



creating a better life
for children and young
people in care

Submission to the Department of Human Services State Disability Inclusion Plan

December 2023

CREATE Foundation

A Kurna Land

118 West Tce,
Adelaide, SA 5000

T (08) 8212 8898

E advocacy@create.org.au



About CREATE Foundation

CREATE Foundation is the national consumer peak body for children and young people with an out-of-home care experience. We represent the voices of over 45,000 children and young people currently in care, and those who have transitioned from care up to the age of 25. Our vision is that all children and young people with a care experience reach their full potential. Our mission is to create a better life for children and young people in care.

To do this we:

- **CONNECT** children and young people to each other, CREATE and their community to
- **EMPOWER** children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to
- **CHANGE** the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.

We achieve our mission by facilitating a variety of programs and services for children and young people with a statutory care experience and developing policy and research to advocate for a better care system.

Introduction


CREATE Foundation welcomes the opportunity to contribute to the Department of Human Services State Disability Inclusion Plan for South Australia. Our submission focused on the needs of children and young people with an out-of-home care experience. In South Australia, there are currently 4,417 children and young people in out-of-home care. Around 29.5% (or around 1,305) of these children and young people have a known disability, (Australian Institute of Health and Welfare (AIHW), 2023), which is a significantly higher rate compared to the percentage among the general youth population, which was 16.7% in 2015 (Child Death and Serious Injury Review Committee, 2022).

In comparison to children without disabilities, children with disabilities experience poorer levels of wellbeing across several domains such as their physical health, socio-emotional health and cognitive capacity (Cheng, Tani, Katz et al., 2023). Disability is also a risk factor for children entering the child protection system, as found by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disabilities (2023, volume 9). Children and young people in out-of-home care (OOHC) are likely to experience additional challenges such as lack of access to supports and in decision making processes, stigma and discrimination (Cheng et al., 2023).

Submission

Elevating children and young people in out-of-home care as a priority under the Plan

Research shows that young people with an out-of-home care experience often face poorer outcomes across all major life domains compared to their peers without a care experience. Young people with a care experience, for example, are less likely to graduate from high school or enrol in tertiary education; experience greater difficulty securing employment and housing; are more likely to be involved with the justice system; and have a greater incidence of mental health and substance use problems (McDowall, 2020; Stein, 2016). A study on young people in out-of-home care by the AIHW



shows that 56% of young people with an out-of-home care experience were on income support, which is three times higher than the general population (AIHW, 2023). Children and young people with a care experience are already a vulnerable cohort who experience poor wellbeing. Moreover, the vulnerabilities for children and young people with disabilities in out-of-home care are further exacerbated as this group face even poorer outcomes with regards to their wellbeing (Cheng et al., 2023).

Despite these concerning statistics and outcomes, there is a lack of research into children and young people with a disability in care (Cheng et al., 2023). More information and data is needed to better understand the needs, experiences and outcomes of children and young people with a disability and an out-of-home care experience, and to better understand the interplay between disability, child protection and out-of-home care placement outcomes. Improved data and insights will be essential to inform effective reforms to both reduce the number of children with disability in care, and to improve outcomes for young people with an out-of-home care experience.

Additionally, it is essential, as part of any reform process, that governments hear directly from young people with lived experience about their views and experiences in care, and their advice around improving policies, programs and services.

CREATE recommends that the new State Disability Inclusion Plan:


- 1. Elevates young people with a disability and an out-of-home care experience as a priority cohort, including targeted actions and strategies to address the drivers of entry into the child protection system, and to better meet the needs of children and young people with a disability in the out-of-home care system.**
- 2. Includes a commitment to undertake targeted research to better understand the needs and experiences of young people with a disability in care, and the relationship between disability, placement stability, and outcomes for young people. The study should inform the development of targeted strategies to improve outcomes for young people with a disability and care experience.**
- 3. Is developed and implemented in consultation with young people with lived experience. It is critical that young people are meaningfully engaged in the design and implementation of reforms and strategies that affect their lives.**

CREATE welcome opportunities to collaborate with the Department of Human Services and Department and Department for Child Protection South Australia in consultation with young people to support the development and implementation of the State Disability Inclusion Plan, to ensure the voices and perspectives of young people remain central.

Improving safety and stability for young people with a disability in out-of-home care

Disability can have an impact on stability of children's placement once they enter out-of-home care (Shannon & Blythe, 2023). As noted above, research shows that young people with disabilities are more likely to go through placement changes and be placed in residential care (Shannon et al., 2023). Placement stability contributes significantly towards positive developmental outcomes for children and young people in out-of-home care settings (Asif et al., 2023). CREATE believes that all children and young people especially those with disabilities should have the same opportunities as their peers to live in stable family environments, where they can receive the care they need and develop healthy attachments.

