

Overview of disability project and key findings

1. Project Purpose

ACWA commenced this project primarily to explore the extent to which children and young people with a disability in out-of-home care may be missing out on the practical supports they need, and to identify ways to leverage the project findings to support ACWA members to access the necessary supports, and navigate a complex service system, including through advocacy and facilitation, developing tools, resources, and training.

The first stage of the project has been exploratory and has sought to focus on issue identification and opportunities for collaboration, rather than seeking to formulate settled conclusions and proposals.

The aim of this summary paper and detailed report (attached) is to synthesise what we were told during the project by key stakeholders with a view to ACWA facilitating a second round of collaborative discussions for the purposes of developing a set of priorities and practical actions.

2. Our method

Our information gathering process has involved:

- Consultations with ACWA members agencies, AbSec and a range of other organisations and individuals to provide a broad range of perspectives.
- A survey based on insights from our interviews. ACWA member agencies, AbSec member agencies, and others who had contributed by interview, were invited to complete the survey.
- A series of stakeholder workshops were conducted with invitations to participate being widely distributed. The workshops focused on one of the seven key themes which emerged from our analysis of interview and survey feedback.
- Overall, more than 70 individuals contributed to the project via one or more of the above engagement activities.

3. What we found

The project has confirmed that there is a real risk that children and young people in OOHC could “fall through the gaps” in terms of accessing the supports they need to achieve the best possible future.

The factors contributing to this risk are multi-dimensional, therefore there is no simple solution. However, what is clear, is that more can be done collectively to address the issues identified through this project. In this regard, for us to achieve success, our efforts must be truly collaboratively and executed in partnership between the government and NGO sectors, and critically, with the direct involvement of young people, consistent with a child focused and rights-based approach.

Through our consultations and surveys, ACWA member agencies and other stakeholders provided us with a range of potential strategies and initiatives for consideration which will require further review, analysis, prioritisation, and resource consideration.

The main issues and themes to emerge can be summarised under the following areas:

1. Intake Assessment and Information
2. Workforce and Carer capacity building
3. NDIS systems & processes
4. Intersections between systems – Child Protection, Disability, and other systems
5. Cultural considerations in supporting the needs of children and young people with disability in Out of Home Care
6. Transitions points – with a focus on leaving care
7. Building in the Voice of the Child.

In the table below, we have outlined opportunities for further consideration under each of these areas to inform the next stage of our consultation process. The main themes identified are not discreet but interdependent; responses are more likely to be holistic than specific to an identified theme.

Table: Opportunities for consideration		
1. Intake, Assessment, and Information		
<p>It is highly likely that when a child or young person comes into care it is against a background of crisis and trauma – family breakdown, abuse and neglect – with the process of removal adding to the trauma being experienced by the child or young person. Often, there is little information available about the child, and parents are either reluctant or not capable of providing important information that assists in determining the child's needs, including whether there may be indicators of disability or developmental delay. Case file information available to DCJ may also be limited as the immediate focus is finding a placement for the child.</p>		
Item	Opportunities for consideration	Suggested Action
a.	Ensuring that every child or young person entering OOHC has access to appropriate cognitive and functional assessments that, among other things, identify whether a CYP has indicators of potential disability, to ensure the right supports can be provided in a timely way. The issue of who funds these assessments needs to be clarified so that it is an accepted part of the process and does not become an impediment to access. Particular attention needs to be paid to ensuring that for Aboriginal children assessments are undertaken in culturally informed ways, including using Aboriginal assessors wherever possible.	
b.	Assessment tools, processes and practitioners need to reflect appropriate cultural practice with particular consideration for Aboriginal children and families to reduce cultural bias and enhance cultural safety.	
c.	That further appropriate assessment be undertaken at any major transition point in a child's life.	

d.	Ways to enhance the capability of those health practitioners and allied health specialists undertaking assessments. This would need to include an understanding of trauma, disability, and the intersections with mental health, as well as understanding of culturally safe and appropriate practice for Aboriginal children and young people and those with a CALD background.	
e.	How the supply of relevant experts can be increased to ensure timely access to relevant professionals. This is particularly an issue in regional and remote areas. For example, whether telehealth can be leveraged without reducing the validity or appropriateness of the assessment.	
f.	It is essential that an effective information management process be developed to ensure access to the right information for the right people, and that this information forms part of the child's life story.	

