Protection and prevention of abuse of children and young people with disability in residential care.
Introduction

In 2017 the Minister for Education and Child Development approved the Ministerial Advisory Committee: Children and Students with Disability (MAC:CSWD) to provide her with advice concerning the protection of children and young people living with disability and the prevention of abuse in institutional contexts.

Children living with disability spend a greater proportion of time in institutional contexts, and are generally more reliant on others to provide supports and care, than their peers without disability.

For the purposes of this paper, MAC:CSWD has focused specifically on children and young people with disability who are living in residential care. However, the issues raised are applicable to other institutional contexts, including family-based care, school transport services, and other activities.

Statistics from the fourth report from the South Australian Office of the Guardian for Children and Young People “Children and Young People in State Care in South Australian Government Schools 2008-2016”, indicate that over 10 per cent of children and young people in state care are living in residential care (May 2017).

Residential care refers to care provided to children and young people who are living away from their families in residential buildings or care facilities, which are staffed by Department for Child Protection employees or carers from non-government organisations (NGOs).

The South Australian Office of the Guardian for Children and Young People report (May 2017) also states that, among those children who are in residential care, there is a high incidence of children and young people living with disability, and Aboriginal children, who are attending government schools.

In Term 3 2016, 550 students in care (30.1 per cent), who were enrolled in government schools, had a disability 1 compared to the state average of nine per cent. Furthermore, the report stated that 619 students who identified as Aboriginal comprised 33.8 per cent of children and young people living in care and attending government schools.

Research from the First Peoples Disability Network Australia (2011) tells us that Aboriginal people are often reluctant to identify themselves as experiencing disability. This would indicate that while Aboriginal children are already over-represented in the statistics, it is likely that there are significant numbers of Aboriginal children who may be experiencing disability, without having received a diagnosis. MAC:CSWD is concerned that Aboriginal children

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1 In the report from the South Australian Office of the Guardian for Children and Young People, disability refers to intellectual, sensory or physical impairments that satisfy the criteria for eligibility to access special education services or programs provided in South Australia.
experiencing disability, who are living in care and attending government schools, may not be receiving appropriate supports.

The report from the Royal Commission into South Australia’s Child Protection Systems “The Life They Deserve” emphasises the need for an evidence-based and child-centred approach that identifies an effective solution to preventing institutional abuse.

The South Australian Government’s response to the report, “A Fresh Start” provides analysis and response to each of the Royal Commission’s 260 recommendations, and a framework for reform of the child protection system, that includes commitments to the safety and wellbeing of children and young people living with disability.

MAC:CSWD believes that the South Australian Government’s response, the reform of the South Australian Child Protection system including the establishment of a new Department for Child Protection, present a timely opportunity to focus on the prevention and protection from abuse of children and young people living with disability.

MAC:CSWD presents this paper to the Minister to complement the commitments made in “A Fresh Start”, and to highlight the need for a targeted focus on preventing abuse and protecting children and young people living with disability in residential care. It contains key points for the Minister’s consideration that are pertinent to enhancing the lives of children and young people experiencing disability, who are living in care.
Strategies for the Prevention of Abuse and Neglect

The National Association for Prevention of Child Abuse and Neglect (NAPCAN) and the Australian Institute of Family Studies (AIFS) promote the implementation of prevention strategies to “reduce risk factors and enhance protective factors” to reduce the incidence of child abuse and neglect.

They note that prevention strategies can benefit children in all families, including those who while not necessarily in need of intervention by child protection authorities, are experiencing “less than optimal parenting” (AIFS 2017).

NAPCAN and AIFS promote a public health approach with three levels of intervention:

- **Primary or universal** strategies which are directed towards the population and may include initiatives to strengthen families, such as media campaigns,
- **Secondary** or early interventions that aim to prevent abuse and neglect before it occurs, and
- **Tertiary** responses that are targeted to minimise the impacts from abuse and neglect and to prevent it from recurring.

