



Commissioner for Children and Young People
Western Australia

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To Whom It May Concern:

Feedback on the National Disability Strategy Position Paper

Thank you for the opportunity to comment on the National Disability Strategy (the Strategy) Position Paper. The new Strategy to be agreed by COAG will form a fundamental foundation and commitment across all governments to achieving the full participation and inclusion of people with disability in all aspects of Australian society.

As Commissioner for Children and Young People in Western Australia, I have a statutory responsibility under the Commissioner for Children and Young People Act 2006 (WA) to monitor and promote the wellbeing of all children and young people under the age of 18 years in WA. In undertaking these responsibilities, I must give priority to Aboriginal and Torres Strait Islander children and young people, and those who are vulnerable or disadvantaged for any reason. I must also have regard for the United Nations Convention on the Rights of the Child (UNCRC).

It is unclear the extent to which children and young people with disabilities have been involved in the consultations that informed the development of this Position Paper. Whilst consultation with around 3000 people with disability their families and carers, advocacy organisations, peak bodies and service providers has occurred, children and young people are not specifically mentioned as having participated, and are not mentioned with the Position paper at all.

It is recommended targeted consultations occur with children and young people with disability in general, and also with children and young people within the priority populations identified as part of the Strategy:

- Aboriginal and Torres Strait Islander
- Lesbian, gay, bisexual, trans or intersex (LGBTI)
- From regional and remote areas
- From culturally and linguistically diverse backgrounds
- Asylum seekers or refugees
- From a religious faith community
- In out-of-home care
- Involved in the justice system

- Have other diverse needs.

There are a range of barriers that often impact on children and young people with disability from being able to have their voices heard and participate in having a say or influencing decision making. These barriers can include social or cultural barriers, including low expectations for young people with disabilities, perceptions around children not being capable of having an informed view, as well as practical barriers such as accessibility, a reliance on parental support to participate, the methods of consultation used, and a lack of opportunities to participate in consultation.¹

There needs to be a clear framework and strategy around consultation and engagement to guide consistency in processes, ensure that sufficient timeframes and support are allocated for meaningful consultation to occur, and also how children and young will be recognised for their contributions and engagement.

Children and young people have unique needs and experiences and their voices and views should be heard and considered in all aspects of the development of Strategy, including the outcome areas, guiding principles, accountability measures, evaluation of policy and programs and engagement and communication plans. As well as having regard for the United Nations Conventions on the Rights of Persons with Disabilities, the Strategy should also pay regard to the distinct rights of children and young people as outlined in the UNCRC.

Experiences of children and young people

In the past decade my office has undertaken a range of work to hear the views of children and young people with a disability in WA. This consultation provides some insight into their unique perspectives.

In 2019 my Speaking Out Survey involved nearly 5,000 Year 4 to 12 students in main stream schools across Western Australia. In Years 7 – 12, 2,816 students completed the survey and of these 315 students reporting having a disability (11.4%). From the survey responses a number of comparisons can be made - when compared to students without a disability, students with a disability participating in the survey reported an increased likelihood of:

- lower levels of self-esteem and self-worth
- engaging in unsafe behaviours such as trying alcohol, smoking and other substances
- not engaging in community-based activities such as sport
- experiencing family worries including reporting their family does not get along well and worrying about family breakup
- feeling less cared for by their fathers
- being suspended from school and higher incidence of wagging and for longer periods
- a lower perception of how well they do at school
- having been bullied.

In 2013, our Speaking Out About Disability consultation involved 233 children and young people with a disability aged six to 18 years of age in WA. Participants were from a wide range of socio-economic, cultural backgrounds and geographic locations. In this consultation, children and young people with disability identified the following things as being most important to them:

- love and support from their families

- enjoying the company of their friends
- wanting to be involved and included
- wanting to participate in activities
- being connected to the community
- a desire to be independent.ⁱⁱ

This year I completed a focused consultation with 12 children and young people with autism, to inform my submission to the Select Committee on Autism's *Inquiry into the services, support and life outcomes for autistic people in Australia*. The young people in this consultation were clear about issues important to them, including:

- being listened to, encouraged to make decisions and to contribute
- having an autism diagnosis
- having access to health and mental health services that understand autism
- inclusion and support in education
- equal access to employment and fair treatment in the workplace
- support to live an independent and successful life
- social connections and access to community activities
- increasing the understanding of autism in the wider community
- support people who are respectful, well-informed and capable of taking action
- having a more effective NDIS.ⁱⁱⁱ

The following quotes are drawn from the consultations above and give some insight into the lives and experiences of children and young people in WA with disability.