A state-by-state comparison shows that South Australia has the second highest rate of children and young people in residential care facilities (AIHW, 2023). According to data published by the



Department of Child Protection (DCP), 696 of the current 4,866 children and young people currently in out-of-home care for South Australia are residing in residential care facilities. The latest Child and Young Person's Visitor report shows that 37.3% of young people visited in residential homes had a known disability and suggested that more young people are likely to have undiagnosed disabilities (Guardian for Children and Young People, 2023). Furthermore, the same report noted that 70% of the homes visited, cared for young people with disabilities, and this also impacted on other young people living experiences in the same placements (Guardian for Children and Young People, 2023).

Residential care placements should be avoided, particularly when there are no staff who have the appropriate training to respond to the specific care needs of the young person or staffing ratios are not adequate.

CREATE recommends:

- 4. That the Department of Human Services work with the South Australian Department for Child Protection to explore options to improve placement stability for young people with disability in out-of-home care by prioritising appropriate home-based placements and reducing the number of children with a disability in residential care. This could include increased investment in alternative home-based care as well as measures to improve access to appropriate specialist supports and more support families and carers.**

The *Charter of Rights for Children and Young People in Care* states that all children and young people in care have the right to feel safe and well cared for (Guardian for Children and Young People, n.d). According to AIHW, 33 young people reported incidents of harm in care in South Australia in 2021-2022 (AIHW, 2023). Evidence of severe abuse of young people with disabilities in care has been gathered nationally by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disabilities, focusing particularly on the experiences of First Nation young people in out-of-home care (2023, volume 9). A study conducted in the Netherlands indicated that relative to young people without a disability, young people with a disability in out-of-home care settings experience a higher risk of sexual abuse compared to young people without disabilities in out-of-home care settings (Shannon et al. 2023).


Despite this, currently there is a lack of comprehensive data available around the safety of young people with disabilities in South Australia, particularly regarding the interplay between disability, residential care, and youth justice.

CREATE recommends that the Plan includes a commitment to further examine the safety, sense of safety and wellbeing of children with a disability in out-of-home care in South Australia.

Youth justice

Both the findings from the Royal Commission and the Training Centre Visitor reports have identified a correlation that between disability and out-of-home care as a contributing factor that drives young people from very young ages into the justice system, with an over-representation of Aboriginal young people (TVC, 2023; Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disabilities, 2023).

Both reports have also raised serious concerns about the rights of young people with disabilities detained in South Australia. The TVC report found that young people with a known diagnosed disability amounted to 59.5% (3 in 5) of the average daily population of the detention centre for the year, largely due to being at the Centre on remand. Frequently, these young people are also in care, or 'dual involved'. The report also noted that young people with a disability are detained for longer and admitted more frequently (TCV, 2023). The report specifically raises concerns regarding access to specialised care and use of NDIS funding, showing that young people in



detention do not get access to the care they need. Despite many of them having Behaviour Support Plans ('BSP'), these plans are regularly suspended due to lack of staff or limited resources. Instead of resorting to de-escalation strategies, young people with disability are more likely to have force used against them (91.5%), and being restrained to a prone position (TCV, 2023). Such practices are known to be very dangerous.

Both the Royal Commission and South Australia Office of the Guardian for Children and Young People have raised concerns in recent reports about the over-representation of young people with disabilities in the youth justice system, many of whom are also in out-of-home care (Training Centre Visitor, 2023). As shown in the Training Centre Visitor report, while in detention, young people with disabilities are more likely to have had forced used on them and be placed in isolation.

CREATE recommends:

- 5. That a commitment to reducing the criminalisation of young people with disabilities in residential care be included among the priorities of the new State Disability Inclusion Plan. Alternative diversionary and therapeutic supports should be put in place to reduce the number of young people in care with a disability who interact with the youth justice system.**
- 6. That further examination is required into the intersection between child protection (particularly residential care) and youth justice in South Australia, focused centrally on hearing from young people with lived experience about their views, needs and experiences with the child protection and youth justice systems.**

Conclusion

Thank you again for the opportunity to provide feedback on the consultation for the State Disability Inclusion plan. CREATE Foundation emphasises the need for children and young people with an out-home-care experience and disabilities to be elevated as a priority cohort in the State Disability Inclusion plan, to ensure future efforts and focus in better understanding the needs of this group.

If you have any questions or would like to discuss any of the recommendations in our submission, please contact Sarah Chew, National Advocacy Manager, CREATE Foundation at advocacy@create.org.au