While primary strategies are valuable in identifying “at risk” circumstances and the prevention of abuse and neglect, MAC:CSWD suggests that secondary, or early interventions, and tertiary responses for children and young people experiencing disability and living in care would provide a targeted focus on their protection.

Early interventions can include addressing causal factors underlying the incidence of abuse, including economic indicators of employment status of parents, access to secure housing, and the availability of child care and education.

MAC:CSWD suggests that disability be included in the list of economic indicators, in acknowledgement of the findings of the Australian Institute of Health and Welfare (2009) correlating disability with economic disadvantage and social exclusion of families.

AIFS proposes that investment in initiatives to address public health factors such as substance abuse and mental health would help to strengthen families and have a positive impact on the prevention of abuse and neglect.

MAC:CSWD suggests that initiatives directed towards disability also be included, to ensure that appropriate supports are available as an early intervention for families who have members experiencing disability and who require additional care.

AIFS suggests that the adoption of an holistic approach implementing early intervention strategies to strengthen families may reduce the incidence of neglect or abuse in families flagged as being “at risk”. AIFS suggests that this would not only provide positive outcomes for
families, but would translate into positive social and economic outcomes, through reduced reliance on health care, child protection and law enforcement (AIFS 2017).

MAC:CSWD supports an holistic approach and believes that by including disability as an economic indicator, early intervention strategies would ensure that appropriate resources and supports are made available to children with disability to maximise their opportunities and provide them with the best possible start to their lives.

Assessments of Children and Young People in Care

The National Out of Home Care Standards, require that children and young people entering care receive preliminary health assessments to identify and respond to their immediate health needs.

Within three months of entering care children and young people also undergo a comprehensive health and development assessment that includes the domains of physical health, developmental assessment and psychosocial and mental health.

The Royal Commission into South Australia’s Child Protection systems noted that disability is often not diagnosed as the chief primary need and this is supported by anecdotal evidence that indicates that disability can be obfuscated by the impacts of trauma.

MAC:CSWD believes that the high incidence of children with disability in care, including the high proportion of undiagnosed disability, particularly Aboriginal children, warrants an increased focus on assessment for disability. Such an assessment should be cognisant of experiences of trauma, and performed by suitably trained professionals, to ensure response to functional needs is also prioritised.
Data Collection and Sharing

The extent of abuse of children and young people with disability is not known. This is observed in the Australian Government’s Royal Commission into Institutional Responses to Child Sexual Abuse. The Australian Government’s Royal Commission report defined the complexities in reporting abuse, and noted that many people did not disclose abuse until well into adulthood, with survivors taking on average 22 years to disclose. The Australian Government’s Royal Commission report also highlighted the significant underreporting of child sexual abuse and the need to formally quantify the extent of abuse.

Irregularities in reporting can be linked to the vulnerability of children and young people with disability living in institutional contexts. Not only might children with disability experience confusion about the appropriateness of care being provided to them, but there may be fewer adults present to observe or report irregular behaviour, obscuring the incidence of abuse and complicating further the collation of accurate data (University of Sydney, November 2016).

The management and collation of data on children and young people with disability was identified as a serious concern by the Royal Commission into South Australia’s Child Protection. Significantly, the Commission was unable to accurately identify the number of children in care with disability.

The South Australian Royal Commission found that the Families SA case management system recorded children with a “disability or health condition”, with no distinction made between a child with a health condition that did not manifest as a disability, and a child with verified disability. Consequently the case management system did not allow for children to be tracked by their eligibility to receive funding from the NDIS, and the Commission observed that a significant number of children were potentially missing out on NDIS support.

The report from the South Australian Royal Commission noted that of the 2838 children living in care as at June 2015, 40 were registered with the NDIS. The Families SA case management system identified 792 children in care as having a disability or health condition and an analysis of this information against NDIS eligibility found that of these children 476 children may be eligible for NDIS support.

The Commission recommended that the Families SA case management system be developed to enable potential eligibility for NDIS as a function for caseworkers to input information, and to be extracted from the system.

The Government has accepted this recommendation in principle, noting that the function will be considered as part of a review of the case management system.

