

Australian Higher Education Policy and Inclusion of People with Disabilities: A Review

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Abstract

Written from the perspective of a disability practitioner and equity manager working in the Australian tertiary education sector for over twenty-five years, this paper reviews some of the significant social, equity, and education policy developments and associated legislation, which have influenced the inclusion of people with disabilities in Australian tertiary education over the past four decades. While such initiatives have encouraged aspirations and enabled increasing numbers of people with disabilities to participate in higher education, the challenge remains to create a system that is representative of the wider community and values the knowledge, skills, and experiences that people with disabilities bring to their learning, ultimately becoming places where people with disabilities can flourish.

Keywords: Higher education, Australia, disabilities, inclusion, policy, legislation

To understand the evolution of Australian social, legislative, and educational contexts, it is important to explore the extent of entrenched and multiple disadvantages that people with disabilities experience daily in Australian society. Their reality often contrasts markedly both with the characterisation of a “lucky country” and one of the fundamental core values of the Australian way of life, giving people a “fair go.”

A recent Committee for Economic Development in Australia ([CEDA], 2015) report notes that, while Australia “always ranks well on the international league tables of community well-being, lifestyle and satisfaction” (p. 32), areas of poverty and deprivation remain with 4-6% of Australians experiencing “chronic or persistent poverty or deprivation” (p. 7). Consultations in developing Australia’s National Disability Strategy (NDS) and National Disability Insurance Scheme (NDIS) revealed that 45% of Australians with disabilities “live in or near poverty, more than double the Organization for Economic Cooperation and Development (OECD) average of 22%” (Pricewaterhouse Coopers [PwC], 2011, p. 9). This source emphasises a marked contrast:

Australia is the lucky country, where most Australians have the opportunity to dream without limit. Yet our largest minority – people with a disability – are not afforded the basic rights others take for granted, let alone the relative luxury of leading a good life. That is, approximately four million people living with a disability in Australia are at risk of or are currently being treated unfairly. (p. 8)

Both reports emphasise that participation in education can address or minimise “the risk of entrenched disadvantage” (CEDA, 2015, p. 15) and facilitate progress “towards a more inclusive and productive Australia” (PwC, 2011 p. 44). Yet differences between people with disabilities and those without, both in educational engagement and outcomes, are stark. The PwC report (2011, p. 16) highlights the following:

- In 2009, only 25% of people with profound or severe disability aged 15-64 years completed Year 12 compared with 55% of people without disabilities.
- Only 13% of people with disabilities aged 15-64 completed a bachelor degree or higher, compared with 20% of people without disabilities.

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Such glaring disparities demand strategic responses to address inequities.

Creating an Inclusive Australian Society

In proposing a framework for understanding inclusion and interpreting the development and impact of policies and legislation, Clapton explains:

Inclusion is a complex and multifaceted concept that is practised in various forms – some – are technical and practical, whereby social change and enhanced economic productivity are sought through imagining new social possibilities, creating new opportunities and access, setting goals by shared decision making such as consultation and representation, redistributing or providing targeted resources to build capacity, measuring outcomes and providing evidence as well as reporting back to the public and relevant interest groups. (2010, p. 2)

She notes a second form of social inclusion underpinned by legislation “to protect vulnerable, marginalised and/or oppressed groups of people” (Clapton, 2010, p. 2). This involves rights-based anti-discrimination legislation and social policies informed by social justice principles. Finally, she proposes an ethical dimension to inclusion that enables people to “flourish.” She argues that to “contemplate ethical inclusion is to engage in a transformative process” (Clapton, 2009, p. 228).

The *technical*, *practical* and *legislative* forms of inclusion described by Clapton (2010) are evident in Australia, influenced by international social movements leading to the enactment of human rights legislation. While a succession of United Nations’ initiatives – Declaration of the Rights of Disabled Persons (1974), International Year of Disabled Persons (1981) and Decade of Disability (1983-1992) – paved the way for many of the changes, it was the UN Convention on the Rights of Persons with Disabilities in 2006, ratified by Australia in 2008, that “cemented the most extensive recognition of human rights of persons with disabilities” in Australia (Disability Services Australia, 2015).

A significant early legislative milestone that continues to underpin the provision of disability support in Australia is the Disabilities Service Act 1986. It fundamentally changes the way people with disabilities are positioned in broader legislative and policy processes and creates opportunities for substantive transformations to occur. It espouses core principles such as: “respect for human worth and dignity,” affording people with disabilities “the same rights as other members of society to realise their capacities” and participating in decision-making about their lives.

