

Feedback on Department of Human Services draft Disability Access and Inclusion Plan (DAIP)

September 2020



251 Morphett Street, Adelaide, SA 5000
GPO BOX 1146, Adelaide SA 5001
08 8226 3355 | commissionercyp@sa.gov.au

Background and summary of recommendations

Thank you for the opportunity to provide feedback on the Department of Human Services (DHS) draft Disability Access and Inclusion Plan (DAIP). DHS provides a significant number of programs and services with which children and young people with disability interact, including child and family safety services, youth justice and accommodation services. It therefore seems logical and essential that children and young people with disability and their families, carers and advocates should be actively engaged throughout the development, implementation and monitoring of this DAIP.

The DHS Youth Justice Assessment and Intervention Services Disability Screening project is a welcome first step to understanding and appropriately responding to disability across Youth Justice Services. This office will be interested to monitor how the project's recommendations are implemented in a meaningful way, with funding, leadership and ongoing training for all youth justice staff, and how this will translate into real change in the lives of children and young people.

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.

In this role, 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.

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 final DAIP outlines how young people with disability will be supported to actively participate in decision-making that includes but is not confined to “youth initiatives”.
2. That the final DAIP includes actions to review and improve existing and develop new child-friendly feedback and complaint mechanisms that are accessible and accountable to children and young people with disability.
3. That the proposed actions relating to youth justice services support all children and young people with disability in Kurlana Tapa to remain connected to community and transition back into the community and are culturally appropriate for Aboriginal and Torres Strait Islander children and young people.
4. That the final DAIP includes actions to improve the accessibility of all services, information sources and engagement initiatives to support children and young people with disability and their parents, carers and families of all levels of literacy, communication needs and physical ability.
5. That the Department delivers extensive, meaningful and ongoing educational training for all staff across all services to understand disability and provide appropriate and trauma-informed responses that facilitate the social inclusion and participation of children and young people with disability.
6. That the final DAIP include greater collaboration with other departments, state authorities, service providers and youth-focused organisations with disability expertise to strengthen the effectiveness and sustainability of the final DAIP's implementation.

I hope this feedback proves useful. 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 final DAIP outlines how young people with disability will be supported to actively participate in decision-making that includes but is not confined to “youth initiatives”.

Although the draft DAIP mentions that the Department will “support young people living with disability to actively participate in decision-making”, the only specific reference to the participation of young people is confined to the “review of strategic youth initiatives”.

Given that children and young people interact with a significant number of DHS’ programs and services, the final DAIP should outline how young people with disability will be supported to actively participate and contribute to other services or initiatives that are not necessarily youth-specific but that nevertheless affect their lives, including:

- The volunteering and LGBTQIA+ initiatives mentioned in action 4.7.;
- Improving accessibility to concessions (Action 4.8);
- The Department’s Child and Family Safety services and networks;
- Accommodation services and the proposed consultations about the physical environments of the Department’s spaces so that they are child-friendly, child-safe and accessible (Action 6.6).

The draft DAIP does not specify whether or how children are to be engaged in future initiatives or whether they were engaged in the development of the draft DAIP. In our office’s view, the earlier young people are involved, the better embedded they are in the process. They should be the ones that are deciding what services and engagement should look like based on the issues that are important to them.

To maximise engagement and truly support “active participation”, opportunities to participate should be culturally appropriate, well promoted and offered in a range of formats. This is likely to require collaboration with other agencies, particularly youth-focused organisations with disability expertise (see Recommendation 6).

The lives and experiences of children and young people with disability are not homogenous. Children and young people with disability should not only be consulted about the barriers to accessing services, justice and education, but they should also be included in the development and monitoring of solutions and strategies to address these barriers. They want to be involved in decision-making not just as individuals with disability but as young people.

The above considerations should inform the review of the Disability Engagement Group (DEG) and the development of the proposed toolkit “to support state authorities to consult and engage with people living with disability when developing policies and programs”. Given that any of DHS’ policies or programs will affect children and young people’s lives, it seems logical that they are designed with the input of young people themselves. and that this toolkit should provide practical guidance as to how this can be achieved.

Rather than the draft DAIP's vague "ongoing" timeframes, these actions should have a clear starting date and specific timeframes for each step in establishing mechanisms that support young people's ongoing engagement. Finally, the target for these youth engagement actions should not just be about a percentage of consultation participants but should also measure the provision of supports and the quality of engagement according to young people's experiences through feedback and complaint mechanisms (see Recommendation 2).

2. That the final DAIP includes actions to review and improve existing and develop new child-friendly feedback and complaint mechanisms that are accessible and accountable to children and young people with disability.

"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 makes no mention of feedback and complaints systems. 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 and their families and carers, particularly those living with disability, who wish to highlight systemic concerns. The Department should also compile and publicly report on children's feedback and systemic concerns to improve accountability and inform ongoing actions and priorities.

Opportunities to provide feedback or make complaints should be well promoted and offered in a variety of formats to ensure genuine engagement and to accommodate for varying levels of literacy and communication needs among children and their families. Once a complaint has been lodged, it should be taken seriously, acted upon and used to continuously improve the Department's services and engagements and communication with the community.

