

Children whose care in the family home is at risk due to competing and multiple disability support needs

Guidance for child protection practitioners

Introduction

Most children with complex disability needs live with their families in safe and nurturing home environments. There are however a small group of children whose ongoing care in the family home is at risk of becoming unsustainable despite an absence of protective concerns.

The NDIA may, with support of divisional Disability Practice Advisor (DPA) teams, fund additional intensive supports to maintain carer capacity.

Why do some families face difficulties maintaining care arrangements for a child with complex disability needs?

Families responsible for the care of a child with complex disabilities are at higher risk of stress, social isolation, financial difficulties and family breakdown. There is no typical family unit that may result in a family capacity to sustain the care of a child with complex disability being at risk. There are however some common risk factors regarding the presentation of the child. The child by the nature of their disability may be experiencing trauma but not have the capacity to express this in a way that the parents understand, thus resulting in complex behaviours which result in significant safety risk to other family members. High intensity support needs which disrupt other domains of family function including regular sleep disruptions, workforce participation and which require total configuration of life around the provision of care also contribute the inability to maintain ongoing care.

The sustainability of care within the family home is a complex function of a child's disability support needs, caregivers physical and emotional capacity, the availability and effectiveness of formal and informal supports and household features including the needs of other children.

Many families may have experienced difficulty coordinating disability supports with mainstream services, experienced difficulty securing appropriate funding through the NDIS or struggled to identify sufficiently skilled providers to meet their needs.

Families whose capacity to maintain care is challenged by the complexity of their child's disability needs require a distinct service response to families which are unable to provide safe care for a child with complex disability support needs where protective concerns are also evident.

Children with complex disability needs and protective concerns

Children experiencing protective concerns also experience disability at an elevated rate compared to the wider population. Disability needs may increase vulnerability to the effects of trauma, neglect and abuse and require additional considerations when planning interventions and supports.

The challenges associated with caring for a child with complex disability support needs can impact on a parent's emotional wellbeing and coping strategies which may result in increased risk of abuse or neglect. Complex disability needs and lack of understanding of these needs may at times create additional requirements which are beyond a parent's capacity, despite their capacity to meet the needs of other children in a household. Other factors including family violence, family mental health issues and parental substance abuse may be also present.

Children with complex disability needs often face distinct challenges in articulating their needs and therefore have additional vulnerabilities that must be considered when assessing protective concerns. As part of a Child Protection investigation, extensive consultation must take place between Child Protection and all mainstream, disability and medical services involved with the child and family about the reported protective concerns and parental capacity to meet the child's complex disability needs. If parents will not provide consent to share information from the National Disability Insurance Agency (NDIA) and funded services, [NDIS information request - form](#) can be accessed via the Child Protection manual.

Where Child Protection identifies protective concerns for a child with complex disability needs, the Disability Practice Advisor (DPA) program may support Child Protection in integrating disability supports within the protective response. DPA consultation may also identify options for effective disability responsiveness to reduce the stressors which may contribute to protective concerns

The DPA can also provide guidance to Child Protection in relation to gaining access to NDIS information, NDIS access and planning issues for children and their families where protective concerns are present.

Where there are protective concerns which require entry into out of home care to maintain the safety of a child, NDIS supports can be accessed to address disability needs within the context of the placement. It is expected that placements make the reasonable accommodations and demonstrate responsiveness to a child's disability needs and that NDIS supports be utilised to ensure the child is adequately supported across all life domains.

Guiding principles for Child Protection intervening with families with complex disability needs when no protective concerns are present

Where Child Protection identifies no protective concerns however the ongoing care of the child is, or is at risk of becoming unsustainable, the following principles apply:

- The best place for a child is to be safely supported in the family home.
- Greater support at the earliest possible time helps to prevent the need for children to live outside the family home.
- A child or young person requiring accommodation outside the family home is a last resort option after all other in-home support arrangements have been exhausted. The focus should always remain on the child returning to the family home.
- Where a child requires accommodation outside the family home, it should be for short periods of time and ideally a shared-care arrangement which retains part time family care. Such arrangements should be in the context of a plan and intensive supports which facilitate strengthened family relationships and the return to ongoing care in the family home.