"I am important, ask me what I think, I want more choices, I have good ideas, sometimes I need help, everything is good, I am the same as other kids, I want to do the same activities, I am clever." 9 year-old girl^{iv}

"My mum has to be my voice cause I am non-verbal." 10 year-old boy^v

"Make more time to listen to [young people with disability], not our ... parents or carers or support workers or people who are not us." 18 year-old girl^{vi}

"I don't like school. I don't get along with other kids there...I don't have an EA [Education Assistant] in my class. I want to have help but no one's listening to me." 9 year-old^{vii}

"Being made to 'fit in' to mainstream school and learning, but not always getting the correct support or enough modifications at school." 10 year-old boy^{viii}

"Before my diagnosis I thought there was something wrong with me but after my diagnosis I recognised I was just a normal person who has autism...There was nothing wrong with me, I just wasn't a neurotypical person that's all." 22 year-old^{ix}

"Well I was supposed to get help from the NDIS, like I had all the diagnosis and doctors reports and that but it took more than a year to get funding." 24 year-old^x

"Having a disability affects the whole family. My family get tired and need a break. My needs come first every day because I need so much help." 13 year-old boy^{xi}

"[Difficult things in my life are] not having the friendships like my siblings do, not having a supported friendship group like pre-schoolers/school leavers with disabilities do." 10 year-old boy^{xii}

"[To have a healthy and happy life, I need] acceptance, inclusion, to be seen as a person with potential and for help to reach that potential." 12 year-old^{xiii}

"I used to work as a kitchen hand and when I disclosed my diagnosis I got demoted on the spot. So now I don't disclose my disorder, because I can get away with not disclosing it so I elect not to...I think the hospitality industry is pretty dodgy in that respect." 19 year-old^{xiv}

The new Strategy

I broadly support the outcome areas and improvements planned for the new Strategy, including an increased focus on community attitudes, strengthened accountability and outcomes measurement, and measures to improve implementation. I also offer the following suggestions:

- Increased focus on community attitudes should also include targeted strategies within schools to improving understanding and attitudes of all children and young people and reduce bullying and exclusion of those with a disability
- Improving understanding about disability across all workforces that support and interact with people with disabilities, including teachers and education staff, health care workers, justice, sport and recreation, support workers and community workers.
- In addition to clearly outlining the responsibility of each government and not for profit in direct service to people with disability, it is important that the Strategy also addresses responsibilities of government agencies providing mainstream services that are also accessed and needed by people with a disability, for example education, health, mental health, child protection, justice sectors.
- The Strategy should be accompanied by a clear implementation plan, with specific goals, timeframes, and allocation of responsibilities.
- Outcomes measurement should include dedicated strategies to track outcomes from children and young people, including collecting self-reported information about their experiences.
- The Engagement Plan should be extended to identify how people with disability, including children and young people, can also be involved in evaluating and determining the progress of the Strategy.

Other considerations

National Principles for Child Safe Organisations

The new Strategy should take the opportunity to embed the expectation of COAG that all organisations working with children and young people with disability will implement the National Principles for Child Safe Organisations^{xv}. Implementation of the National Principles includes a specific focus on upholding equity and respecting the diverse needs of children and young people (Principle 4). Based on the child safe standards set out by the Royal Commission into Institutional Responses to Child Sexual Abuse, the National Principles outline how organisations must implement strategies to manage and identify risks that affect the safety and wellbeing of children and young people.

Children and young people with disability are more vulnerable to experiencing harm and abuse, such as harassment, bullying, physical and sexual abuse. This can be due to a range of factors, including a lack of developmentally appropriate information about sex and relationships, perceptions about their capacity to report their concerns or harm, communication challenges, exposure to a range of different people and levels of supervision to meet personal care needs, and limited pathways to raise concerns.^{xvi} For these reasons, it is important that the Strategy is clear on the responsibility of organisations to implement the National Principles for Child Safe Organisations.