The Australian Human Rights Commission (AHRC) was also established in 1986, having statutory responsibility for Australia’s suite of human rights legislation, including the Disability Discrimination Act 1992 (DDA) and subordinate legislation such as the Disability Standards for Education 2005 (the Standards), features of which are outlined in Table 1. The AHRC plays an important role for people with disabilities studying in higher education, guiding disability practitioners and universities in developing education programs and resources, managing complaints, and conducting public inquiries into human rights issues of national importance.

Reflecting on the development and implementation of the DDA, Hastings (1997) stated that, while “some features of the DDA were influenced by U.S. models,” most of the structure was predicated on earlier federal and state anti-discrimination laws. The assumption underlying the DDA 1992 was that disability is part of every person’s life and people with disabilities have the same rights as any other person in society. Hastings (1997) emphasised “people with disabilities do not wish to ‘be included’: they wish it to be acknowledged that they already belong.” In response to the DDA 1992, many universities developed institutional Action Plans to not only remove barriers to access and participation but also demonstrate compliance with the legislation. Reviews of the implementation and effectiveness of the DDA 1992 (Productivity Commission, 2004) and the Standards (Department of Education, Employment and Workplace Relations [DEEWR], 2012) concluded that, while each has been somewhat effective in achieving their objectives, improvements are required to implement them more effectively.

Australian Higher Education Equity Policy

Various strategic decisions culminated in the Australian Government’s 1988 Higher Education Policy Statement signalling the creation of a unified national system of higher education promoting diversity, quality, and growth in the sector in response to emerging economic and social factors. An ambitious goal was set for “the student body to reflect more closely the structure and composition of society as a whole” (Department of Employment Education and Training [DEET], 1988, p. 21), targeting under-represented groups including people from low socioeconomic status (LSES) backgrounds, non-English speaking backgrounds, regional and remote areas, women in non-traditional areas of study, Aboriginal and Torres Strait Islander people, and people with disabilities. The desired outcome was to share the benefits from

participating in higher education “more widely and more equitably in the future” (DEET, 1988, p. 6).

The paper, *A Fair Chance for All: National and Institutional Planning for Equity in Higher Education* (DEET, 1990) described the federal Government’s equity policy and program objectives, and made universities responsible for achieving them. For each equity group, common definitions and performance indicators were established and subsequently have been used to monitor the impact of the policy. Government equity funding was allocated annually on the basis of demonstrable institutional performance against those indicators. Gale and Tranter (2011) note that “equity in higher education – became a matter of equal representation” (p. 37) and this “distributive notion” (p. 41) of inclusion informs current equity policies and programs in universities.

Following the *Review of Australian Higher Education: Final Report* (Bradley, Noonan, Nugent, & Scales, 2008), the former federal Labour Government adopted a widening participation agenda. Its response, *Transforming Australia’s Higher Education* (Australian Government, 2009), re-asserted the goal of a “fairer” Australia underpinned by equality of opportunity for all and “access to university based on merit, not ability to pay” (p. 8). Ironically, while targets were set to raise participation of people from LSES backgrounds and Indigenous Australians, no target was set for people with disabilities as an under-represented group or even, at the very least, as members of either of the groups named. Gale (2010) observes that the government’s concept of “social inclusion in education seems to be consumed and possibly narrowed by this SES focus” (p. 2) resulting in people with disabilities being “absent” in policy even though they remain “grossly under-represented in undergraduate university programs” (p. 3).

Progress towards creating more representative and inclusive university communities and learning environments, particularly for people with disabilities, may be assessed by reviewing equity performance data and information about the quality of the student experience, considering the nature of the policy response and, most importantly, hearing about the learning experiences of people with disabilities. Referencing access and participation data, Koshy and Seymour (2014, p. 5) note the “enrolment share of students with disability among domestic undergraduates” increased from 4.4% in 2007 to 5.5% in 2013. While this is a positive trend, comparing the access and participation rates for students with disabilities as a group with their current general population reference value (RV) of 8%, reveals that they remain “persistently under-represented in higher

education” (Gale & Parker, 2013, p. 19). The indicators are more encouraging once students with disabilities have begun their studies, with their retention and success rates comparable with the general student cohort (Gale & Parker, 2013).

