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Anatomy of policy failure? Implications of the Australian Disability Royal Commission Inquiry for inclusive education

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ABSTRACT

Delivering inclusive education for students with a disability is an important element in educational policy globally, driven by legal commitment by nations to Article 24 of the Convention on the Rights of Persons with Disability [CRPD]. The United Nations (UN) has voiced concern over inaction by government in many countries on implementing the CRPD and specifically, about poor progress towards inclusive education in Australia. This article investigates the likely failure of the recent Disability Royal Commission Inquiry ('Inquiry') to change the policy landscape in Australia and address systemic human rights violations often affecting children and young people with disability in school. Two distinct approaches, traditional and interpretative, existing within the broad method known as policy analysis are applied to the course of the Inquiry. Of these, interpretative policy analysis proved to have the strongest explanatory power, indicating that the Inquiry underwent a 'representation shift', moving from an initial focus on voices of excluded young people to an instrumental focus on the future of special schools. Implications for applying policy analysis in future research are highlighted, together with what the probable failure of the Inquiry indicates about the future of inclusive education in Australia and internationally.

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Introduction

Implementation of Article 24 of the Convention on the Rights of Persons with Disability (CRPD) has been identified by the United Nations (CRPD) as vital for ensuring that children and young people with a disability can succeed in school (UNICEF 2017). Government in Australia, at all levels, has made numerous public policy commitments to full implementation of the CRPD in developing inclusive education, despite evidence of a lack of the necessary structural change in education that this commitment entails (Lassig et al. 2024). Researchers have noted the 'puzzle of responsibility' impeding the policy reforms necessary to advance educational inclusion in Australia (Boyle and Anderson 2020). Educational policies favouring educational exclusion, rather than inclusion, have been suggested as a reason for limited progress in advancing the CRPD,

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evidenced by rising human rights violations among students with a disability in Australia (Armstrong and Armstrong 2022).

The Disability Royal Commission Inquiry into Violence, Abuse, Neglect and Exploitation of People with Disability ('Inquiry') [DRC] was established in Australia in 2019 against this policy background and in response to 'community concern' in Australia about failure to prevent human rights violations affecting individuals with a disability, particularly children and young people in school. Public hearings devoted to education in the Inquiry featured harrowing, first-hand, evidence of discrimination, exclusion, maltreatment, and abuse in school faced by students with a disability (2023, 154). Evidence of systemic, illegal discrimination towards those with a disability by professionals, lack of funding and 'persistent negative attitudes towards students with disability and low expectations of their capabilities were a consistent theme in evidence gathered by the Royal Commission' (155).

This article explores the likely impacts of this Inquiry and implications of the inquiry for the future of inclusive education in Australia, especially considering the recent 'lukewarm' formal response to its recommendations by the Australian Federal Government (Roy et al. 2024). The method described as 'policy analysis' is applied to consider the establishment and course on the Inquiry (Colebatch 2020). As policy analysis is a broad collective term, this article applies the sub-types of 'mainstream' and 'interpretive' sub-types, both of which are rooted in different theoretical traditions (Browne et al. 2019, 1038). The Discussion and Conclusion sections of this article detail how interpretative policy analysis proved to have optimal explanatory power when applied to the Inquiry. Implications of this finding for future research in educational policy utilising policy analysis are highlighted and, also, in terms of advancing understanding of why the Inquiry was probably a failed 'policy event'.

Context and reasons for a lack of inclusion for students with a disability

Knowledge of the education system in Australia is necessary for understanding the context of 'exclusionary practices' (Done, Knowler, and Armstrong 2021) adversely impacting students with a disability and which underpinned the establishment of the Inquiry. Australia has a structurally complex education system, which differs considerably across states and territories (Anderson and Boyle 2019). A review of Australian schools by Gonski critically described the education system as unnecessarily complex in its structure and associated complex funding arrangements (Gonski 2011). The relational terms 'mainstream' (i.e. non-specialist schools) and 'special schools' (exclusively for students with a disability) are widely used in the education school system (Martin et al. 2021). Placing students with a disability in a mainstream school, wherever possible, has been a key goal of education policy promoting educational inclusion in Australia (Lassig et al. 2024).

Australia has three school sectors, namely government (also called 'public' or 'state'), Catholic and independent (ACARA 2023). The government sector is the largest of the three Australian school sectors. The most recent report (2023) by The Australian Curriculum and Assessment Reporting Authority (ACARA), titled the *National Report on Schooling in Australia*, highlights that, 'Of the total number of schools in Australia,

69.7% were administered by state and territory governments, 18.3% identified as having Catholic affiliation, and 12.0% were classified as independent’.

ACARA further reports that most special schools (65.4%) in Australia are classified as government schools, but this document points to significant geographic variation in distribution of special schools by sector (government, Catholic or independent), commenting, ‘in some states and territories, there are government and non-government special schools for students with disability or additional support needs. In other states and territories, most students with additional support needs are enrolled in mainstream classes’ (ACARA 2023, 3). Whether mainstream school equates to a government school is unclear in this 2023 data summary by ACARA. On this question, the most recent data (2018) gathered by the Australian Institute of Health and Welfare clarifies, stating that ‘89% school students aged ;5–18 ;with disability went to a mainstream school and 12% went to a special school’ (AIHW 2024).

