

Protecting Victoria's Vulnerable Children Inquiry – Submission

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Attention: Protecting Victoria's Vulnerable Children Inquiry Panel

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Background

The Victorian Disability Services Commissioner (DSC) commenced on 1 July 2007 under the *Disability Act 2006* (Act) to improve services for people with a disability in Victoria.

This independent statutory office works with people with a disability and disability service providers in Victoria to resolve complaints.

Our complaints resolution process is free, confidential and supportive and we encourage and assist the resolution of complaints in a variety of ways including discussions, conciliation processes, or under certain circumstances through investigations.

At the conclusion of nearly four years of establishment of this office we are able to compare the experiences we have gained in responding to over 1,800 matters to date.

Victorian disability service providers readily contribute to our growing body of knowledge by reporting each year on the number and types of complaints they received and how they were resolved. This information is used to identify systemic issues and inform the ongoing development of the disability service system.

There are both themes we can see and conclusions we can draw from service provider's data and our own data that captures our experience of the complaints brought to our office which informs our submission to this Inquiry.

We provide a summary of some of the emerging trends and systemic issues we have identified for consideration by this inquiry in order to achieve better outcomes for children and young people with a disability.

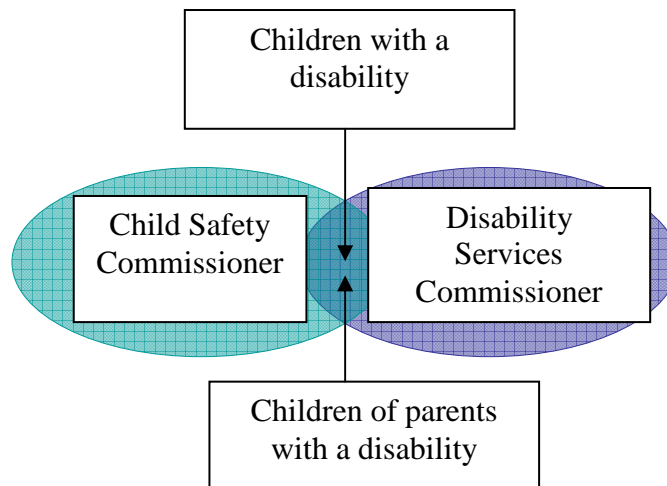
Protocol with the Child Safety Commissioner

A protocol has been in place between Disability Services Commissioner and the Child Safety Commissioner (CSC) since August 2008. The protocol was developed to assist the two Commissioners to perform their respective functions in a way which effectively promotes the rights and maximises outcomes for those children with a disability and parents with a disability who may seek the involvement of either Commissioner.

The protocol has operated to facilitate the relationship between the two Offices, identify pathways for contact and information sharing and support joint involvement of the two Offices.

The Disability Services Commissioner and the Child Safety Commissioner have a shared concern for the rights and entitlements of Victorian children with a disability and children of parents with a disability, who potentially constitute a joint client group.

The CSC may become involved in matters relating to children with a disability or children of parents with a disability in their work of promoting the safety and wellbeing of all Victorian children. DSC may become involved where children or parents with a disability who have children less than 18 years of age, may require assistance to resolve complaints. In these instances both Commissioners have legislatively mandated functions.



Issues identified in enquiries and complaints

Approximately 19 per cent of all enquiries and complaints to the Disability Services Commissioner relate to children and young people 0-18 years, with the majority aged between 11 and 18 years (2009-10). These issues can include concerns about the adequacy of service responses to the needs of children and young people with a disability in out-of-home care and child protection services. Both the Disability Services Commissioner and the Child Safety Commissioner have been approached by service providers concerned about gaps in protections, planning and the adequacy of responses to the needs of children and young people with a disability in out-of-home care and child protection services, and consequent risks to the well being of these children and young people.

The lack of a common assessment and co-ordinated approach to meeting the needs of children and young people with a disability in out-of-home care and child protection programs has been identified by a number of service providers and advocacy organisations. Instances of parents saying that they will 'relinquish' care of their child with a disability in the context of complaints about the adequacy of available supports have also featured in enquiries and complaints to the Disability Services Commissioner.

