

Feedback on the Department for Child Protection draft Disability Access and Inclusion Plan (DAIP)

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Commissioner
Y for Children &
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Background and summary of recommendations

Thank you for the opportunity to provide feedback on the Department for Child Protection's draft Disability Access and Inclusion Plan (DAIP). The draft DAIP outlines some promising goals, including the commitments to implement the Sanctuary Model of therapeutic care and to recommission Residential Care Disability placements.

If implemented in a meaningful way, with funding, leadership and ongoing training for all staff involved and according to clearer timeframes, these actions have the potential to improve the wellbeing of children and young people, particularly those who are falling through the gaps between services because they do not meet the criteria for support under the NDIS or education support.

As South Australia's Commissioner for Children and Young People, my mandate is to advocate at a systemic level for the rights, interests and wellbeing of all children and young people in South Australia, particularly those whose voices are not usually heard.

Since commencing this role in 2017, I have spoken to thousands of children and young people across South Australia about issues that are important to them. Children and young people overwhelmingly believe that it is the government's responsibility to protect the rights of children, including those with disability. At the same time, children and young people do not always feel confident that they can trust adults to listen to them and value their contributions.

"They [Adults] don't take younger people as seriously as they take adults. Adults don't understand what we are saying. Our thoughts and ideas are not respected."

"It's the government's job to look after the welfare of the people. If they do not, they neglect to do the most important job they have."

Article 7 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) obliges state authorities to take all necessary measures to ensure that children living with a disability enjoy fundamental freedoms and human rights on an equal basis with other children, including the rights to be heard and to access education and justice. These rights have been protected in the *Disability Discrimination Act 1992 (Cth)*, the *Disability Standards for Education* and the *Disability Inclusion Act 2018 (SA)*.

Despite these legislative protections, I have consistently heard concerns from children, parents, carers and other stakeholders that children with disability are disproportionately excluded at every level of society.

They report a lack of community understanding about disability and a failure across many organisations, schools, service providers and state authorities to respond appropriately to disability-related needs and behaviours. This has an impact on a child's personal wellbeing and social life, their engagement in education and community, and their ability to access, engage with and ultimately benefit from therapeutic and other appropriate interventions.

In light of the above conversations, this office makes the following recommendations to guide the final DAIP's implementation and ensure it meets its obligations as outlined in the

Disability Inclusion Act 2018 (SA) and the United Nations Convention on the Rights of the Child (UNCRC).

1. That the timeframes for each action are made more specific with dates rather than the current “short term”, “medium term”, “long term” or “ongoing” time frames.
2. That the Department’s final DAIP provides mechanisms for the monitoring and evaluation of the plan to ensure that the “measurable targets” are indeed measured to ensure accountability.
3. That the Department’s proposed Child and Youth Engagement Strategy has actionable and concrete goals, measures and timeframes, and is developed and implemented through a child-friendly and accessible engagement process that is ongoing.
4. That the final DAIP includes actions to improve existing and develop new child-friendly feedback and complaint mechanisms that are accessible to children and young people with disability. Once a complaint has been lodged, that these complaints are taken seriously, acted upon and monitored by properly resourced oversight mechanisms.
5. That the Department implements a standardised mechanism for disability screening and comprehensive assessment if indicated for all children in care to inform better service provision.
6. That the Department develops and delivers extensive, meaningful and ongoing educational training for all staff to understand disability and provide appropriate and trauma-informed responses that facilitate the social inclusion and participation of children and young people.
7. That the final DAIP include greater collaboration with other key organisations, service providers, departments and state authorities to strengthen the effectiveness and sustainability of the final DAIP’s actions.

I hope this feedback proves useful. I will be interested to monitor how the actions of the plan will translate into real action and real change in the lives of children and young people. If you would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,



Helen Connolly
Commissioner for Children and Young People

Submission

1. **That the timeframes for each action are made more specific with dates rather than the current “short term”, “medium term”, “long term” or “ongoing” time frames.**

The draft DAIP’s current timeframes, which range from “short term” to “ongoing” provide an initial guide. However, they are not defined in the draft DAIP. This office is concerned that they are vague and not enforced by any ongoing accountability mechanism.

2. **That the Department’s final DAIP provides mechanisms for the monitoring and evaluation of the plan to ensure that the “measurable targets” are indeed measured to ensure accountability.**

The draft DAIP’s “measurable targets” are an initial step for implementation but they are currently vague and not enforced by any ongoing accountability mechanism.

3. **That the Department’s proposed Child and Youth Engagement Strategy has actionable and concrete goals, measures and timeframes, and is developed and implemented through a child-friendly and accessible engagement process that is ongoing.**

Children and young people want to be involved in decision-making not just as individuals with disability but as children and young people. They want more than to simply be “consulted”; they want to be actively involved in developing, implementing and monitoring and evaluating projects, policies and strategies.

Children and young people are experts in their own lives and their experiences are not homogenous. Children and young people with disability should not only be consulted about the barriers to accessing justice and education, but they should also be included in the development of solutions and strategies to address these barriers.

To maximise engagement and truly establish “partnership approaches to improving care experiences for children and young people”, opportunities to participate should be well promoted and offered in a range of formats.

The draft DAIP proposes the development of a Child and Youth Engagement Strategy and Young Person’s Group to provide opportunities for children and young people with a disability to “have their views heard”. The draft DAIP does not specify whether or how children are to be engaged in this process or whether they were engaged in the development of the draft DAIP. In our office’s view, the earlier children and young people are involved, the better embedded they are in the process. They should be the ones that are deciding what the Group should look like, what issues they want to talk about and how they will do this.

