

Policy Position: Improving Outcomes for Children and Young People with Disabilities in Contact with Systems that Protect Children

Purpose

This policy provides the Benevolent Society's public position on the key issues that must be addressed to improve outcomes for children and young people with disabilities who are in contact with systems that protect children. The Benevolent Society believes the intersection between the acute vulnerability of children with disabilities, the pressure on their families and the poverty and disadvantage they experience as a consequence, is poorly understood by systems designed to protect children from maltreatment.

The Benevolent Society believes a national research agenda must be undertaken to examine the complexity of issues faced by children and young people with disabilities who experience maltreatment in family and institutionally closed contexts.

In addition, there is an urgent need for governments to collaborate on the disaggregation and public release of a standardised child protection national minimum data set that includes the numbers of children with disabilities so that policy and service responses are informed, service effectiveness can be measured, and governments and providers are accountable for outcomes.

Key Messages

- The intersection between the acute vulnerability of children with disabilities, the pressure on their families and the poverty and disadvantage they experience as a consequence, is poorly understood by systems designed to protect children from maltreatment.
- The lack of research and published data on children and young people with disabilities and their contact with systems that protect children has obvious and ongoing negative impacts on policy development, funding, service design, delivery and outcomes.
- Until we know how many children and young people with disabilities are interacting with systems that protect children and the circumstances they are in, an informed and effective, system wide response cannot be guaranteed.
- To reduce the risk of maltreatment of children and young people with disabilities, all government and mainstream service providers who operate within systems that protect children must be aware of, and properly equipped to deliver family centred care supported by coordinated, sustainable services including respite care and support for parents and families*
- In order to ensure the wellbeing and safety of children and young people with disabilities, children's voices must be heard and leaders of governments and child safe organisations must acknowledge, respect and uphold the rights of children and young people, including those with disability.

Issue

*"There is an appalling gap in the states' ability to protect abused and neglected children with disabilities."*ⁱ

- Children and young people with disabilities are at increased risk of child maltreatment.ⁱⁱ

- Evidence of the risk for maltreatment among children and young people with disabilities taking into account the multiple risk factors that often co-occur in the context of these families has not been identified.ⁱⁱⁱ
- Higher rates of institutional contact, dependence on professional services and volunteers for support, community attitudes towards disability, and the support needs and impacts associated with different impairments may increase the risk of maltreatment.^{iv}
- The expanding casualisation of the workforce in the disability sector as part of the NDIS market reforms can increase the risk to children and young people from adults unknown to them and subject to remote or inadequate supervision.^v
- The abuse and neglect of children and young people with disability is not consistently recorded across Australian states and territories and national data on risk or allegations of maltreatment is not available.^{vi}
- Additionally, there are no national figures on the prevalence of maltreatment of children and young people with disability and its related impact on the child.^{vii}
- The lack of a national child protection minimum data set that includes children and young people with disability affects the development of evidence-based approaches to protecting these children from harm.^{viii}
- The lack of a national minimum data set also means that it is not possible to monitor the success or otherwise of any prevention or intervention strategies or to evaluate policy initiatives.^{ix}
- Research on what family and environmental factors contribute to higher risk of maltreatment for children and young people with disability is limited, which further impacts on the effectiveness of policy development and practice in Australia.^x
- Supports are needed for families of children and young people with disabilities not only to assist in meeting their health and developmental needs, but also to support parents in managing the often more complex parenting environment, including dealing with challenging behaviours.^{xi}
- The actual number of children with disability in out-of-home care may be significantly underestimated, as many children with a disability are not recognised or identified.^{xii}
- Children and young people with disability are more likely to be in residential care facilities than their peers in out-of-home care. These residential facilities often congregate people with disability together, segregated from the rest of the community and 'frequently lead to high levels of abuse, neglect and exploitation'.^{xiii}
- The failure of systems to adequate support parents caring for children and young people with disabilities can lead to significant family crisis and the relinquishment of the child to the relevant child protection department. For many, this is a decision of last resort taken as the only option for survival.^{xiv}

What the Benevolent Society is doing

- The Benevolent Society has a long history of supporting families and communities to care safely for their children and advocating for policy reform for families. We provide services across the continuum from universal early years' programs, community building and

parenting programs to promote family functioning and wellbeing, to more targeted and intensive family support services to strengthen families, who may be 'at risk' or experiencing disadvantage.