Examples of inappropriate placements and gaps in protections and planning afforded to children and young people with a disability in out-of-home care have been brought to the attention of the Disability Services Commissioner and the Child Safety Commissioner. These issues were highlighted in subsequent joint discussions held with the Executive Directors of Disability Services and Children, Youth and Family Services of the Department of Human Services.

Further to these discussions, the department developed a draft *Integrated Framework for children and young people with a disability* which sets out a joint work plan between the Divisions of Disability Services and Children, Youth and Family Services. This framework sets out a number of actions to improve outcomes for children in out-of-home care and to strengthen working relationships between the community care and disability services workforce.

In recognition of the particular circumstances of young people with a disability and the joint interests of the Disability Services Commissioner and the Child Safety Commissioner, both offices have continued to engage with the Department of Human Services on the outcomes of these planned actions through participation on a governance group convened for this purpose. Whilst progress is being made on these planned actions, individual complaint cases relating to gaps in protections, service provision and planning afforded to children and young people with a disability continue to cause concern. Demonstrated outcomes from this joint work being undertaken by Disability Services and Children, Youth and Family Services of the Department of Human Services is therefore warranted.

Response to specific areas to be considered by this inquiry:

The following comments and examples have been drawn from the experience of the office of the Disability Services Commissioner (DSC) in dealing with enquiries and complaints relating to children and young people with a disability.

Factors that increase the risk of abuse and neglect and effective preventive strategies

From the enquiries and complaints made to DSC, the following factors appear to increase the risk of abuse and neglect for children and young people with a disability with behavioural support needs:

- Insufficient access and flexibility of options for respite, particularly for parents with children with high behavioural support needs.
- Lack of comprehensive and co-ordinated assessments and support for implementation of behavioural support and communication strategies.
- Turnover of case managers in child protection services and disability client service frustrates efforts to have continuity and seamless planning approaches.
- Delays in providing specialist outreach support to families and integrating this support with strategies employed at school.
- Lack of a 'family centred approach' to addressing what is working and not working for the parents and children, particularly where parents also have a disability.
- Some advocacy and support services advise parents to 'relinquish' the care of their children in order to move them up the priority list for the allocation of services through the operation of the Regional Disability Support Register.

Strategies to enhance early identification of, and intervention targeted at children and families at risk including the role of services

Some of the matters brought to the attention of DSC, indicate the need for a proactive and co-ordinated approach to early identification of, and intervention designed to assist, children and families at risk. Parents with a disability can be particularly fearful of seeking assistance, and understate their need for support. Joint approaches of disability and family services using person centred and family centred approaches can provide effective early intervention strategies. Such approaches can engage parents who may otherwise be reluctant to seek support by focusing on what is important to and for each family member, what is working and not working, and identifying what a 'good day' looks like and what types of supports and strategies are needed. DSC have also dealt with complaints where responses by disability services would have benefited from a holistic family assessment, identifying risks and trigger points to inform respite care planning for the young person with a disability.

Quality, Structure, Role and Functioning

A key issue in the residential respite system is the lack of stability that can be provided to children who are accommodated in such facilities on a 'longer term' basis awaiting more suitable options. Where children have complex needs, there is a need for specialist and co-ordinated planning, with clear processes for decision making and review.

The interaction of departments and agencies, the courts and service providers better working to support at risk families and children

Young people with a disability who are transitioning from the child protection/out of home care system to disability services can be particularly vulnerable and at risk of experiencing further trauma if insufficient attention is given to proactive inter-departmental and interagency collaboration and planning with the young person at the centre of these processes.

In closing, it is our view that the protection of Victoria's vulnerable children would be significantly enhanced through a more proactive, integrated and comprehensive approach to planning for the needs of this group of children and their families, Earlier identification of at risk children and families, improved planning for (and delivery of) the supports required and an improved level of co-operation and planning between the various relevant areas of the service system would all contribute to an improvement in the life outcomes for these children.