In addition to the review of the case management system, regulation changes to facilitate data sharing between agencies by the South Australian Public Sector (Data Sharing) Regulations 2017 have been enacted to support the development of public policy, program management
and service planning and delivery, and the Information Sharing Guidelines ensure that interagency and multi-disciplinary responses are provided when necessary.

Inter-jurisdictional information sharing is specifically highlighted as a national priority of the National Framework for Protecting Australian Children. It is envisaged that information exchange between jurisdictions will allow for the movement of people across state and territory borders. However, because states and territories do not include disability as an identifier, the integrity of data about people with disability may be compromised.

MAC:CSWD believes that improved, accurate and comprehensive data provides the opportunity to improve outcomes of children and young people experiencing disability through:

- ensuring that early interventions are directed towards families flagged in the child protection system as “at risk”, which would include those families who have members experiencing disability,
- facilitating appropriate staffing to ensure that sufficient numbers of personnel with disability training/qualifications are employed within the child protection agency,
- identifying skills gaps in child protection personnel, specifically in the area of disability, to determine future staff training programs, and
- allowing child protection personnel to ensure that service provisions are commensurate to the levels of care required to meet individual children’s requirements, including the extension of NDIS support to eligible children and young people living in care.

An accurate and comprehensive dataset as a foundation for evidence-based interventions will contribute to preventing the abuse of children and young people with disability. Data could facilitate development of appropriate policies and strategies to protect and prevent abuse and neglect of children and young people living with disability, and enable evaluation of the effectiveness of interventions.
**Vulnerability and “Feeling Safe”**

While the report from the Royal Commission and the South Australian Government’s response commits to systemic changes to improve outcomes for children and young people in residential care, MAC:CSWD believes there is a need to explore initiatives that can be implemented at the operational level that are specific to the prevention of abuse and neglect of children and young people with disability.

The report from the Royal Commission into South Australia’s Child Protection Systems “*The Life They Deserve*” highlights the burden of care that is assumed by the state and the challenge in creating safe environments for children in the child protection system. This includes a sizeable cohort of children with disability who have come from circumstances where they have received inadequate care, and whose trust in adults for their care, has already been compromised. The report articulates the increased vulnerability of these children living with disability to harm and neglect.

The University of Sydney study “*Disability and child sexual abuse in institutional contexts*” (2016) suggests that a lack of empirical evidence on abuse of children living with disability can be intricately linked to their heightened vulnerability.

Factors contributing to the vulnerability of children and young people living with disability to experiencing abuse can include:
- a greater proportion of children with disability living in out of home care, and spending time in settings where there exists an expectation of compliance,
- communication, speech and language issues, and high behavioural support needs,
- physical limitations and an unclear understanding of sexuality,
- greater reliance on persons outside the family providing day-to-day support, and
- the inability of children and young people living in care to discern what constitutes abuse.

The vulnerability of Aboriginal Children living with disability can be further complicated when their care arrangements are not culturally appropriate. The Australian Institute of Family Studies notes that while the preferred placement of Aboriginal children seeks to respect the cultural safety of the child, when placement cannot be found with kinship or community, Aboriginal children can become disconnected from their culture. The Victorian Aboriginal Child Care Agency advocate the need to focus on culture and connection to community for children living in mainstream care, so as to build the child’s identity and facilitate the child’s comfortable return to community (2012). Consultations reveal that Aboriginality is not always accurately reported, which can further disadvantage Aboriginal children whose access to culturally appropriate disability supports is impeded.
Children with disability who are living in care frequently require personal care of an intimate nature and may not have the appropriate frame of reference to determine the adequacy and appropriateness of care. Incidents of abuse can therefore go unreported.

While there may be inherent difficulties for a child living with disability to communicate abuse, there can be additional reasons for abuse to go unreported that is associated with the vulnerability of the child.