The data presented immediately above, although not conclusive, suggests that a student with a disability in Australia, is currently most likely to attend a government school whether it is classified as mainstream or as special. Publicly available data also indicates that, initially at least, a student will most probably be placed in a mainstream setting. This conclusion is supported by research (de Bruin 2022; Lassig et al. 2024).

Australia’s special school sector is politically well supported (de Bruin 2022), and expanding, particularly in states such as Queensland (Armstrong and Armstrong 2022). ‘Parental choice’ is often used to rationalise the continued existence of special schools (Satherley and Norwich 2022). Choice has been identified by researchers as an expression of a wider ideological commitment by successive Australian Federal governments to the operation of market forces within the Australian school system (Lingard 2020). Additional costs for a student’s support are, however, not borne equally across sectors in the Australian school system, falling primarily on government schools (Lassig et al. 2024). In response to funding inequity, Gonski (2011, 184) recommended that financial ‘loading’ for students with disability ‘should be fully publicly funded as an entitlement, irrespective of the type of school the student attends’ and necessary for schools to meet minimum legal obligations under the Disability Discrimination Act (1992), together with advancing inclusive education in Australia. To date this recommendation has not been implemented.

The UN has been clear that a key characteristic of an inclusive school system is where ‘all children attend the same local school’ (UNICEF 2017, 1), implying a unitary school system without, as in the case in Australia, structural divisions serving specific populations (de Bruin 2022). Critics of special schools have described them as settings that segregate students with a disability within the school system, arguing that they perpetuate discrimination and social exclusion (Graham, Sweller, and Van Bergen 2010; Lassig et al. 2024). In support of criticisms, studies have identified a culture of low expectations held by teachers in many special schools, arguing that this is a likely byproduct of their structural role with segregated systems (Lassig et al. 2024). A recent article referencing the Inquiry and this claim has counter-argued that diversity and parental choice are required to meet the specific needs of students with a disability, particularly individuals with higher levels of need, for example, students with profound and multiple learning difficulties (PMLD) (Cumming, Jolly, and Saint-James 2024).

What follows in this article, details how the Inquiry was shaped by, and responded to, the above national Australian context and discussion about the education of placement for students with a disability: specifically, the ‘debate about end of special schools’ which arose with the release of the Inquiry Final Report in 2023.

Readers should be aware that the type of school setting attended by a student with a disability is not, however, the whole picture when considering the apparent lack of inclusion for many students with a disability (Armstrong and Armstrong 2022). Chambers and Forlin (2021, 119), capture these deeper, less obvious, dynamics at play in their review of the progress of inclusion in Western Australia, commenting: In reality, the range of educational placement options available continue to be the same as in the 1970s, although placement selection is now reversed. While initially movement was from segregated facilities into integrated ones, it is now from inclusive settings into more segregated ones. They add: ‘The names of the schools are less stigmatising and school sites expect to cater for considerably more diverse student populations, but it remains that for children with the most challenging needs, education for them is with a specialist teacher in a separate classroom.’

The ‘movement’ identified by Chambers and Forlin (2021) arguably represents a systemic failure of educational inclusion within mainstream schools since 2016, and a reverse of progress toward policy commitments to Article 24 of the Convention on the Rights of Persons with Disability [CRPD] (UN 2016). Emerging research has started to examine the underpinning features of this apparent failure including: pre-emptive ‘gate-keeping practices’ by schools designed to dissuade parents from sending their child to a mainstream school in the first place (Lassig et al. 2024); failures in the educational progress of students with a disability in many under-resourced public, mainstream schools (Duncan et al. 2020; Lilley 2015); low expectations by some teachers in mainstream schools toward students with a disability (Woodcock and Faith 2021) and; tokenistic mainstream placement without attention to a child’s social, as well as academic needs, leading to their social isolation (Armstrong 2018).

Problematic behaviour by a student with a disability is often a reason cited by teachers for moving that student from mainstream setting to a special school (Armstrong, 2021; Chambers and Forlin, 2). A recent literature review of this topic by Rudolph et al. (2025) notes the over-representation of students with a disability in official data about ‘exclusionary school discipline’ defined as ‘detentions, suspensions, expulsions and office referrals has become a significant concern’ noting that it has emerged in ‘recent decades’ as a persistent ‘societal concern’ in Australia. Rudolph et al. (2025, 1515) suggest that a ‘body of research’ is emerging in response to this concern, summarising that the ‘Disability and exclusion literature discussed here describe how limitations in policy, resources, and teacher and leader practice result in exclusion and segregation for disabled students.’

Public inquiries over the last decade (Done, Knowler, and Armstrong 2021) have highlighted illegal and unethical practices used by some teachers in response to problem behaviour by students with a disability across all sectors of the school education system, including the use of physical restraint, seclusion (where a student is physically isolated) and disproportionate punishments (detention or withdrawal of privileges, such as loss of a place on a school excursion) (Done, Knowler, and Armstrong 2021). Over this period, school leaders and disability advocacy groups in Australia have increasingly reporting

what appear to be systemic human-rights abuses of students with a disability (Armstrong 2018; CoRPD 2019) which breach the nationally adopted Disability Discrimination Act (1992), adding to this growing sense of crisis about current educational provision for students with a disability in Australian schools (Boyle and Anderson 2020).