Where children and young people with disability are engaged, it is important that any engagement is not just “lip service”. It is crucial that children with disability are not

included or consulted just for their disability or to tick a box. These initiatives must value their voices and take their concerns seriously. As well as making the timeframes for the DAIP actions more specific (see Recommendation 1), the Department should ensure the Strategy sets concrete and actionable goals according to timeframes for the Strategy.

4. That the final DAIP includes actions to improve existing and develop new child-friendly feedback and complaint mechanisms that are accessible to children and young people with disability. Once a complaint has been lodged, that these complaints are taken seriously, acted upon and monitored by properly resourced oversight mechanisms.

Children and young people have consistently told me that they want organisations to be transparent and demonstrate accountability by ensuring that young people who have voiced their concerns or opinions are informed about the outcome of their feedback or complaint. They want staff to be kind and respectful and they want to know that the organisation has capabilities to deal with issues properly, completely and with discretion.

“Feedback must be there for everyone – there NEEDS to be actions done afterwards. The company, business or community must be ready to take on the feedback and there MUST be someone to implement change. Responses to feedback must be fast, efficient, reliable and must cater to the needs of whoever needs assistance.”

The draft DAIP does not include any actions relating to feedback or complaint mechanisms. This office recommends a review of how any existing feedback or complaint mechanisms are used and how they are accessible for all children and young people to highlight systemic concerns, particularly for children and young people living with disability. The Department should also compile and publicly report on children’s feedback and systemic concerns to improve accountability and inform ongoing actions and priorities.

Although the Community Visitor provides some oversight in relation to children and young people in care and in residential units, there are currently no resources to facilitate and ensure this oversight. Furthermore, the Visitor does not have the power to oversee or investigate allegations of abuse that might be raised in complaints made by the general public. The Department should ensure that oversight mechanisms are properly resourced to hear and investigate complaints from children and families, including those with disability, developmental delays, mental health issues and/or chronic health conditions.

Action 3.5 of the draft DAIP is to “Include children with disabilities in service planning for the Youth Adventure and Recreation Service (YARS) and ensure its programming involves children with disabilities”. While qualitative feedback from children and young people is the proposed measure for this action, opportunities to provide this feedback need to be well promoted and offered in a variety of formats to ensure genuine engagement with this group.

5. That the Department implements a standardised mechanism for disability screening and comprehensive assessment if indicated for all children in care to inform better service provision.

The draft DAIP acknowledges that approximately one third of children and young people in care have a disability or developmental delay. However, there is currently no standardised process for screening or assessing the developmental or disability-related needs of children who interact with DCP.

This is necessary because the social and economic consequences of failing to identify disability and appropriately meet disability-related needs are significant. The resources currently being spent on misunderstanding, criminalising or responding inappropriately to disability-related needs could be better invested in service provision based on more consistent and timely assessment and understandings of disability.

Even in cases where children have established disability diagnoses, children, young people, families and other stakeholders have consistently raised concerns about a lack of reasonable adjustments being made for these children in line with their developmental age and behavioural and communication needs.

6. That the Department develops and delivers extensive, meaningful and ongoing educational training for all staff to understand disability and provide appropriate and trauma-informed responses that facilitate the social inclusion and participation of children and young people.

The draft DAIP mentions information sessions for staff. However, it makes no mention of training. Employees require adequate training to help them identify disability and offset negative attitudes, stigma, discrimination and misconceptions about people with disability.

This office recommends a commitment to extensive and meaningful disability awareness and engagement training for all DCP employees. This training should:

- Be developed and delivered by or in collaboration with people with disabilities, the disability sector and other agencies with disability expertise;
- Be regular and ongoing;
- Have a focus on trauma-informed practice and de-escalation techniques;
- Provide practical experiences for employees to engage with people with disability, particularly children and young people with disability; and
- Improve attitudes and responses of staff.

7. That the final DAIP include greater collaboration with other key organisations, service providers, departments and state authorities to strengthen the effectiveness and sustainability of the final DAIP's actions.

Responsibility for the actions in the draft DAIP currently sit largely with internal teams within DCP. Greater collaboration with other agencies is likely to improve the chances of

meeting the DAIP's targets. Potential partners might include the Department for Human Services (DHS), disability service providers, SAPOL and the Department for Education.

The following table demonstrates how potential partnerships are central to the success of proposed actions.

Potential partners	Relevant proposed action and improved outcomes
SAPOL, DHS	<p>Most concerns from advocates and carers relate to the criminalisation of children living with disability in residential care settings. This office has heard of cases where carers “manage” children’s behaviour by calling the police. This leads to children being charged with assault for behaviour that would not be criminalised in other environments.</p> <p>Working with DHS and SAPOL is therefore central to ensuring therapeutic models like the Sanctuary Model are understood and effectively implemented across the board. To ensure vulnerable children and young people receive treatment and care rather than police or youth justice involvement.</p>
Disability service providers, Other agencies with disability expertise	The provision of extensive, meaningful and ongoing training for all DCP employees will be most effective when it is developed and delivered by or in collaboration with the disability sector, service providers or other agencies with disability expertise.
Disability service providers, Community organisations, Department for Education	Delivering the “specific focus” on children with disability successfully transitioning from care at 18 years of age (Action 4.4) requires strong relationships with community organisations, educators and the Department for Education, as well as service providers to ensure post-care arrangements are indeed “certain”, sustainable and suited to the child’s needs.