Another measure of success that Gale and Parker (2013) use is the progression rate of students with disabilities from graduation to employment. Again the data highlight the entrenched disadvantage that people with disabilities experience even with a degree. Only 66.2% of graduates with disabilities have full time employment four months after course completion compared with 76.3% of all graduates at the same time (Gale & Parker, 2013). Table 2 shows equity performance data for students with disabilities, as reported by Gale and Parker (2013).

Findings from the 2013 University Experience Survey (Graduate Careers Australia & The Social Research Centre [GCA & SRC], 2014) provide further evidence that the learning experience of students with disabilities is qualitatively different from that of students not reporting a disability, with data showing that the former were less satisfied with four of the five key focus areas surveyed including skills development, learner engagement, teaching quality and learning resources. Student support was the only aspect with which they showed greater satisfaction (GCA & SRC, 2014, p. 22). Notably, 23% of students with a disability had considered “early departure” from their studies in comparison with only 17% of respondents who did not indicate disability (GCA & SRC, 2014, p. 32).

Ramsay (1999) notes that the initial equity framework “provided little guidance” (p. 178) about how to address the causes of educational disadvantage, consequently any early changes resulting from equity planning and action tended to be “both limited in their nature and impact, and fragile over the long-term” (p. 180). Gale and Tranter (2011) argue that “Australian higher education policy and practice is yet to be fully informed by a recognitive social justice” (p.42) which “requires a deeper understanding of the knowledge, values and understandings that all students bring to university – [and] implies creating spaces for them, not simply creating more places” (p. 43). Gale (2009) asserts that creating this space requires “a more sophisticated approach to student equity and social inclusion” (p. 14) based on “socially inclusive pedagogy” (Gale, 2010, p. 11), that acknowledges all students bring valuable knowledge and experience to their learning, employs an instructional paradigm that responds to difference, and works in collaboration with students and their communities (Gale, 2010, p. 11). This requires an appreciation of the barriers that exist and the

nuanced nature of the strategies required to include people with disabilities.

Clapton's (2010) suggestion that ethical inclusion involves a transformative process enabling the "capacity for human flourishing" (p. 2) invites reflection on individual experiences of inclusion in higher education. Two people with disabilities attending an Australian university were asked to share their insights for prospective students. Student A explained the transformative impact that his decision to study at university had on his life:

Being at uni has exceeded expectations! The number of things that have happened in the last 12 months is amazing – I hadn't lived out of home before. I hadn't really had a job. Now I live on campus, I do some part-time work for the uni and I'm looking at an internship. (Griffith University, 2012, p. 23)

Studying at university afforded him experiences that other students without disabilities often take for granted. Similarly, Student B (S. Garside, personal communication, June 9, 2015) reflected:

Before enrolling in higher education, my options were so limited and my future was quite directionless. Higher education has completely transformed that, and has given me the opportunity to study, volunteer and represent my university and country overseas numerous times over five years and travel nationally to take part in incredible youth and leadership conferences.

While other higher education students with disabilities might relate quite different experiences, these two students illustrate how the experience of inclusion is a personal one, enabling them to flourish and derive the benefits of participating in higher education.

Challenges and Transformations in Australian Higher Education

The most significant challenge currently facing stakeholders in Australian higher education is uncertainty. The sector is on the threshold of some of the most important structural and policy transformations since the 1980s. There is shared concern that, rather than reflecting the quintessential Australian value of a fair go, the reforms proposed to deregulate higher education have the potential to discourage people from equity groups from pursuing their higher education aspirations. In a post-budget address, Gallagher

(2014) identified three equity issues he believed the Federal Government needed to address: "affordability, student access, and graduate debt." While commentators speculate about potential costs of degrees and increased repayment periods for student loans, many people with disabilities wonder instead whether they can afford a university degree and if their "investment" can be realised given the disadvantage they experience in the employment market. Clapton's (2010) concept of ethical inclusion should resonate.

Inclusion in higher education is experienced on a personal level. It is facilitated by the removal of barriers to access and participation, enabled by high quality, inclusive learning environments and enhanced by effective student support. Disability practitioners play an important role interpreting legislation, translating equity policy into practice, and coordinating support. However, addressing what Innes (2014) refers to as the "soft bigotry of low expectations" and entrenched, discriminatory systemic practices require much greater attention. Inclusion for people with disabilities must be more than a "numbers game" (Gale, 2009, p.1). Future higher education equity policy must result in people with disabilities having access to the "full spectrum of opportunity" including "the opportunity to excel" (Innes, 2010), enabling those participating in higher education to say, as Student B did, "University has allowed me to develop myself professionally and personally in the most phenomenal and life-changing way."