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

The Royal Commission has identified a range of systemic issues impacting on the care and support of people with disability. Whilst it is not possible to pre-empt the findings and recommendations of the Royal Commission, the Strategy should explain how the work of the Royal Commission may shape and influence the delivery or direction of the Strategy in coming years.

Review of the National Disability Insurance Scheme Act

This review undertaken by Mr David Tune AO PSM was delivered to the Australian Government in 2019 and included a recommendation that *"the new National Disability Strategy being developed for beyond 2020 make reference to how it complements and builds on the NDIS"*. This recommendation was supported by the Government^{xvii} and should be addressed in the new Strategy.

Aboriginal led solutions

It is encouraging to see that Stage 1 consultations on the new Strategy involved targeted consultations for and led by Aboriginal and Torres Strait Islanders Peoples. I strongly support the ongoing and integral involvement of Aboriginal and Torres Strait Islanders people and their children in identifying solutions and initiatives that can meet the needs of people with disability in their communities. Whilst this may be implied in the sections around people with disability being involved in decision making and participating, there would be value in clearly articulating how this applies to Aboriginal people and communities. This may include details around any goals around additional investment and resourcing of Aboriginal community controlled organisations to deliver services and build community capacity, and the priority for programs for Aboriginal people with disabilities which are Aboriginal-led, rights-based, client-centred, place-based, and have appropriate resourcing.^{xviii}

I appreciate the opportunity to provide feedback on the Position Paper, and recognise the vital opportunity that this Strategy presents in strengthening our national approach to the inclusion, empowerment and support of people with disability. If you would like to discuss the content of this letter, please contact Katherine Browne, Manager Policy, on (08) 6213 2224 or katherine.browne@ccyp.wa.gov.au

Yours sincerely,



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Commissioner for Children and Young People WA

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ⁱRobinson S & Truscott J, *Strengthening Participation of Children and Young People with Disability in Advocacy*, Children with Disability Australia, Victoria.

ⁱⁱ Commissioner for Children and Young People 2013, *Speaking Out about Disability*, Commissioner for Children and Young People WA, Perth.

ⁱⁱⁱ Commissioner for Children and Young People WA 2020, *Speaking Out About Autism - the views of WA children and young people with autism*, Commissioner for Children and Young People WA, Perth.

^{iv} Commissioner for Children and Young People 2013, *Speaking Out about Disability*, Commissioner for Children and Young People WA, Perth.

^v Ibid.

^{vi} Commissioner for Children and Young People 2013, *Speaking Out about Disability*, Commissioner for Children and Young People WA, Perth.

^{vii} Commissioner for Children and Young People WA 2020, *Speaking Out About Autism - the views of WA children and young people with autism*, Commissioner for Children and Young People WA, Perth.

^{viii} Commissioner for Children and Young People 2013, *Speaking Out about Disability*, Commissioner for Children and Young People WA, Perth.

^{ix} Commissioner for Children and Young People WA 2020, *Speaking Out About Autism - the views of WA children and young people with autism*, Commissioner for Children and Young People WA, Perth.

^x Ibid.

^{xi} Ibid.

^{xii} Ibid.

^{xiii} Ibid.

^{xiv} Commissioner for Children and Young People WA 2020, *Speaking Out About Autism - the views of WA children and young people with autism*, Commissioner for Children and Young People WA, Perth.

^{xv} *National Principles for Child Safe Organisations* Australian Government National Office for Child Safety February 2019

^{xvi} Commission for Children and Young People Victoria n.d., *Safety of children with a disability*, Commission for Children and Young People Victoria, Melbourne.

^{xvii} Australian Government, Australian Government response to the 2019 Review of the National Disability Insurance Scheme Act 2013 report, available online at

https://www.dss.gov.au/sites/default/files/documents/08_2020/australian-government-response-tune-review-28-august-2020-release.pdf

^{xviii} Commissioner for Children and Young People 2018, *Supporting Aboriginal led solutions*, Commissioner for Children and Young People WA, Perth.