Movement from mainstream placement to more segregated facilities for students with a disability, often accompanied by exclusionary school discipline, including the use of physical restraint and/or seclusion as punishment, shaped the Inquiry's focus and course. This dynamic is further discussed in a later section of this article called 'The establishment of the DRC in 2019'.

Background: the Royal Commission as an accountability measure for government

Royal commissions constitute a major public inquiry into a defined societal issue, which has elicited concern in the public domain (House of Lords 2020). Countries where monarchy plays a political role, including the UK, New Zealand, Canada, and Saudi Arabia, as well as Australia, have initiated royal commissions over the last 50 years. The Royal Commissions Act (1902), passed by the Parliament of Australia in 1902, constitutes the legal framework for the 140 commissions established in Australia (Dreyfus 2023). A legal document called a 'letters patent' is a legal instrument which, through the reigning monarch, authorises the establishment of a Royal Commission (Royal Commissions 2024). In Australia, royal authority represented via the Governor General of the Commonwealth of Australia on the advice of the Federal Executive Council with authority given outside of Parliament (Parliament of Australia 2003).

The royal commission format has been described 'as an important accountability measure by governments' with 'an enduring place in Australia's public landscape' (Dreyfus 2023). In contrast to this positive evaluation, the use of royal commissions to 'solve a political crisis' arising from complex societal problems affecting policy has faced increasing criticism in the Australian media (Burton 2021). One important structural feature of the authority of royal commissions is that they have quasi-judicial (legal) powers, with the legal power to compel witnesses to attend public hearing and in the supply of requested written documents ('evidence') (Royal Commissions 2024).

Methodology

An initial background, search and review of literature about the broad topic of the implementation of inclusive educational policy in Australia over the last decade were undertaken when planning research, before selecting methodology – a practice recommended by Cohen, Manion, and Morrison (2017, 51). This initial literature review, detailed in the earlier section of this article: 'Context and reasons for a lack of inclusion for students with a disability'; indicated the complexity and contradictions inherent in the implementation of policy promoting inclusive education and forms the background to the Inquiry under investigation. Further supplementary reading on contemporary education policy in Australia (Armstrong and Armstrong 2022; Lingard 2018) and, more broadly, on public policy research (Colebatch 2020) suggested the varied epistemological perspectives available to advance understanding of the Inquiry as a 'policy event'. Ball

(2015, 311), with reference to theory by Michel Foucault about the limiting function of discourse, advocates attention by critical policy researchers to the deeper ‘rules’ and when thinking about policy discourses as forms ‘which constrains and enables, writing, speaking, and thinking’ and recommends against limiting ‘our ambition’ and the concomitant urge to ‘stay on the surface of things, taking policy at face value and re-inscribing its claims to coherence in our analyses.’

Method

Policy analysis was chosen as the method for research detailed. Policy analysis has emerged as a distinct but accommodating method within the social sciences and as part of a desire for greater critical engagement with public policy by researchers, emerging from the late 1960s out of what was previously ‘systems analysis’ (Colebatch 2018, 365). Critical accounts of Australian educational policy have emerged within this broad agenda for greater critical engagement with policy, offering sophisticated analysis of the impacts of ‘flagship’ policies such as The National Assessment Program – Literacy and Numeracy (NAPLAN), and often driven by a critical concern for potential negative impacts on policies on social equity (Lingard 2018). Researchers have applied the theory from the interpretivism paradigm of policy analysis to the educational exclusion of students with a disability (Armstrong and Armstrong 2022) – of direct relevance to the stated purpose of the Inquiry (DRC 2019).

The increasing maturity of policy analysis leads to options for their application as a method to analyse the social and political conditions leading to the establishment of the Inquiry examined in this article. Browne et al. (2019, 1033) acknowledges that policy analysis is a diverse method but that three main orientations can nonetheless be detected, consisting of ‘traditional, mainstream and interpretive’. In deciding which orientation to adopt, traditional policy analysis orientation was discounted early because of its focus on ‘subjective indicators’ in addressing policy problems (Noll 2013) and which did not seem appropriate when analysing the complex, highly contested topics addressed by the Inquiry.

Browne et al. (2019, 1035) suggests, following earlier scholarship by Davis, Kulick, and Egner (2005), that:

The mainstream orientation embodies studies of agenda-setting, policy processes, policy networks and governance, in which policy is not conceptualized as a comprehensively rational, linear process but broadly seen as ‘the interaction of values, interests and resources guided through institutions and mediated through politics’.

Browne et al. (2019, 2038) define interpretative policy analysis as focussed ‘on problem representation, and on how the framing of the policy problems shapes the array of possible policy responses’. In their bibliometric study, Yang et al. (2023, 2) concur, commenting that ‘This orientation is focused on interpreting how policy problems can be defined or constructed and how the problem framing shapes the possible policy responses.’

Browne et al. (2019) highlight that Bacchi’s ‘what the problem represented to be’ (WPR) method is an important example of this focus on representation and invites critical, step-by-step, interrogation of whom is defining the problem for policy and for

what (often implicit) purpose (Bacchi 2012, 2016, 2020). WPR is a model, which applies the theory of discourse analysis and follows the general characterisation of models, suggested by Fried (2020, 336), as ‘instantiations of theories, narrower in scope and often more concrete, commonly applied to a particular aspect of a given theory, providing a more local description or understanding of a phenomenon.’