- The Benevolent Society is implementing the National Principles for Child Safe Organisations as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. The National Principles guide organisations to establish and embed a child safe culture across all sectors so that all children and young people who work with our organisation are safe. Staff, carers and volunteers are being trained to understand our Child Safe policies, respond effectively to children and young people's concerns or disclosures and report concerning behaviour, with particular regard given to the additional vulnerabilities of children and young people with a disability.
- The Benevolent Society works closely with children and young people with disability's legal guardians to ensure they have access to the right support services and appropriate NDIS plans. Benevolent Society staff provide all necessary information and support to enable NDIS applications to be made or to appeal plans that meet the needs of the children.
- The Benevolent Society's Fostering Young Lives Program funds additional services for children with disabilities that may not be included in their NDIS plan but are assessed as a need through their annual Case Plan. The program maintains a high level of contact with the education facilities attended by the children and will advocate for additional supports when required. The Benevolent Society also works collaboratively with our disability service colleagues in order to provide specialist behaviour support to foster carers and children with disabilities.
- The Benevolent Society delivers Independent Supports Needs Assessments to Family and Community Services, for children and young people in OOHC who require extremely high support related to significant, complex and often multiple disabilities. The assessments are designed to identify an individual's disability-related goals and support needs.
- The Benevolent Societies' Early Years Places (EYPs) in Queensland are one-stop-shops or service hubs supporting the health, development, wellbeing and safety of families who have young children aged up to eight years, including children with a disability or developmental delay. The centres employ a multidisciplinary team of staff who offer a range of universal and targeted early child development and parenting support, maternity and child health services, home visiting, targeted family support, and long day care and kindergarten. While not specifically targeted to disability, all supports and services are available for children with a disability and their families. The EYPs also partner locally with the NDIS Partners in the Community for Early Childhood Early Intervention (ECEI) to support access to the scheme for those children who meet the eligibility requirements, as well as to co-deliver services and supports.
- The Benevolent Society collaborates with other agencies across our programs to ensure that our most vulnerable children have streamlined access to supports and legal guardians are supported to utilise these.

What needs to be done?

"We do not really know how many children with disability there are in out-of-home care. It is very hard to estimate how many children that would be. Different states and territories use different statistical models to come up with data around how many children with disability are in out-of-home

care. So we just do not know the extent of this problem.”^{xv}

The Benevolent Society supports and will advocate that:

- All governments establish and fund a cooperative national research program to understand the scope of issues facing children and young people with disabilities and their families interacting with the child protection system and inform policy, program development and implementation.
- The National Framework for Protecting Australia’s Children national minimum data set include and publish the numbers of children and young people with disabilities interacting with the child protection system and the type of interaction. Opportunities to draw on the current NDIS data should be considered with the development of the disability status minimum data set supported beyond the completion of the National Framework’s final action plan in 2020.
- Policies and procedures that provide adequate safeguarding of children and young people with disabilities be developed and implemented to provide protection during the increased engagement between children and unknown adults in the market reforms of the NDIS.
- That whole of organisation strategies are developed for child safe organisations that include input from staff and all workers on policy, implementation and monitoring to ensure an effective practice based approach.^{xvi}
- Families are provided with comprehensive information on the services and supports available for their child and are engaged and involved in all aspects of decision making and service selection so they can make informed choices for their children.
- Supports to the systems that protect children and their workforce are provided to understand the needs of families with a child with complex needs and how best to prioritise and streamline services and assistance.

Background

- Although children and young people with disabilities make up 10.4% of the population, they represent 25.9% of children with a maltreatment allegation and 29.0% of those with a substantiated allegation.^{xvii}
- While disability is an important risk factor for maltreatment not all children and young people with a disability should be considered at increased risk, and other risk factors at the child, family, and neighbourhood level also play an important role.^{xviii}
- The prevalence of disabilities in the child protection population suggests the need for awareness by agencies including both the child protection and disability workforces of the scope of issues faced by children in the system and interagency collaboration to ensure children’s complex needs are met.^{xix}
- Segregation and exclusion in closed institutional contexts (such as juvenile justice, detention centres and out-of-home care) where services are provided away from public scrutiny leaves children and young people with disability at heightened risk of violence and harm including sexual abuse.^{xx}

- The few population-based studies have produced mixed evidence regarding maltreatment risk for children with different types of disabilities, and it remains unclear whether particular disability types are associated with increased risk.^{xxi}
- Increased risk of maltreatment is not consistent across all disability types with increased risks for children and young people with intellectual disability, mental/behavioural problems, and conduct disorder as compared to children with other types of disability.^{xxii}
- While there is limited research on the intersection of disability status and maltreatment of young people under youth justice supervision one NSW study found that almost half (46%) of young people in detention had 'borderline' or lower intellectual functioning, indicating significant impairment and 68.2% reported experiencing at least one form of childhood abuse or neglect. Over one-quarter (28.1%) experienced some form of severe abuse or neglect.^{xxiii}
- Whilst there are no national data on the proportion of children with Foetal Alcohol Syndrome Disorder in out-of-home care, meta-analysis of studies in out-of-home settings across the world found that the prevalence of children affected by foetal alcohol spectrum disorder was around 17 per cent on average, ranging from 11 to 24 per cent across all out-of-home care settings.^{xxiv}

Consultation

The following were consulted in the development of this policy:

- Child and Family Policy Reference Group

Approval

This policy has been approved by the Executive Director, Strategic Engagement, Research & Advocacy

Principles

The following principles underpin The Benevolent Society's Child and Family Policy Framework and have been developed to guide our social policy platform.