The Disability Justice Plan 2014-17 (the Plan) also recognises this vulnerability and has implemented law reforms to support people with disability accessing and participating in the justice system. The Plan’s intent is for state government agencies to collaboratively effect priority actions to:

- Uphold, protect and promote the rights of people with disability
- Support vulnerable victims and witnesses in the giving of evidence
- Continuously monitor and improve performance

Legislative reform also includes outlawing sexual contact between a person caring for another person with cognitive impairment. The Plan is assisting people with disability to get their evidence heard and improving understanding of people with complex communication needs.

In the study “Feeling safe, being safe”, the Centre for Children and Young People at Southern Cross University (SCU 2016) outlines the complexities of relationships for children with high support needs and the need to empower them through education on being safe. The report notes that children and young people with disability who have experienced abuse have difficulty identifying trustworthy people in their lives and can demonstrate a lack of self-protection.

The SCU study of twenty two children and young people with cognitive impairment noted that several children and young people articulated feeling safe as being an absence of threat and harm from peers, and not feeling scared or being bullied. Researchers observed that feelings of safety are increased when children have a level of control in their environments.

Children in the SCU study identified factors that enhanced their sense of safety. These included physical safety measures, in addition to having a level of influence over their circumstances and a reliable and consistent support network between their home, school and child protection environments.

However the study found that many of the children in the study were situation-specific in their thinking about safe environments and were unable to assess the safety of an environment where there was no immediate threat. This inability to assess the environment can also be a contributing factor to the increased vulnerability of these children.

Child Family Community Australia (CFCA 2017) highlights the rights of children with disability and the need to change societal views so that the identity of children experiencing disability is
not the defining trait. CFCA acknowledges the over-representation of abuse of children in unsafe environments and suggests that attitudinal changes can only be achieved through inclusive practices.

Children living in residential care can be excluded from education about protective behaviours. CFCA noted that children living in residential care do not necessarily receive formal education about protective behaviours in their care setting and also miss out on informal and incidental learning about staying safe that is shared between children and young people. Children and young people living with disability have an equal right to be protected and for this to eventuate, they may require extra supports. Exclusion from opportunities to learn about protective behaviours can also contribute to vulnerability.

CFCA advocates for education about protective behaviours being available to all children, noting that the high incidence of abuse of children with disability demonstrates that the broader community should also learn of the increased vulnerability to abuse of children with disability. Information should be available in a range of formats that are culturally appropriate and accessible, including easy English, video, audio, Braille and Auslan.

CFCA suggests that inclusive practices would involve extending education about the increased risk of abuse of children with disability to children’s peers without disability. Furthermore, CFCA supports adults learning of behavioural changes in children and young people with disability that may be indicators of abuse or neglect.

SCU suggests that education of adults should provide information on stopping a specific incident of abuse, preventing the risk of an incidence of abuse escalating and changing systemic conditions under which abuse occurs. SCU observe that adults need to feel that they have a responsibility, and are able, to intervene to protect a child at risk of being abused or neglected.

Professor Gwynnyth Llewellyn, Director, Disability Research Policy, World Health Collaborating Centre in Health Workforce Development in Rehabilitation and Long Term Care, (AIFS October 2017) noted that case studies from the Australian Government’s Royal Commission into Institutional Responses to Child Sexual Abuse indicated that staff working in institutional care settings were failing to recognise changes in behaviour of young people who had been sexually abused.

Professor Llewellyn noted the range of relevant resources and publications available to provide practical advice on preventative and protective strategies on reducing the risk of abuse. Included in these is MAC:CSWD’s “A guide to protecting children and young people with disability and preventing sexual abuse” which is currently being updated to be available as an online resource. Resources referenced are listed below:
Understanding safeguarding practices for children with disability when engaging with organisations

Belonging and connection of school students with disability

A guide to protecting children and young people with disability and preventing sexual abuse for parents and carers

Protecting children and young people with disability: A booklet for parents and carers

SafeSpace training and resources for the disability sector

Protection through participation involving children in child-safe organisations

Tip sheet: Family safety planning for parents of children with disabilities

Disability in the life cycle: Invest in children
https://www.youtube.com/watch?v=4xxXv5RpYwl

Promotion of available resources for dissemination through disability, education, law enforcement, health and child protection sectors would contribute to educating the broader community about the challenges of protecting children and young people with disability from abuse and neglect, and positively influence societal attitudes towards inclusiveness and acceptance.
**Child Safe Organisations**

CFCA suggest that it is insufficient to focus only on empowering the child to prevent child abuse and neglect, and suggest that disability organisations need to become “child-safe”. They note that the NDIS Quality and Safeguarding Framework which was established to support NDIS participants in exercising choice and control over their care, does not specify criteria on what constitutes child-safe organisations for children and young people with disability.