Armstrong and Armstrong (2022) apply the WPR method to educational trends in schools as driven by policy initiatives designed to ‘solve’ issues framed as apparent problems for educational practice by politicians, educational think-tanks or the media. Beyond the discipline of education, WPR has achieved widespread use in studies interrogating public policy (Yang et al. 2023). WPR has been ‘developing since the 1990s (1999) as a model and has its theoretical foundations in poststructuralism, feminism, social constructionism and Foucault’s notion of governmentality’ (Riemann 2023, 151) but is operationalised, in its method, according to Bacchi and Bonham (2014) via the use of discourse analysis as developed by Fairclough (2013) and in terms of attention to the operation of discourses which govern what can be written or said about topics warranting the attention of public policy (Ball 2015). Defining ‘the problem’ for policy action to address is part of discursive governance (Bacchi 2020).

Grey Literature

The Inquiry produced a diverse number of texts, including media releases about the Inquiry’s progress available on its dedicated website (DRC 2019); final report and interim reports (DRC, 7 2023; DRC 2020); and a response by the Federal Government (Australian Government 2024). The Inquiry also generated extensive commentary reported in the Australian media involving, national broadcasters such as ABC and SBS, print electronic media such as the *Sydney Morning Herald* and *The Conversation* (Australia and New Zealand). Collectively, texts by the Inquiry (including those hosted by its dedicated website) can be classified as ‘grey literature’ consisting of ‘committee reports, government reports’ and website text related to these (Paez 2017, 233). Articles published in *the Conversation*, arguably, can be classified as grey literature since this term is typically taken to encompass non-peer reviewed but research informed texts (Paez 2017). Texts relating to news media coverage of an issue, in this case the Inquiry, are commonly classified as ‘journalistic writing’ (Wodak and Busch 2004, 105).

Texts chosen for analysis

Texts for potential analysis were chosen using the following inclusion criteria:

- (1) The text or document (i.e. Final Report) was published on the public, official, website for the Inquiry. (<https://disability.royalcommission.gov.au/>).
- (2) The text or document was published in an Australian print (or electronic) media outlet from January 2019-December 2023. This search parameter covered the period immediately preceding the establishment of the Inquiry in 2019 and after its Final Report in October 2023. The specialist news database, Factiva, was used to identify texts (journalistic writing) reporting on the Inquiry, using the search terms ‘Disability Royal Commission’ ‘Australia’ and variants: ‘DRC’ and ‘Royal

Commission on Disability’. Results were screened to ensure relevance and avoid duplication. Social media commentary about the Inquiry was not included in this search due to pragmatic constraints.

The specialist news database Factiva, which describes itself as ‘a business intelligence platform that includes content from 33,000 news, data and information sources from 200 countries and 32 languages. The platform contains millions of corporate profiles, as well as research tools to analyse media coverage’ (Factiva 2024). For clarity, a deliberate decision was made to evaluate data (grey literature on the Inquiry website and media texts) using the method suggested by ‘mainstream’ and ‘interpretative’ policy analysis and as outlined by Browne et al. (2019).

Applying the WPR model in this study involved interrogating texts captured (data) by asking the following six questions detailed in the WPR model (Bacchi 2012, 21), focussing on the establishment and course of the Inquiry:

What’s the ‘problem’ represented to be in a specific policy or policy proposal? 2. What presuppositions or assumptions underpin this representation of the ‘problem’? 3. How has this representation of the ‘problem’ come about? 4. What is left unproblematic in this problem representation? Where are the silences? Can the ‘problem’ be thought about differently? 5. What effects are produced by this representation of the ‘problem’? 6. How/where has this representation of the ‘problem’ been produced, disseminated and defended?

In retrospect, a systematic, theory based, method enabling granular textual analysis could also have been used, as noted in the limitations section at the end of this article.

Research questions

The methodology adopted, and method detailed above generated the following research questions:

1. How can policy analysis advance understanding of likely reasons for the Inquiry’s establishment and its course?
 - 1b: does a mainstream or an interpretative policy analysis method optimally (‘best fit’) explain the Inquiry’s establishment and course?
2. What are the possible implications of the Inquiry for advancing educational inclusion in Australia in light of 1b?

Factors leading to the establishment of the Inquiry in April 2019 are now analysed using the mainstream policy orientation originally set out by Davis, Kulick, and Egner (2005) above and later discussed by Browne et al. (2019).

A perfect storm of factors driving policy action in 2019: a mainstream policy analysis of conditions leading to the establishment of the inquiry

Potential reform of policies relating to the provision of public educational services for children and young people are referenced in the letters patent, which legally established the Inquiry in 2019 (DRC 2019). This key element of the inquiry’s scope is also

referenced in website established in 2019 to inform the public about its purpose. It highlighted serious concerns about the implementation of educational inclusion in Australia, which have been raised to policymakers as part of their educational agenda since national legal commitment was made to an inclusive education school system in 2006 as part of Article 24 contained in the Convention on the Rights of Persons with Disabilities (UN 2016). Calls for reform of educational policy referencing educational inclusion have been detailed by researchers, public inquiries at state level, and by practitioners in the Australian education system (Boyle and Anderson 2020; de Bruin 2019). These drivers for the establishment of the Inquiry are consistent with the ‘agenda setting’ policy process envisaged within mainstream policy analysis: the establishment of the Inquiry in 2019, through this lens, can be viewed as the outcome of interaction of values, interests and resources, guided through the institution of the royal commission format.