In circumstance where a child's primary carers do not represent a protective risk, but sustainability of ongoing care remains a concern, Child Protection should request a consult with the DPA. The DPA can support the identification of suitable responses outside of protective intervention and may pursue direct engagement with the family

If the NDIA considers accommodation outside the family home as reasonable and necessary, it may fund the full-time care of the child for a period of time. To facilitate this the parent/s may be required to sign a 'parenting agreement' with a NDIS support provider. Under such an agreement, the parents retain active guardianship while their child resides in accommodation outside the family home. The agreement will outline responsibilities regarding ongoing parental care and support such taking the child to medical appointments, attending parent/teacher interviews and other educational events, facilitating family and social connections, monitoring their child's well-being, and advocating on the child's behalf.

Where Child Protection does not believe the parent/s will be able to maintain the above responsibilities while supporting their child in accommodation outside the family home, further assessment of parental capacity and whether the child is in need of protection should take place.

Families who require intensive support due to complex disability needs

Where Child Protection encounters families with children with complex disability support needs who are willing to maintain care of their child however are at high risk of requiring care outside of the family home, a referral to the Integrated Family Services' *Children with Complex Disability Support Needs Program* should be considered.

The program provides intensive case management to integrate parenting, family and NDIS disability supports to prevent family breakdown. Part of the family service practitioner's role will be to assist parents navigate the NDIS and advocate for supports that contain both parenting and disability supports that will help maintain the sustainability of safe care.

Child Protection engaging with families in the investigation or protective intervention phase can seek advice from their PDPA on making a referral to the Children with Complex Disability Support Needs Program, noting the program has fixed staffing capacity and can only take referrals where capacity permits.

After hours disability crisis response for children who are NDIS participants

Where a child is a NDIS participant and a disability-related crisis occurs outside of business hours (5pm-9am weekdays, weekends and public holidays), After Hours Service (AHS) can contact the NDIS After Hours Crisis Response Service. Further information is available from the [AHS NDIS After Hours Crisis Response Service advice](#).

Children with complex disability support needs subject to protection orders

Children with complex disability support needs subject to protection orders generally cannot be transferred to voluntary accommodation arrangements outside the family home. Consideration may be given to the appropriateness of such arrangements by the DPA where robust reunification planning with the family is in progress and there are no existing protective concerns within the family.