1. All children have the right to grow up in an environment free from neglect and abuse.
2. Children have the right to have a voice in all decisions affecting them.
3. Systems and institutions must address the social determinants, including poverty and social exclusion.
4. Policy, practice and advocacy is outcome focussed, evidence based, measurable and evaluated.
5. Children are best cared for by family and kin where possible and every effort should be made so that children can remain with, and return to, their families.
6. Australian society has a responsibility to value, support and work in partnership with parents, families and communities care for children.
7. Aboriginal and Torres Strait Islander children and their families have the right to self-determination.
8. Aboriginal and Torres Strait Islander children have a right to grow up in culture.
9. Children and families with disabilities have the right to full and effective participation and inclusion in society.
10. Children and families from culturally and linguistically diverse families and refugees have the right to full and effective participation and inclusion in society.

Endnotes

- ⁱ Maclean M J., Sims S, Bower C, Leonard H, Stanley FJ, O'Donnell M; (2017) *Maltreatment Risk Among Children With Disabilities*. Viewed on 3 July 2019 at <https://pediatrics.aappublications.org/content/139/4/e20161817>
- ⁱⁱ Maclean M J., Sims S, Bower C, Leonard H, Stanley FJ, O'Donnell M; (2017) *Maltreatment Risk Among Children With Disabilities* Viewed on 3 July 2019 at <https://pediatrics.aappublications.org/content/139/4/e20161817>
- ⁱⁱⁱ Maclean M J., Sims S, Bower C, Leonard H, Stanley FJ, O'Donnell M; (2017) *Maltreatment Risk Among Children With Disabilities* Viewed on 3 July 2019 at <https://pediatrics.aappublications.org/content/139/4/e20161817>
- ^{iv} *A Brief Guide to the Final Report – Disability* (2017). Royal Commission into Institutional Responses to Child Sexual Abuse. As seen at 3 May 2019
https://www.childabuseroyalcommission.gov.au/sites/default/files/a_brief_guide_to_the_final_report_-_disability.pdf
- ^v Wayland, S., Hindmarsh, G *Understanding safeguarding practices for children with disability when engaging with organisations* Australian Institute of Family Studies; CFCFA Practitioner Resource— October 2017
- ^{vi} IBID
- ^{vii} IBID
- ^{viii} IBID
- ^{ix} IBID
- ^x *Child maltreatment and disability*, Tomison, A M Australian Institute of Family Studies NCPC Issues No. 7 — December 1996
- ^{xi} Maclean M J., Sims S, Bower C, Leonard H, Stanley FJ, O'Donnell M; (2017) *Maltreatment Risk Among Children With Disabilities*
- ^{xii} The Senate Community Affairs References Committee, Out of home care. (August 2015). P255. Children with Disability Australia, Submission 80.
- ^{xiii} French, P., Dardel, J., & Price-Kelly, S., *Rights denied: Towards a national policy agenda about abuse, neglect and exploitation of persons with cognitive impairment*, People with Disability Australia, 2009
- ^{xiv} Kathleen Ellem, Jill Wilson & Lesley Chenoweth (2016) When Families Relinquish Care of a Child with a Disability: Perceptions from Birthmothers, *Australian Social Work*, 69:1, 39-50,
- ^{xv} The Senate Community Affairs References Committee, Out of home care. (August 2015). P255.
- ^{xvi} Llewellyn, G., Wayland, S., & Hindmarsh, G. (2016). *Disability and child sexual abuse in institutional contexts*. Sydney: Royal Commission into Institutional Responses to Child Sexual Abuse.
- ^{xvii} Maclean M J., Sims S, Bower C, Leonard H, Stanley FJ, O'Donnell M; (2017) *Maltreatment Risk Among Children With Disabilities*
- ^{xviii} IBID
- ^{xix} IBID
- ^{xx} Llewellyn, G., Wayland, S., & Hindmarsh, G. (2016). *Disability and child sexual abuse in institutional contexts*. Sydney: Royal Commission into Institutional Responses to Child Sexual Abuse.
- ^{xxi} Maclean M J., Sims S, Bower C, Leonard H, Stanley FJ, O'Donnell M; (2017) *Maltreatment Risk Among Children With Disabilities*
- ^{xxii} *Effects of child abuse and neglect for children and adolescents* Australian Institute of Family Studies CFCFA Resource Sheet— January 2014.
- ^{xxiii} *Young People in Custody Health Survey* (2015): Full Report. Justice Health & Forensic Mental Health Network and Juvenile Justice NSW p95-96
- ^{xxiv} Dr Sara McLean, Research Fellow, Australian Centre for Child Protection, University of South Australia, *Committee Hansard*, Canberra, 16 April 2015, p. 31.