The terms ‘violence’ ‘abuse’ and ‘neglect’ specify in the title of the inquiry signify these foci in its policy agenda. Societal momentum for its establishment in 2019, however, had to be guided through Australia’s institutions for governance and mediated through politics in Parliament House, in Australia’s political capital, Canberra. Indeed, this political dimension of policy evolution is explicitly envisaged by mainstream policy analysis (Browne et al. 2019, 1033).

In this politically complex, contested institutional space, the Inquiry faced political hurdles to its establishment, despite, as highlighted immediately above, accelerating societal momentum from 2015 for a national inquiry, of some sort, into discrimination, maltreatment and exclusion facing students with a disability. Under the Australian Constitution, states, and territories, are directly responsible, for providing education, with funding and ‘high level’ governance provided by federal government (Savage, Di Gregorio, and Lingard 2022). This dual constitutional arrangement on responsibility for the delivery of education has proven to be a structural impediment to advancing educational inclusion (Anderson and Boyle 2019). Delay and prevarication are common problems noted by research investigating how educational inclusion has been implemented in Australian schools (de Bruin 2019).

In early 2019, the then Australian Prime Minister, Scott Morrison, approved the establishment of the Inquiry but stipulated that states and territories had to agree before it could commence (Karp 2019). This delaying tactic failed, however, due to its problematic political optic for states and territories, as noted by Senator Jordon Steele-John, a persistent advocate of the rights of persons with a disability, who pointedly commented ‘Which state premier, or minister would oppose this now? Nobody’s going to oppose this’ (Karp 2019). On 5 April 2019, the Prime Minister, the Hon Scott Morrison MP, and Minister for Families and Social Services, the Hon Paul Fletcher MP, finally announced the establishment of the Royal Commission into ‘Violence, Abuse, Neglect and Exploitation of People with Disability’ (Australian Government Department of Social Services 2019).

In a mainstream policy analysis orientation, the establishment of the DRC can be seen as an outcome of societal momentum and political manoeuvring by policy actors in April 2019 as societal momentum for change is mediated, in a non-linear way, by Australian governmental institutions and party politics. This mainstream account of ‘conditions’ accords to what the sociologist of change, Frank Geels, describes as favourable structural

contexts for triggering systemic change in policy or disruption to existing policy agendas (Geels 2022, 187). The unfavourable political optic ('framing') which overcame delaying tactics by Federal Government, however, challenges this interpretation because it points toward the key role which problem representation played in driving the establishment of the Inquiry and support interpretative policy analysis.

Damage containment and minimisation: an interpretative policy analysis of conditions leading to the establishment of the DRC

Within an interpretive policy analysis orientation, the establishment of the Inquiry in 2019 could be viewed as a pre-emptive action by governing institutions, intended for political containment of 'the problem' by limiting the political damage caused by societal momentum for substantive societal change to address exclusion, discrimination, and human rights abuses (violence, abuse, and neglect) facing individuals with a disability. This 'damage and limitation' interpretation of why the Inquiry was (eventually, grudgingly) established is supported by comments contained in a highly critical report about Australia by the UN Committee on the Rights of Persons with Disabilities, published in October 2019 (CoRPD 2019). The CoRPD (CoRPD 2019, 1) noted the establishment of the Inquiry in April but highlighted the gravity of the human rights abuses facing children with a disability in education and was critical of 'The lack of resources and redress mechanisms available to the Royal Commission into Violence, Abuse, Neglect and Exploitation of Persons with Disabilities'. This analysis implies doubt, from the Committee's perspective, regarding the capacity of the Inquiry to address the human rights abuses, which led to its establishment. This critical interpretation by the CoRPD is supported by subsequent events.

As noted early in this article, the Inquiry was originally scheduled to complete its deliberations and report in April 2022 (DRC 2019). The 2020 Interim Report, released in October 2020, requested an 'urgent' extension to the inquiry based on the scale of the inquiry and disruptions caused by the COVID-19 pandemic (DRC 2020). This request was followed by a 7-month delay until the public announcement of an extension for the Inquiry schedule until 2023 and as per the original request from the DRC Chair, Mr Sackville (DRC 2020, DRC May 2021).