2. Workforce and Carer capacity building

The OOHC workforce consists of skilled and committed staff with expertise in child protection, trauma-informed support for children at risk and with an increasing focus on therapeutic models of support. However, it would appear from the consultations undertaken that it is rare that they have had training in understanding indicators of disability, including how any identified disability intersects with the child's care experience, as well as what type of additional supports the CYP may need and the best way to access them.

No.	Opportunities for consideration	Suggested Action
a	Consideration could be given to the implementation of dedicated (and funded) "Senior Caseworker – Disability Specialist" roles to provide guidance, information, specific case support and oversight for children and young people with a disability whose care arrangements are being managed by agencies. For smaller organisations, this role could be embedded within an existing Case Work role, or potentially shared across agencies operating in the same or nearby locations.	
b	Consideration could be given to a joint NGO sector/DCJ forum to deepen our collective understanding of the work that is being carried out for CYP with disability in OOHC, with a view to developing appropriate systemic strategies to respond to the issues identified (including the issues identified through this project).	
c	Consideration could be given to how ACWA could partner with My Forever Family to make available to carers, valuable tools to facilitate their support of	

	children with a disability, including developing the <i>Joshua House</i> Prototype. ¹	
3. NDIS Systems & Processes		
<p>The evolving nature of the NDIS is well documented. Agencies with disability expertise and specialist staff have difficulty keeping up with changes to the NDIS systems and processes, including the additional regulatory requirements of the NDIS Quality and Safeguards Commission. Without dedicated in-house disability expertise, most OOHC agencies and their carers find it extremely challenging to navigate the NDIS system to better support CYP in their care</p>		
No.	Opportunities for consideration	Suggested Action
a	Consider how the established networks between DCJ and the NDIA could be more effectively leveraged to facilitate discussion with the agency in relation to developing ongoing collaborative responses to existing issues and to new issues as they emerge.	
b	Consider how the positive work of the DCJ Family Support and Engagement team could be better leveraged across the NGO sector, potentially through a community of practice approach.	
c	Consider how the concept of having "NDIS Specialists" could be more effectively embedded within the NGO sector and resourced.	
4. Intersections between systems – Child Protection, Disability and other systems		
<p>In order to effectively support a child or young person with disability in OOHC, a number of service systems need to be working in an integrated way to achieve a holistic and child-centred support model – Child Protection, OOHC, Health (including mental health), NDIS and other disability, Education, and the youth justice systems.</p>		
No.	Opportunities for consideration	Suggested Action
a	Consider ways in which agencies can be supported to better understand and leverage the NDIS initiatives relating to psychosocial disability.	
b	Engage with DCJ to facilitate discussion with NDIA in relation to the issues identified, with a view to seeking clarity and commitment to the provision of specialist Support Coordination and Short Term Accommodation (respite) in NDIS for children and young people in Out of Home Care.	

¹ A prototype resource has been developed by Joshua House, in conjunction with DCJ with the support of My Forever Family, from the perspective of the carer, which provides both a step-by-step guide to the NDIS and its processes, as well as "go to" for finding additional information and support.

c	Engage with DCJ to explore how funding for assessments may be streamlined to facilitate determinations of eligibility for NDIS funded supports.	
d	Consider ways in which the sector can have greater access to practical advice and support for caseworkers, carers and others to guide them through the labyrinth of NDIS / DCJ / mental health and other systems, to ensure young people in care have access to timely and adequate supports.	
e	<p>In partnership with Education and relevant peak bodies, further consider the NSW Ombudsman's 2017 report into Behaviour Management in Schools, and align the relevant proposals in that report with the further actions taken in response to this project. In particular, the proposed education standing committee, which if established, could consider critical practice and policy challenges relating to meeting the educational needs of vulnerable children, along with tracking the outcomes, to enable the sector as a whole to assess how effectively we are responding to these challenges. A committee of this type could include a focus on the following vulnerable groups:</p> <ul style="list-style-type: none"> • children who appear before the Children's Court who are chronic absentees from school • vulnerable children in OOHC, in youth refuges, and in vulnerable family environments • vulnerable children with disability, and • vulnerable Aboriginal children. <p>While there are particular challenges associated with meeting the needs of each of these groups, there is also a significant degree of overlap in relation to providing better educational support to each of them. For example, the data that the ACWA CEO in his former role as NSW Community and Disability Commissioner analysed, when conducting his Inquiry into Behaviour Management in Schools, showed that, of the children in residential OOHC who missed substantial periods of schooling in 2016, more than half had a disability; and those suspensions, expulsions, and delayed enrolments featured significantly as the causes of their absence from school</p>	

