

Media Release



Report on treatment of students with disabilities documents “an ongoing scandal”

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The Federation of Community Legal Centres has joined with the Disability Discrimination Legal Service to express dismay and concern at disturbing accounts of restraint and seclusion of children with disabilities in Victorian schools. The accounts were documented in "Held Back" a report released today by the Victorian Equal Opportunity and Human Rights Commission.

While making strong recommendations to regulate “restrictive interventions”, it is clear from the report that anti-discrimination laws and a range of domestic and international human rights protections are at ongoing risk of breach given the report’s findings.

“The treatment of anyone with a disability in this fashion is unacceptable, and that is heightened by the special vulnerability of children recognised by Victoria’s Human Rights Charter. This report documents an ongoing scandal,” said Dr Chris Atmore, a policy officer with the Federation.

Julie Phillips, Manager of the Disability Discrimination Legal Service, said “the report unfortunately confirms what we have been hearing about for quite some time.

“We do not believe it is acceptable to lock children with disabilities in cupboards, to tape them to chairs, or to restrain them. What is clear is that restraint and seclusion are being used in place of non-violent best practice and evidence based teaching and behavioural methods. This treatment needs to cease immediately,” she said.

“Held Back” follows an extensive report In August on Australia’s compliance with the Convention on the Rights of Persons with Disabilities, which documented ongoing multiple breaches of every right in the Convention.

“Restraint and seclusion are used against adults and children with disabilities in every conceivable institutional setting – disability and mental health services, group homes, boarding houses, mental health facilities, hospitals, residential aged care facilities, and prisons, as well as schools,” said Dr Atmore.

“In light of the special vulnerability of children, we need much greater accountability so that parents, advocates and the broader community can hold these practices up to the light and get justice for their children,” Dr Atmore said.

The Federation and the Disability Discrimination Legal Service said that human rights standards must be maintained, and seclusion must be prohibited.

“We need a prohibition on seclusion and rigorous standards on the use of restraint in the National Disability Strategy. Any use of restraints must be subject to strict standards in compliance with the Convention and Victoria’s Human Rights Charter,” Dr Atmore said.

“We welcome this report’s findings, but now it’s time for decisive action by the Victorian Government,” Dr Atmore concluded.

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