An investigative article by Australian news outlet SBS, dated June 2021, reveals the political dimensions of this delay, citing previously confidential correspondence between Commission Chair, Hon. Sackville and the Acting Attorney-General at that time, Michaelia Cash (Cash) and which was accessed using using Freedom of information (FOI) legislation (Truu 2021). Detail contained in this news report supports a 'damage and limitation' interpretation of the Inquiry's purpose, derived from interpretative policy analysis. The article highlights that 'the Government initially rejected the disability royal commission's request for 17-month extension' highlighting that Cash questioned the modus operandi of the Commission, commenting 'I encourage you to consider whether the most efficient mix of public hearings and other ways to gather information is in place to fulfil the terms of reference' (Truu 2021). In response Hon. Sackville argues that refusing a time extension would damage the credibility of the Inquiry, arguing 'The outcome of such a truncated investigation would satisfy no one, least of all people with disability or advocacy groups who fought for the establishment of the Royal Commission

and are heavily invested in its success' (Truu 2021). Cash subsequently granting the full-time extension requested by the Commission (DRC 2021). In public response, Hon Sackville, however, pointedly referring to the reputational 'minimum' met by the extension granted and 'which meant it is now possible for the commission to 'discharge its considerable responsibilities to a standard that informed observers would regard as acceptable' (Brancatisano 2021). The implication of this comment is that a non-cooperative attitude by Federal Government toward the Inquiry risks damage to public perception of its credibility and trustworthiness.

Public reception: What's the problem represented to be? The end of special schools!

The 12-volume Inquiry Final Report was publicly released on 29 September 2024, making '222 recommendations on how 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' (DRC (2023) Executive Summary 2). Volume 7 referred to findings and recommendations relevant to advancing inclusive education (DRC, 7 2023) with 15 recommendations given (7.1–7.15) devoted to this purpose. Recommendations in Volume 7 ranged in scope and scale, addressing specific topics, arguably, central to advancing inclusive education in schools, for example: '7.1 Provide equal access to mainstream education and enrolment' through to higher-order strategic advice on the need to build workforce capacity, for example, recommendation, 7.9 Data, evidence and building best practice recommending greater investment in research capacity in Australia (DRC 2023 Executive Summary 14). Educational recommendations made by the Inquiry Final Report are multidimensional: encompassing the law and its enforcement in educational contexts, for example, the right to enrolment in school of choice, for students with a disability; changes to governance arrangements, for example, reform of school complaint procedures; and topics related to workforce capacity, including, measures to strengthen disability expertise available to the school sector (DRC Executive Summary 14).

In the 48 hours following its release, the DRC Final Report (2023) was a topic in high profile ('front page') news in: *SBS*, *ABC*, *The Sydney Morning Herald*, *The Guardian* newspaper and other outlets with a national audience in Australia (Desmarchelier 2023). A wave of discussion-focussed outlets published commentary or analysis in the days and weeks following the release of the Final Report (Armstrong 2023). The future of the special school sector in Australia was openly addressed by the Inquiry Final Report (2023) and by members of the Commission itself in their public responses to the media on this topic. Volume 7 (DRC, 7 2023, 91) describes, and often unconvincingly tried to mediate, a split in the Commission on this topic, first stating that: 'Commissioners Bennett, Galbally and McEwin are deeply concerned that almost 30 per cent of students with disability are educated in special/segregated settings and that the use of segregated units and classes appears to be growing' adding that 'These Commissioners consider that to achieve an inclusive education, all special/segregated education settings must necessarily be closed over time.' A position statement followed in Volume 7 stated: 'The Chair and Commissioners Mason and Ryan, share the aspirations of their colleagues. However, they have a different view about the role of non-mainstream schools in educating

children and young people with complex support needs.’ (92). The Australian media made much of this ‘split’ in the Committee and clear disagreement amongst the commissioners on the future of special schools, especially the fact that Galbally and McEwin had ‘direct experience of disability’ and that Commissioner Bennett had a close family member with a disability (Visentin 2023). *The Sydney Morning Herald* news outlet headline, led with the headline ‘The disability commission was split on special schools, reporting comments by Commissioner Dr Galbally which suggested that ‘I think governments will give really significant weight to lived experience, to the expertise of people with disabilities. I think that will really be very weighty for them’ (Visentin 2023). Kelly (2023) writing for *The Guardian*, described this event as ‘a debate about the end of special schools’ and this framing of ‘the problem’ (whether special schools should be closed) dominated media reporting of Inquiry recommendations. Education Minister Jason Clare, immediately responded to this debate, commenting ‘the fact the commissioners were split showed how “complex” the issue was’ (Kelly 2023).

Analysis of the debate about the end of special schools using the WPR model

Posing the six questions provided by the WPR model advocated by Bacci (2012) advances analysis of the ‘debate about the end of special schools’ and explains important changes in the focus of the Inquiry from 2019 to 2023. This application is detailed below.

Posing Q.1 (What’s the ‘problem’ represented to be in a specific policy or policy proposal?) when applied to texts (data) highlights how the Inquiry shifted from an initial focus on representing voices and experiences of children and young people with a disability in school (DRC 2019) to a focus on potential policy proposals about the future of special schools in the Australian education system (Kelly 2023).

Posing Q.2 (What presuppositions or assumptions underpin this representation of the ‘problem?’) illuminates the inherent presumption by Commissioners in the Inquiry that human-rights abuses documented by Inquiry hearings could be optimally addressed by public debate about the reduction in number or eventual closure of special schools, requiring a substantial position statement about this topic (DRC, 7 2023, 92). On this point, it is pertinent to remind readers that, as stated early in this article, data, gathered in 2018, indicates that in Australia ‘89% of school students aged ;5–18 ;with disability went to a mainstream school and just 12% went to a special school’ (AIHW 2024).