5. Cultural considerations in supporting the needs of children and young people with disability in out of home care

A. Aboriginal Children and Young People

It is well documented that there is a disproportionate representation of Aboriginal children and young people in OOHC, the proportion of which is increasing based on the latest available data. Coupled with a high incidence of disability amongst this group of CYP, and a lack of culturally appropriate services, there is a high likelihood that the specific individualised needs of Aboriginal CYP, including addressing their cultural safety, will not be met. Other elements of disadvantage experienced by Aboriginal communities serve as further inhibitors to the capacity of the system to effectively support this group of CYP.

Without additional and tailored support, the disadvantage often experienced by this group of CYP will be further heightened and their future prospects for a full and positive life are likely to be far more limited. Demonstrably better outcomes for this group can only be achieved through effective partnerships between Aboriginal and non-Aboriginal OOHC agencies and relevant child and family/disability peak bodies, with the government sector across the relevant portfolios, with a focus on prioritising the expansion and capacity of the Aboriginal community controlled service sector.

No.	Opportunities for consideration	Suggested Action
a	Consideration should be given to DCJ and the NDIS working collaboratively with AbSec to develop a dedicated strategy to address the issues facing Aboriginal CYP and their carers (including agencies with case management responsibility).	
b	AbSec and ACWA, in consultation with DCJ, develop a joint strategy for supporting all caseworkers to understand and embed in their everyday case work practice, the principles of the <i>Aboriginal Case Management Framework</i> with a view to agency compliance with this framework being used as a key success measure for agencies who are supporting the care arrangements of Aboriginal CYP.	

B. CALD Children and Young People

While many opportunities in this area are reflective of the type of cultural considerations necessary for Aboriginal CYP, the particular needs of this group need to be viewed through their lens of their specific immigrant, refugee and settlement experience, and be addressed accordingly.

No.	Opportunities for consideration	Suggested Action
a	Consider how best to engage community cultural leaders to co-design a strategy to change perceptions of disability, increase knowledge and awareness of disability, how to access relevant supports, and foster messages about the value of and need for culturally aligned foster carers.	
b	Consider how the key components of the Settlement Services International (SSI) multicultural foster care model could be embedded within other NGOs. This would necessarily involve an assessment of the required resourcing, as well as considering how the	

	model could be applied to residential care settings, together with identifying the implications for assessment processes relating to the ITTC model, TSIL transitions and restoration practice.	
c	Considering how to ensure that assessment tools for carers are sufficiently nuanced to capture cultural considerations, including both opportunities and barriers, as well as making these tools available in community languages in order to validate responses.	
d	Recognising that it is a fundamental right of CYP from CALD backgrounds to have their care arrangements effectively managed through the provision of adequate and ongoing funding to ensure that cultural planning, implementation and review processes, are being well executed by those with appropriate knowledge and expertise.	
e	Giving practical recognition to the vital importance of effective cultural planning, placement and support to increasing the prospects of family restoration.	
f	Consider how to develop/enhance Information systems at a systemic level to capture relevant cultural information, including at the point of intake of a CYP into the system.	
g	Consider how to ensure that DCJ and NGO staff are sufficiently trained to ensure that there is more rigour around cultural matching.	

6. Transitions points – with a focus on leaving care

A number of the children and young people who enter the OOHC system go on to experience a number of transitions during their care journey – removal from family, failed attempts at restoration, change of care placement, breakdown of care placement, entry into residential care and/or alternative care arrangements. Arguably, the most important of these transition points, is the transition towards independence, that is, when the young person is close to reaching 18 years of age. For many, this can be a period of significant uncertainty, impacting on a young person's mental health and potentially creating additional trauma. A young person with a disability leaving care faces additional challenges, not the least of which, is potentially grappling with the impact of their disability on their capacity for employment and independent living, and the need to navigate the NDIS in the absence of a carer family or advocacy support.

