



Child Safe Institutions

National Disability Services (NDS) is pleased to provide the following comments to the Royal Commission into Institutional Responses to Child Sexual Abuse on the content and effectiveness of strategies aimed at creating 'child safe institutions'. The focus is on children with disability and the services provided for their support.

Policy and Legislation context

The right of people with disability to live free from abuse is enshrined in disability policy and legislation across Australia and internationally. The United Nations Convention on the Rights of Persons with Disabilities, which Australia has ratified, requires signatories to have legislation and policies which “ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.”¹ Specific strategies are required for women and children with disability at risk.

The National Disability Strategy 2010–2020—a COAG-endorsed framework for improving the lives of people with disability, their families and carers—contains specific actions to “develop strategies to reduce violence, abuse and neglect of people with disability”² including children.

States and Territories have in place a range of legislated policies, procedures and guidelines for managing and reporting incidents of abuse, neglect and exploitation of people with disability. State-specific complaints mechanisms complement these policies, some supported by independent monitoring through Ombudsmen and Disability Services Commissioners.

National Disability Insurance Scheme

The introduction of the National Disability Insurance Scheme (NDIS) represents the single biggest reform to the funding and provision of disability services in a generation. Launched in July 2013, it will evolve into a national system which provides an estimated 460,000 eligible people with disability with individualised funding packages and enhanced choice and control over the supports they receive.

¹ Article 1: United Nations *Convention on the Rights of Persons with Disabilities*

² *National Disability Strategy 2010-2020—Outcome 2, Action 2.5, p.42.*

There are significant workforce implications from the introduction of the NDIS. The demand for disability support workers is likely to double, at a time when demand for workers in the aged-care sector is also increasing, intensifying the competition for skilled staff. Where workforce demand cannot readily be met, organisations will be under pressure to be less stringent in their recruitment processes, including those related to background checks and core values required in the delivery of human services. Any erosion of standards must be avoided.

Services for children with disability

The ratio of government services to non-government services for children with disability varies greatly across States and Territories. Some governments are actively moving towards greater delivery of services by non-government organisations, in recognition of the greater flexibility and cost-effectiveness of non-government organisations.

NDS represents non-government organisations delivering services to people with a disability of all ages. Services commonly delivered to children with disability include therapy, recreation (with increased demand during school holidays) and all forms of respite. There is growing demand for ‘out-of-home care’—where children and young people are unable to live with their birth families.

The level of risk associated with these services varies. Risk is influenced by factors such as the type of service; existing personal relationships with staff; and the number of people present when services are delivered. In this context, therapy services—typically delivered in short periods in busy environments—present less opportunity for abuse than services where providers have unique access to people’s home environments, their physical and emotional space and their possessions.

Out-of-home care (including respite) is a high-risk category. Children in these services may have heightened vulnerability due to factors such as childhood trauma, estrangement from family and instability associated with multiple placements. They are also exposed to situational risk factors associated with extensive periods of unsupervised one-on-one contact with a staff member, or they may be living with other children with the potential to cause them harm.

Strategies

Zero Tolerance: Preventing and responding to abuse and neglect of people with disability in funded disability services

In response to sector interest, NDS is leading a national project to develop a framework to assist non-government disability service providers to protect the people with disability they support from abuse and neglect.

In particular, the project seeks to:

1. Increase disability service providers’ **understanding and use of current policies and procedures** relating to abuse and neglect of people with disability.

2. Explore current best practice approaches to **recognising and responding** to allegations and incidents of abuse and neglect in different environments.
3. Identify and recommend **responses to any existing systemic gaps** in national policy and procedures to prevent and respond to abuse and neglect.
4. Support the **development of service cultures** which reduce the risk of, and improve responses to, abuse and neglect through training, education and skills development.
5. Identify and respond to any **emerging risk environments** and the need for new abuse and neglect prevention and response strategies.

While still being developed, this work is likely to draw substantially from the framework outlined in a report by the Victorian Disability Services Commissioner. This framework comprises five elements: understanding abuse; primary prevention; targeted prevention; secondary prevention; and tertiary prevention.³

The value of this framework is that it is both organisation-wide and comprehensive—and, therefore, pertinent to the delivery of supports to all service users. It contains, through the targeted prevention element, an emphasis on the need to identify and address risk factors associated with particular people with disability or settings.

Under such a framework, the specific risks associated with providing services to children with disability should, therefore, be identified and responded to within a broad approach to preventing and responding to abuse. Strengthening an organisation's ability to prevent and respond to all abuse and neglect should provide a strong platform for targeted action to keep children safe.

As the project unfolds, NDS expects that a range of tools and resources will be made available to disability service providers. NDS would be pleased to provide further information to the Royal Commission as it becomes available during the course of the project.

Other strategies

Other strategies supported by NDS to protect children with disability (or that warrant further investigation) are:

- the introduction of a 'National Working with Children Check';
- processes that seek the opinions of, and feedback from, children (for instance, using services such as those provided by the CREATE Foundation);
- social media policies to decrease the likelihood of inappropriate interactions between children and young people and the staff that care for them;
- making information and resources available to children to assist them to understand and manage the broader risks posed by social media;

³ Coulson Barr, L. 2012, *Learning from complaints – Occasional Paper 1*, Disability Services Commissioner, Victoria, especially pp.31–34.

- consideration of registration for disability support workers (that may include minimum induction requirements, agreement to adhere to a code of conduct and opportunities for ongoing professional development); and
- exploration of effective processes to supervise staff working in isolated settings.

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Contact: Dr Ken Baker
Chief Executive
National Disability Services
Ph: 02 6283 3200
Mob: 0409 606 240
ken.baker@nds.org.au

About National Disability Services

National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes 900 not-for-profit organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services—from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.