While the NDIS Framework empowers the individual living with disability to make choices appropriate to their care needs, CFCA note that there is no recognition of the individual’s interaction with the environment, and that there is a need to direct attention towards institutional settings, the people working within these settings, and the governance, safeguarding and quality mechanisms of these settings.

**Disability Expertise**

SCU suggests that the historical notion and practices of providing care to children and young people with disability, where they are passive recipients of care, is counter-intuitive to current research about keeping children and young people with disability safe.

SCU advocates for child protection workers to be educated on the vulnerability of children with disability to abuse and neglect and the perceived power differential in institutional settings. The expectation for children and young people living in residential care, particularly in closed institutions such as correction centres is for them to “comply”. This expectation diminishes their individual rights and perpetuates the culture of disempowerment that has long-existed in institutional care settings.

While children and young people with disability need to be empowered to exercise self-protection, there is a need for child protection workers to be educated about the complexities of caring for children and young people with disability living in care. This includes information on appropriate tertiary interventions to protect children living in care who likely have experienced harm.

The South Australian Royal Commission report noted the limited expertise in disability among staff within Families SA and the tendency for staff to attribute the child’s level of functionality to the impact of trauma. The Commission observed that the response to the child’s wellbeing would often be framed from an assumption of trauma without adequate assessment of the child for disability.

The Commission recommended that suitably qualified disability specialists be employed within the Department for Child Protection to ensure that when disability is the primary supporting need, children are appropriately assessed to determine the level of care and service provision that they require. It also recommended training of agency caseworkers to recognise and
respond to the needs of children with disability, particularly in accessing support services through the NDIS.

The lack of specialised disability knowledge of employees on the Child Abuse Report Line (CARL) was also recently highlighted by the Member of the Legislative Council, South Australian Dignity Party’s, Kelly Vincent, who observed that employing workers with disability expertise on CARL exemplified best practice (August 2017).

MAC:CSWD acknowledges that the Government has accepted in principle that more needs to be done to ensure that all eligible children and young people living with disability are assessed and able to access NDIS support including recruitment of program officers with expertise in disability and training of DCP personnel on accessing the NDIS.

MAC:CSWD believes that more could be achieved in protecting children and young people with disability from abuse and neglect through education of staff. This could include specific information on:

- awareness of the rights of the child,
- awareness and respect for the child with disability as a child first, where disability is not a defining character,
- the increased risk of abuse of children and young people with disability,
- learning to listen to the child with disability and identifying signs of abuse including behavioural changes,
- recognition of perceived power differential between the child and carer and how this should be managed, and
- training personnel in discussions about protective behaviours.

On this basis MAC:CSWD believes that:

- it is critical that all child protection caseworkers, carers, carer relationship managers, and child abuse report line (CARL) operators, receive training in disability, to ensure that early intervention supports for the child’s functional needs are prioritised, noting that behaviours of children may previously have been attributed to neglect and/or trauma,
- training and providing knowledge of available support services to all personnel in the Department for Child Protection who are in direct contact with children living with disability, will build the capacity for case workers and carers and ensure that eligible children are accessing the NDIS, and that their functional needs will be appropriately supported, and that
- given the high reliance on casual and temporary personnel for children with disability in care, training in disability be extended to non-permanent staff.

The consistency of care is a particular concern in institutional settings which are frequently characterised by highly casualised workforces. While the NDIS has increased the demand for staff in the disability sector, the level of pay and status for carers is generally low, and while
qualifications in disability or individual support are frequently requested, they are not mandatory for applicants seeking to secure employment in the sector.