No.	Opportunities for consideration	Suggested Action
a	Consider how to provide all CYP with access to adequate NDIS assessments, and sufficient knowledge to enable them to source appropriate experts and engage with the NDIA. This is likely to require additional resourcing as young people transition to adulthood.	

b	Consider how to ensure that CYP with disability, including those who are diagnosed through the transition process, have access to reasonable advocacy and support coordination to ensure full utilisation of their NDIS plan, and to complement the work of their agency caseworker.	
c	Consider how the current work of DCJ in enhancing information systems that will become the source of truth of a child's life story, can be leveraged to support identification and investigation of indicators of developmental delay and disability and consistency of approach to support the child's needs.	
d	Consider how, through the restoration process, parents can be adequately supported to navigate the NDIS system to support the child, themselves and the resilience of their whole family.	
e	Consider how, through the restoration process, parents can be adequately supported to navigate the NDIS system to support the child, themselves and the resilience of their whole family.	
f	Evaluation of the ITC-SD model eligibility criteria and consideration as to whether the proposed Independent Supports Needs Assessment may have broader application to CYP in care.	
g	Consider how after-care opportunities can be better leveraged to support young people leaving care, including supports for carers who are willing and able to continue to support young people they have cared for through their lives.	
h	Consider leaving care planning and post 18 years arrangements in other jurisdictions to identify good practice initiatives for embedding in NSW.	
j	Consider how the NGO sector can become better informed about the post leaving care options and supports available to young people through DCJ, NDIS and mainstream services, to contribute to better planning, including contingency planning, for young people with a disability leaving care.	

7. The Voice of the Child

Consistent with the NSW Child Safe Standards for Permanent Care, it is fundamental right of children and young people to have a say in their own care and support. In order to effectively contribute their views, a child or young person with a disability is likely to need additional support.

No.	Opportunities for consideration	Suggested Action
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a	Look for opportunities to engage with Create Youth Consultants and Youth Action to ensure that the voice of children and young people is heard on all issues and initiatives emerging from this project.	
b	Consider how Create Foundation's Ability Project, can be more effectively promoted to agencies to support young people leaving care.	
c	Consider how Create Foundation's 'Supported Decision Making' training could support initiatives emerging from this project.	
d	Consider how AbSec's Youth Ambassador program could be leveraged to ensure the voice of Aboriginal children and young people is heard.	

4. Next Steps and Priority Actions

Outlined below are a set of priority actions to progress our work to the next stage, these are:

- Seeking feedback on the report from ACWA member agencies and other contributors to the project, including identification of relevant case studies to further evidence the issues identified, and prioritising the opportunities for consideration.
- Consulting with AbSec on the outcomes identified in the report, particularly those which relate specifically to Aboriginal children and young people, and developing a strategy for co-designing a response to these issues.
- Consulting with DCJ on the outcomes identified in the report, with a view to understanding and aligning current and proposed initiatives being led by DCJ that address issues covered in the report, and identifying further opportunities for collaboration.
- Leveraging the existing relationship between the NDIA and DCJ to engage the NDIA in discussions about progressing the issues identified in this report.
- Providing a briefing to the Minister in relation to the issues identified in the report and the proposed way forward following the above further consultations.
- Consult with the Office of the Children's Guardian on the outcomes identified in the report and consider opportunities for collaboration.

It will be critical for the second stage of the project to explore the type of governance processes needed to ensure that the agreed issues and actions are effectively implemented and there is a mechanism for resolving emerging issues on an ongoing basis.

5. Concluding remarks

In a child protection service system environment that is largely crisis driven and constrained in resourcing, it can be challenging to effect the change that is required. In our view, taking a longer-term 'investment perspective' will help to realise the benefits for each individual child, in terms of life prospects, as well as broader community benefit and government benefit, as the future burden of unemployment, mental health and homelessness is more likely to be reduced.

In considering the findings of this project, it is important to return to the United Nations Convention on the Rights of the Child which states:

“All organisations working with children should work towards what is best for each child” (Article 3)

“Children have the right to live a full life. Governments should ensure that children survive and develop healthily.” (Article 6)

“Children who have any kind of disability should receive special care and support so that they can live a full and independent life.” (Article 23).