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. If, for whatever reason, the Department is unable to respond appropriately to a complaint, its staff should be equipped to refer the child or their family to an appropriate service who can help.

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.

3. That the proposed actions relating to youth justice services support all children and young people in Kurlana Tapa to remain connected to community and transition back into the community and are culturally appropriate for Aboriginal and Torres Strait Islander children and young people.

The Youth Justice Assessment and Intervention Services Disability Screening project identified areas of disability-related need that were previously unknown and unmet for more than half of the participating young people in Kurlana Tapa.

This office welcomes the implementation of improvements recommended in this project, including greater screening for disability-related needs for all children and young people engaged in Youth Justice and embedding disability-informed policies and procedures across Youth Justice.

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.

Training for staff should go beyond “awareness of neuro-developmental disability”. It should focus on understanding the rights of children and young people living with disability and identifying and understanding how disability-related needs impact a child or young person’s behaviour and attention span (See Recommendation 5). This includes a child or young person’s capacity to follow instructions, to change behaviour independently or to regulate emotions, control impulses or retain information.

Effective specialist intervention based on specialist screening and assessment involves sectors working together as early as possible to actively promote children’s rights and the engagement of parents, carers, families and communities.

The draft DAIP commits to ensuring that children and young people in the youth justice system living with disability “can access the services they require”. This office notes that Action 9.6 is to facilitate access to support through the NDIS. What about children and young people whose disability-related needs do not meet the criteria for NDIS?

The final DAIP should detail how specific mainstream and specialist services, including education, healthcare and other interventions, will be accessible to all children and young people with disability and culturally appropriate for Aboriginal and Torres Strait Islander children and young people.

The long-term impacts of failing to identify and appropriately support disability-related needs can include a child’s disengagement or withdrawal from education and limited employment opportunities.

The Department’s Youth Justice Services should be preparing children and young people to exit Kurlana Tapa as soon as they enter. Yet this is only possible if young people are supported to maintain connections and engagement with community throughout their detention so that their transition back into the community is physically, socially and culturally safe and appropriately tailored to any disability-related needs.

In practice, this might include a commitment to collaborate with Community and Family Services and broader community organisations and service providers to implement Action 11.1 of the DAIP: to establish pathways for young people with disability “to access meaningful volunteering opportunities that will support learning and employment pathways” (See Recommendation 6).

4. That the final DAIP includes actions to improve the accessibility of all services, information sources and engagement initiatives to support children and young people with disability and their parents, carers and families.

The draft DAIP mentions improving online accessibility of DHS websites and providing strategies and information in accessible formats such as easy read versions. However, it is important that all services accommodate children and young people and parents, carers and families of all levels of literacy, communication needs and physical ability, to keep families engaged with the services they need.

5. That the Department delivers extensive, meaningful and ongoing educational training for all staff across all services 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 “online accessibility training” for online editors, training for auditors, training for staff in Accommodation Services and mandatory Disability Awareness training for all staff.

It also mentions “improved training regarding awareness of neuro-developmental disability” for staff in Youth Justice Services. This specific training is essential and it should be provided to all Youth Justice Services employees in addition to broader extensive, meaningful and regular disability awareness and engagement training that should:

- Be developed and delivered by or in collaboration with people with disabilities, the disability sector and other agencies with disability expertise (See Recommendation 3);
- Be regular, ongoing and culturally appropriate;
- Have a focus on children’s rights, 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 across all services.

6. That the final DAIP include greater collaboration with other departments, state authorities, service providers and key youth-focused organisations with disability expertise to strengthen the effectiveness and sustainability of the final DAIP’s implementation.

The responsibility for the actions in the draft DAIP currently sit internally within DHS directorates. Greater collaboration with other agencies is likely to improve the chances of meeting the DAIP’s targets and could be clearly identified in the final DAIP alongside the lead directorates. Potential partners might include SAPOL, the Department for Education, disability service providers, and the Department for Child Protection.

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

Potential partners	Relevant proposed action and improved outcomes
Disability service providers, Other agencies with disability expertise	Training for all DHS staff The provision of extensive, meaningful and ongoing training for all DHS 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 (see Recommendation 5).
Youth-focused organisations with disability expertise	Supporting young people with disability Consultation and collaboration with youth-focused and community organisations with disability expertise will strengthen the DAIP's commitment to "support young people with disability to actively participate in decision-making" in the following engagement initiatives: <ul style="list-style-type: none"> • The review of the Disability Engagement Group (DEG)'s membership and to increase its use in policymaking and policy initiatives; and • The development of the toolkit supporting state authorities to engage with people with disability when developing policies and programs, particularly in regional SA.
Disability service providers, Community organisations, businesses, Department for Education, Department for Innovation and Skills	Learning and employment Exploring pathways for people with disability to access meaningful volunteering (Action 11.1 of draft DAIP) should include children and young people engaged in youth justice services to ensure that a young person's transition back into the community from Kurlana Tapa is safe, supported and culturally appropriate. This requires collaboration between the Youth Justice division and other potential partners across government and the community, including community organisations, businesses, service providers as well as the Department for Education or the Department for Innovation and Skills.