Equality and Non-Discrimination) provide guidance from the United Nations Committee on the Rights of Persons With Disabilities about the meaning of Articles 24 and 5 and the status of segregation in education as a form of discrimination that is



not compatible with the human right to inclusive education. The issue was also examined at length in the [comprehensive advice](#) on Article 24 of the CRPD and General Comment No.4 prepared by international human rights law expert Professor Andrew Byrnes for the Disability Royal Commission and published on its website on 24 June 2022 and which is consistent with All Means All's own submission to the Disability Royal Commission in respect of this matter, and the 2020 Position Paper '[Segregation of People With Disability is Discrimination and Must End](#)' released by the peak national cross-disability representative organisations and endorsed by more than 50 non-government organisations. The status of segregation on the basis of disability, including in education, was also discussed by the two United Nations representatives who gave evidence to the Disability Royal Commission, the Special Rapporteurs on the Rights of Persons With Disabilities, Catalina Devandas Aguilar and Professor Gerard Quinn. Both made it clear that segregation is at the core of the CRPD, which requires governments to shift their policies away from segregation in order to achieve inclusion.

Disability inclusive rights-based research adopts human rights as the starting point and its approach to research questions is underpinned by *how* human rights can be achieved. In contrast to this, the Outcomes Report concerns itself with the respective merits of 'segregation' and 'inclusion' or 'integration' and asserts the 'need to move beyond simplistic notions of physical location or dichotomies of inclusion vs segregation' (p.3) and adopts instead 'multi-dimensional typologies' (a concept that appears to be a more contemporary expression of the pre-CRPD 'continuum of supports' concept) which, by implication, could include segregation on the basis of disability. In doing this, the authors would seem to have positioned themselves, in spite of the applicable human rights norms, as arbiters of whether or not segregation is a legitimate practice for some people with disability, while failing to interrogate the practice of segregation in any meaningful way or to provide robust evidence in its favour. Indeed, as noted by Dr. Jackson, the starting point for the Outcomes Report appears to be the assumption that segregation is beneficial and that until a threshold for research evidence on outcomes for inclusion is met, segregation is justified. This in itself is highly problematic not only as an issue of research methodology and unaddressed bias, but also because it raises significant ethical concerns as an approach that seeks to make the realisation of the human rights of people with disability conditional on positive research outcomes.

We are disappointed that the Outcomes Report has been funded and published by the Disability Royal Commission, not only because of its significant flaws, but also because it represents a missed opportunity to fund and support disability inclusive rights-based research to actually *improve* outcomes for disabled people. We do not see value in more research into the respective merits of education models that do not meet CRPD standards; the value is in research on *how* we can ensure that education systems are transformed to ensure those standards are met for all children and young people with disability in all schools, so that they too can realise their fundamental right to inclusive education. *How* do we ensure that inclusive social and academic supports are able to be delivered in every class? *How* do we successfully



transition out of the current predominant 'integration' and 'segregation' models that comprise our existing 'dual path' system, into a system where, as a baseline standard, every school is a universally accessible, quality and inclusive school? *How* can we ensure that funding is allocated and used effectively to ensure an inclusive education system? *How* do we stamp out ableism and build inclusive school cultures that foster mutual respect and connection among diverse student populations? *How* do we promote among all stakeholders the understanding and recognition of the equal rights of students with disability to access education in regular classrooms?

The CRPD and General Comment No.4 make the goal of inclusion clear but disability inclusive rights-based research has a role to play in *how* we achieve that goal. The [ACIE Roadmap](#) is an attempt to identify the outcomes that need to occur to achieve that goal, stepped out over the next 10 years. The Outcomes Report not only fails to make a contribution that may be of value in working towards the goal of inclusive education, it has the flaws to undermine its achievement.

We agree with Dr. Jackson's conclusion that the Outcomes Report is deeply problematic. If its findings and recommendations were to be relied upon, 'it is difficult to see anything of significance changing for people with disability, who continue to experience poor rates of school completion, postschool study, and employment, as well as of poverty and community participation.'

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