Table 1

Key Features of Disability Discrimination Act of 1992 and Disability Standards for Education 2005

Legislation	Key Features
DDA 1992	<ul style="list-style-type: none"> • “disability” definition is intentionally broad <ul style="list-style-type: none"> • framed to cover broad causes of impairments and medical conditions such as the total or partial loss of bodily or mental functions or parts of the body; or the presence in the body of organisms causing or capable of causing disease or illness. • includes any disability that currently exists or which may have previously existed but no longer exists or which may exist in the future or which might be attributed to a person. • one of the objects is the elimination of direct or indirect discrimination on the ground of disability in the areas such as work, accommodation, education, access to premises, clubs and sport and the provision of goods and services. • defines direct and indirect forms of discrimination • makes harassment or victimisation of people with disabilities or their associate unlawful • allows for the development of Standards and Action Plans • 2009 amendments introduce a “positive duty to make reasonable adjustments” and places the onus of explaining why a requirement may or may not be reasonable on a provider rather than requiring a person with a disability to demonstrate why it might be discriminatory.
DSE 2005	<ul style="list-style-type: none"> • is subordinate legislation to the DDA 1992 • clarifies and elaborates on the rights and responsibilities of all parties, the process to negotiate reasonable adjustments and contextualises some examples of reasonable adjustments. • provides a framework to ensure that students with disabilities are able to access and participate in education “on the same basis as other students” across every aspect of the student life cycle including admissions, enrolment, curriculum development, instruction and assessment, access to support services and the elimination of harassment and victimisation.

Table 2

Equity Performance in Australian Higher Education 2006-2011

Performance Indicator	2006	2007	2008	2009	2010	2011
Access (8%) Reference Value (RV)	3.45%	3.50%	3.43%	3.67%	4.05%	4.23%
Participation rate (8%) RV	4.01%	4.11%	4.13%	4.27%	4.58%	4.77%
Participation ratio	0.50	0.51	0.52	0.53	0.57	0.60
Retention rates (%) (retention rate for all domestic commencing undergraduate students adjusted for the specific year 2005 – 2010)	76.89 (84.60)	76.56 (85.04)	77.14 (84.93)	77.17 (86.96)	76.21 (87.18)	NA (86.57)
Retention ratios	0.97	0.97	0.96	0.97	0.97	NA
Success rate (%) (success rates all students)	83.32 (85.98)	83.08 (85.47)	83.28 (85.68)	83.44 (85.32)	82.98 (84.98)	NA (84.84)
Success ratio	0.94	0.94	0.94	0.94	0.94	0.94
Award completion rates (%) (8%) RV	3.63	3.51	3.66	3.68	3.90	4.01
Rate of Progression into Graduate Employment in 2011	Students with Disabilities		All Graduates			
% in full-time employment	66.2		76.3			
% seeking full-time employment (not working)	16.7		8.7			
% seeking full-time employment (working part-time or casual)	17.1		14.9			

Definitions

RV - Reference values provide a point of comparison against which equity group performance can be judged. The reference values are based on the percentage of a given equity group in the Australian population between the ages of 15 to 64 with the population reference value for students with disabilities being 8%.

The **access indicator** is defined as the proportion or percentage of commencing domestic students in a particular equity group.

The **participation indicator** is defined as all (rather than commencing) domestic students enrolled in a course of study and can be expressed as a rate or ratio. To interpret the ratio, a value of zero will indicate the access percentage for a particular equity group equals the percentage anticipated by the population reference value. Values greater than zero indicate that access for the group is higher than the general levels in the population, while negative (below zero) values indicate lower than expected access.

The **retention indicator** measures the number of students enrolled in a course in one year in relation to the number enrolled in the following year. It does not as retained those students who have deferred their study or who have transferred to another university. The retention ratio is calculated by dividing the retention rate of the target group by the retention rate of all students.

The **success indicator** measures the proportion of [study] units successfully completed within a year as a percentage of the number of units attempted. The calculation of the success ratio follows the same process as the retention ratio.

The student **completion indicator** is calculated by dividing the number of award course completions for a specific equity group by the total domestic student award course completions.

Note. Adapted and collated from (Gale & Parker, 2013, pp. 18-34).

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