MAC:CSWD believes that an increased focus on recruitment practices and training of staff with specialist disability knowledge is needed across the child protection system.

As the care and protection of children living with disability necessitates an understanding of their diverse needs, positive employment initiatives could include improved recruitment practices and appropriate training and development of staff to understand the heightened vulnerability to abuse of children living with disability and the complexities of caring for them.

Improved practices will help to ensure that the child’s functional needs, in conjunction with the consequences from any trauma that the child is known to have experienced, are duly considered in meeting their care requirements.

Disability Service Providers

The South Australian Royal Commission recognised that the advent of the NDIS presents an opportunity to ‘break down the silos’ between child protection and disability services.

While the National Framework for Protecting Australia’s Children 2009-2020 provides the overarching policy framework for the child protection system, responsibility for implementing strategies to meet the child protection outcomes of the framework lies with all tiers of government, non-government organisations and the private sector.

The government’s response to the South Australian Royal Commission report highlights the importance of the non-government sector, including not-for-profit organisations, and community groups in providing support services for children and families. Critical to reform of the Child Protection system is the involvement of disability service providers. In its response to the Commission, the government has prioritised engagement with relevant organisations.

Legislation mandates that certain organisations are required to provide child-safe environments. Included in these are residential, education, health, sporting, childcare, and cultural organisations. Such organisations are required to have child-safe policies, meet relevant child-related employment screening obligations and lodge a compliance statement confirming that its child safe environment policies and procedures accord with the standards set by the Department for Education and Child Development.

MAC:CSWD believes that cultural changes are needed to engender child safe organisations that respect the rights of the child and adopt best practice standards including practices that afford appropriate supports to children living with disability.
CFCA advocate for communities of practice among disability service providers. These communities of practice would be characterised by shared knowledge and experience and a commitment to improved practices.

Through appropriate engagement and the sharing of data between agencies and disability service providers, system-wide consistency in the alignment of service provision to the recommendations of the government’s response to the Royal Commission is facilitated. This alignment would assist disability service providers to define actions to ensure service delivery models, staff competencies, and compliance with standards of care, optimise the level of protection and care afforded to children and students living with disability.

**The Role of Educators**

The Australian Childhood Foundation reports that 68% of abused children who have been reported to them are at least two years behind their peers academically (www.childhood.org.au). There can be additional complexities for a child living with disability who has experienced trauma, due to the nature of their disability and the need to be more supported by adults.

Severe disorders can result for a child living with disability, such as a child with Autism Spectrum Disorder, who may have developed issues in trusting others as a result of trauma and yet remains reliant on adults to support their needs. These disorders may include anxiety, fear, aggressive and destructive behaviours and withdrawing behaviour. Children with autism can not only have difficulty in emotionally processing trauma or abuse, but may also face communication challenges in reporting abuse, making them more vulnerable (Edleson, M., 2010).

In its response to the Royal Commission, the government recognises that front-line personnel, including educators and staff at schools and education and care settings play an important role in the prevention and reporting of child abuse. Through their regular contact with children and students, educators and staff at education settings are likely to identify changed behaviours that may indicate signs of abuse and can initiate appropriate secondary interventions as necessary, including referral to parenting programs and specialist support in early childhood centres and schools.

MAC:CSWD believes that a targeted focus on disability in “Response to Abuse and Neglect” training (RAN training) is warranted, given the high incidence of children and young people living with disability in residential care. Training persons to recognise the heightened vulnerability of children and students living with disability, and the obstacles they may face in reporting abuse, would better support these children in educational settings.
The current online update of RAN training includes a focus on children with disability in a specialist setting. However MAC:CSWD believes that as the majority of children with disability attend mainstream schools, further training that is directed towards all children within the educational setting, and with a targeted focus on more vulnerable groups, would benefit educators in a non-specialist setting and exemplify inclusive practices.