Asking Q.3 (How has this representation of the ‘problem’ come about?) highlights shift from the institutional operation of the Inquiry as a public forum for the voices of students with a disability (DRC 2019) and their families, to a public forum for, arguably narrow, policy deliberation about the reduction in number or eventual closure of special schools, reflected in the focus of media texts (Kelly 2023; Visentin 2023) and content of the DRC Final Report (2023) devoted to this question.

Posing Q.4 (What is left unproblematic in this problem representation? Where are the silences?) and, also, Q.5 (What effects are produced by this representation of the ‘problem?’) disclose the operation of silencing and overshadowing effects in the public debate about the end of special schools. To expand, the human rights abuses faced by students with a disability in school documented by the Inquiry, and systemic reforms in mainstream schools to address them became overshadowed by ‘a debate about the end of special schools’ (Visentin 2023). This overshadowing often focussing on personal

differences of view held by Commissioners about this topic and formalised in the Inquiry's Final Report in 2023 (DRC, 7 2023, 92). An (arguable) effect of this shift in the Inquiry is that students with a disability are by association, part of a, disputed, 'complex' (Visentin 2023) and by inference potentially therefore unsolvable, policy problem. This negative framing of educational inclusion as 'a problem' is common in educational discourse, and researchers have argued by responding that meeting the needs of students with a disability is a positive opportunity for positive systemic school changes, which will better meet the needs of all students (Ainscow 2020; Armstrong and Armstrong 2022).

Posing Q.6 (How/where has this representation of the 'problem' been produced, disseminated and defended?) highlights the interplay between Australian media outlets and the Inquiry's institutional operation as the Inquiry shifted from an initial focus on representing the voices and experiences of children and young people with a disability in school to public policy deliberation about the future of special schools. The voices of concerned parents of students with a disability were often harnessed by the media in this deliberation, often polarising the discussion (Armstrong 2023).

Finding

Analysis of the debate about the end of special schools using the WPR Model indicates that the Inquiry underwent a shift in focus. The Inquiry changed from being as a public forum for the voices of students with a disability and their families, to a public forum for, arguably narrow, policy deliberation about the reduction in number or eventual closure of special schools. An effect of this shift was overshadowing of Inquiry recommendations pertinent to systemic changes in mainstream schools necessary to address the human rights abuses of students with a disability. This shift can be described as a problem representation shift, redirecting what could be said or written about the Inquiry's recommendation for advancing inclusion in Australia and can be seen as an example of discursive governance in operation (Bacchi 2020). The remainder of this article explores the implications of this finding considering the study's research questions.

Discussion

The problem representation shift expressed by 'the debate about end of special schools' arguably overshadowed public reception of the fourteen others, often substantive, recommendations for advancing inclusive education given in the Inquiry Final Report (DRC 2023 Summary 77–329). This detrimental overshadowing detracts from their potential benefits. Several recommendations detail structural reforms necessary to protect students with a disability from discrimination and harm caused by increasing educational exclusion in mainstream settings (not special schools), notably 'Recommendation 7.1 Provide equal access to mainstream education and enrolment' and 'Recommendation 7.2 Prevent the inappropriate use of exclusionary discipline against students with disability' (DRC 2023 Summary, 13). Several recommendations given by the Inquiry encompass the whole education workforce, spanning all school sectors. For instance, recommendation 7.8 further details paths to strengthen 'Disability expertise' in the education sector and address 'skills shortages' in the education

workforce necessary to better meet the needs of students with a disability (DRC 2023 Summary 18). Urgent need for strengthening workforce capacity to better meet the educational needs of children with a disability has been a persistent theme in literature (Chow et al. 2024) internationally and often articulated by organisations representing the teacher workforce in Australia (Anderson and Boyle 2019).

The public ‘debate about the end of special schools’ in late September and early October 2023 suggests the extent of political, social, and professional capital currently invested in the special school sector across Australia (de Bruin 2019). This power-based interpretation correlates with a growth in the number of special schools in Australia over the last decade as detailed by the Inquiry Final Report (DRC, 7 2023, 106) and predicted by interpretative policy analysis, where Bacchi (2020, 2016) urges attention to the power base and material interests of those crafting problem representation in public discussion about public policy.

Research evaluating systemic barriers to an inclusive school system indirectly supports this observation about the power base and its role in overshadowing the Inquiry via a distracting ‘debate about the end of special schools. As noted at the start of the article, studies have highlighted how structurally entrenched the special school sector is within the Australian education system. Researchers claim that special education enjoying strong support amongst many Australian policymakers (de Bruin 2019; Lassig et al. 2024) and highlight a movement of students with a disability from mainstream to more segregated settings in clear contravention of Australia’s commitment to educational inclusion (Armstrong 2018; Chambers and Forlin 2021). Persistent efforts by Federal Government to hinder, constrain or block the Inquiry should be understood as intended to prevent inclusive system change in the service of these entrenched interests.

Evaluating the policy analysis method

The research questions (RQs) initially posed were

1. How can policy analysis advance understanding of likely reasons for the Inquiry’s establishment and its course?
 - 1b: does a mainstream or an interpretative policy analysis method optimally (‘best fit’) explain the Inquiry’s establishment and course?
2. What are the possible implications of the Inquiry for advancing educational inclusion in Australia in light of 1b?