Accordingly, education sectors provide continual and ongoing support to school personnel to ensure that educators understand their role as mandated notifiers of the abuse and neglect of children. School leaders are expected to be vigilant in ensuring that all school staff including educators, volunteers and other persons are vetted before, or at the time of recruitment, appropriately trained in “Response to Abuse and Neglect”, and aware of their responsibilities to exercise a duty of care to protect children and students. School leaders are also expected to continuously monitor practices to ensure that training of staff at their setting is regularly updated.

MAC:CSWD is encouraged by the increased focus by the South Australian education sectors on inclusive education initiatives and support for student wellbeing. The focus highlights the increased vulnerability of children living with disability and the need to provide appropriate supports in education and child protection.

Additionally the government’s endorsement of an assessment framework such as “The Common Approach” in “A Fresh Start” and the adoption of this framework by school sectors and individual education settings is a positive step to facilitating discussion and actions about the wellbeing of the individual child, and accentuating the important role of educators in preventing abuse and neglect.

The wellbeing initiatives include the recent amendments to strengthen the DECD child protection curriculum, ‘Keeping Safe Child Protection Curriculum’, and the support materials for children with disability and/or additional needs, which is available in all South Australian government school sectors.

The 2017 report from the South Australian Select Committee into access to the South Australian education system for students with disability recommended that education authorities partner with the NDIA to ensure access to participation in education is facilitated. The report anticipated that forged partnerships with the NDIA would enhance the inclusive practices at schools and education and care settings. MAC:CSWD expects that incorporating inclusive practices at the education setting, would have the added benefit of increasing awareness among the broader school community of the vulnerability and wellbeing of children and students living with disability, which will contribute to protecting and preventing abuse of children with disability.
Key Issues

- Among the children who are living in residential care, there is a high incidence of children and young people with disability, and Aboriginal children, who are attending government schools.

- Children and young people with disability living in residential care are more vulnerable to abuse and neglect than that of their peers without disability.

- There is a need for accurate and comprehensive data on the prevalence of abuse and neglect of children and young people with disability to facilitate development of policy and strategies and evaluate the effectiveness of interventions.

- Interventions are needed to specifically target reducing the incidence of abuse and neglect of children and young people with disability which should include empowering them.

- Attention must also be directed towards the environments in which children with disability are interacting, to ensure that “child-safe” organisations are staffed with appropriately qualified personnel.

- Disability service providers should develop communities of practice to share knowledge and experience, and commit to improved practices.

In the development of the key issues for this paper MAC:CSWD has given consideration to international, national and state conventions, strategies, reports and policy including but not limited to:

- United Nations Convention on the Rights of the Child
- United Nations Convention on the Rights of Persons with Disability
- National Disability Strategy 2017
- National Framework for Protecting Australia’s Children 2009-2020
- The University of Sydney study “Disability and child sexual abuse in institutional contexts” Royal Commission into South Australia’s Child Protection Systems “The Life They Deserve”
- The South Australian Government’s response to the Royal Commission into South Australia’s Child Protection Systems, “A Fresh Start”
- The South Australian Government’s Disability Justice Plan 2014-17
Conclusion

The Australian Childhood Foundation notes that any child experiencing trauma can lose their understanding of the world as a safe place, affecting their ability to explore their environment, and the development of play skills, which in turn can impact on their ability to develop relationships and problem-solve.

While MAC:CSWD recognises the wellbeing and protection of all children as important, the issues outlined in this paper concentrate on the need for a targeted focus on children with disability.

Children with disability are highly represented in the numbers of children living in residential care and are more vulnerable to the risk of abuse and neglect. While much has already been achieved, MAC:CSWD believes that by increasing the focus on children living with disability, the protection and care of this significantly sized cohort of vulnerable children will be prioritised.

MAC:CSWD puts forward this paper to the Minister to highlight issues that are specific to children and young people with disability living in residential care. MAC:CSWD anticipates that the information contained within this paper would translate to providing positive impacts for children living in foster care, kinship care, and respite care.

MAC:CSWD suggests that the issues raised in this paper be directed to the South Australian Child Safety and Wellbeing Advisory Panel for its consideration.
References


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