In response to RQ 1, policy analysis in its broad sense proved to be a useful method for analysing political conditions, which led to the establishment of the Inquiry in 2019 and the public reception afforded its Final Report in 2023. In answering RQ 1b, the variant known as interpretative policy analysis, specifically, the WPR model detailed by Bacchi (2012) proved to be more fruitful and predictive than traditional policy analysis overall in understanding the conduct of the Inquiry and especially useful when considering the change of focus during the Inquiry, described here as problem representation shift. Traditional policy analysis offered value in charting the political and institutional change conditions conducive to the establishment of the Inquiry in 2019. Arguably, traditional policy analysis fell short, however, in explaining specific events from early 2019 onwards

and which disclose that representation of power was a key factor in: the establishment of the Inquiry due to the negative political optics associated with denial and despite delaying tactics used by the Federal Government in 2019; the extended length of operation granted after Inquiry Chair Mr Sackville raised reputational-based concerns (damage to the Royal Commission format) about proposals to adhere to the original, shorter, timeframe for the Inquiry; and the problem representation shift expressed by the ‘debate about the end of special schools’ (Kelly 2023; Visentin 2023).

On a wider level, the study detailed, contributes to the wider evidence base of policy-based studies which fruitfully apply Bacchi’s WPR (Bacchi 2012, 2020), to diverse policy ‘problems’ (Yang et al. 2023), shedding light on the operation of ‘discursive governance’ (Bacchi 2020) in the Inquiry as a recent, publicly visible, ‘policy event’ in Australia. An import of research detailed, is that deeper lessons for advancing inclusion internationally, in school systems in England, for example, can be drawn from improved understanding of discursive governance which frames what can and (cannot) be said or written about educational policy related to inclusion. Advocates of greater educational inclusion could consider targeting and challenging the problem-framing used in public discussion about this topic. Future research, which investigates educational policy on inclusion in Australia and internationally should consider application of the WPR model (Bacchi 2012) and identify, specifically, whether the problem representation shifts identified in this study can also be identified in other contexts.

Limitations

Research contains limitations which readers should be aware of when assessing its findings. In terms of method, a systematic, theory-based, method enabling granular textual analysis could also have been used to strengthen the validity of which units of text were selected in the grey literature and media texts gathered. Given the scoping of research questions the decision was taken, however, to prioritise clarity for readers. The researcher was mindful that the study detailed already applies two variants of policy analysis, together with the method proposed by WPR model and which is, itself, rooted in critically interrogating written and spoken ‘texts’ as part of discourse analysis (Fairclough 2013).

Conclusion

After a ten-month delay, the Australian Federal Government formally responded to Inquiry recommendations in July, 2024. This article was written prior to the delayed formal government responses but effectively predicts the muted formal response to Inquiry recommendations by the Australian Federal Government, a response which Roy et al. (2024) characterises as ‘lacklustre’ and as ‘deeply disappointing’ in common with most disability representative organisations in Australia (PWDA 2024). Table 1, below, details formal response by Federal Government (Australian Government 2024) to Inquiry educational recommendations, with Inquiry recommendations on the left and the Federal Australian Government response on the right.

As Table 1 indicates, the Federal Government has not fully accepted any of the Inquiry’s recommendations about educational reform. As noted earlier in this article,

Table 1. Australian Federal Government response to Inquiry.

7.2, 7.3, 7.6, 7.13: Inclusive education	Accept in principle
7.8, 7.10: Education workforce capability and complaints management	Accept in principle
7.9, 7.12: Education data, evidence, and funding	Accept in principle
7.14–7.15: Phasing out of nonmainstream or segregated education	Note

in terms of the policy development process, the Inquiry can be characterised as an agenda-setting mechanism for federal government (Cairney 2012). By this measure, the Inquiry appears to have failed because accepting and acting on its educational recommendations is clearly not on the agenda of the current federal government. The federal government also explicitly responds to the debate about the end of special schools with a robust defence, commenting ‘The Australian Government recognises the ongoing role of specialist settings in service provision for students with disability and providing choice for students with disability and their families’ (Australian Government 2024, 34). A recent article by Cumming, Jolly, and Saint-James (2024), which references the DRC, also supports parental choice in the school market. Cumming, Jolly, and Saint-James (2024) argue that diversity of school provision is required to meet the complex needs of students, for example, who have profound and multiple learning difficulties (PMLD). This argument is not, however, consistent with the inclusive unitary (‘non-segregated’) school system as set out in guidance given by the UN (UNICEF 2017, 1) about application of Article 24 of the Convention on the Rights of Persons with Disability [CRPD] in practice (UNICEF 2017, 1).

The pessimistic evaluation of the Inquiry’s legacy, suggested by the article, is not conclusive and should be investigated by future research focused on the impact(s) of the Inquiry in policy and educational practice. It is possible, even likely, that public formal reaction by Australian federal (or state) government to the Inquiry does not reflect private, more nuanced, discussions in government about how to advance its educational recommendations. Those who, often doggedly, advocated for the establishment of the Inquiry in the first place should be receptive to any windows of opportunity that arise from private discussions about advancing inclusive education.

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