Where to find assistance

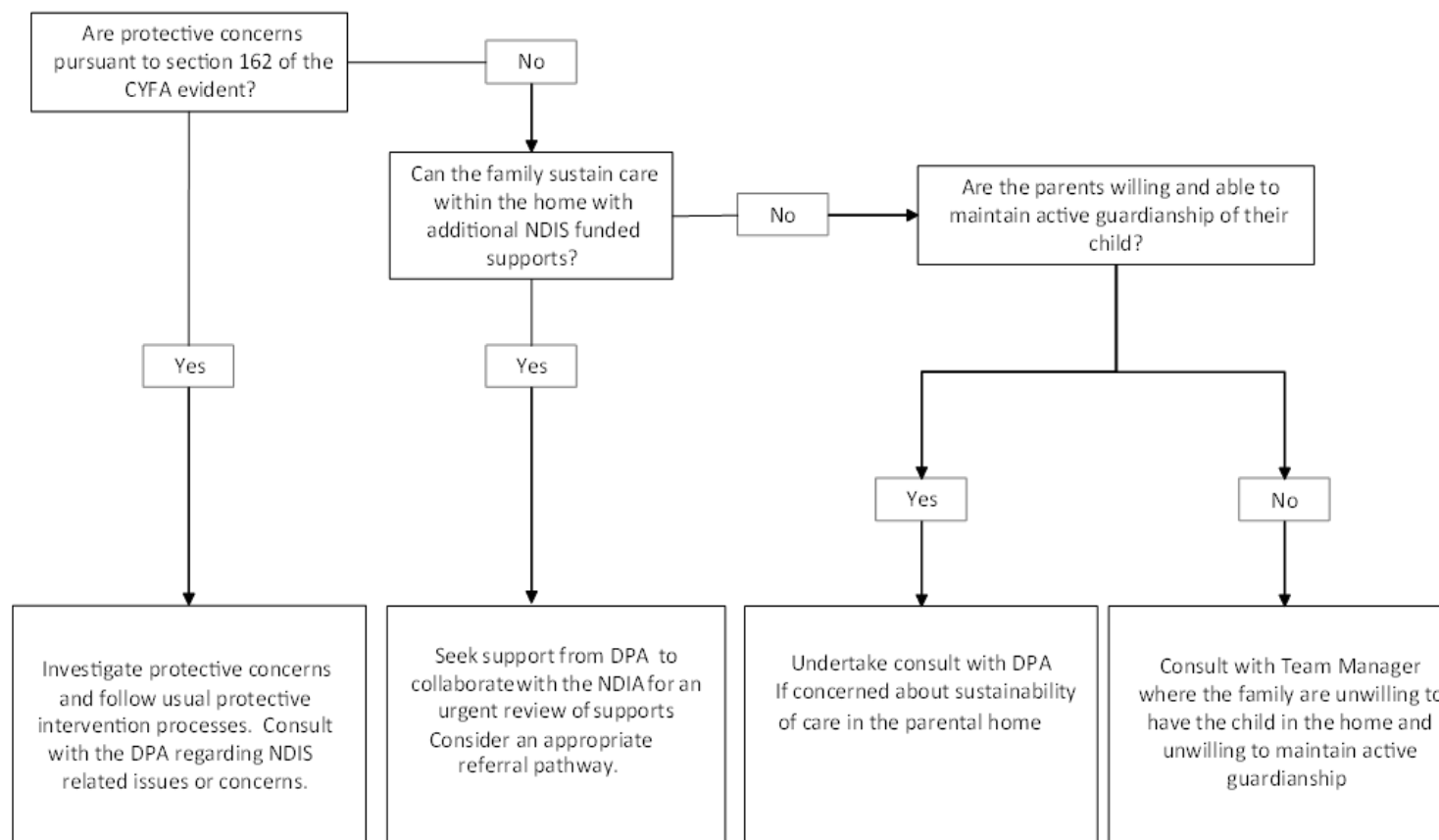
The DPA teams operate according to a divisional model which consist of: Principal Disability Practice Advisors, Senior Disability Practice Advisors and Disability Practice Advisors. The DPA teams support child protection practitioners to better understand disability in the context of a child's everyday experience, the impact on a family in relation to caring for a child with a disability, the service system offerings, and how this impacts risk assessment and safety for a child. The DPA teams work collaboratively with Child Protection and family services to enhance and uplift practice and ultimately, improve outcomes for children and young people with a disability.

What is the role of a Disability Practice Advisor?

- Provide disability and National Disability Insurance Scheme (NDIS) advice to support Child Protection and related staffing teams to:
 - o understand and navigate the NDIS system and the disability sector
 - o support practice in relation to working with children with a disability; and
 - o maximise the disability supports and NDIS outcomes for the children with disability who encounter the Child Protection system.
- Work collaboratively with Child Protection to determine whether the child requires additional supports to maintain and sustain parental care due to the child's disability support needs and to ensure the family is linked in with mainstream supports that can supplement NDIS funded supports and avoid the need for statutory intervention.
- To provide capacity building support to the Child and Family Services System to increase confidence and knowledge of both disability related issues and of the NDIS.

Practitioners can access more information on the Working with Children and Young People with Disability [Child Protection Learning Hub](#)

Undertaking an investigation for children with complex disability support needs



Note: where a family is not currently accessing the NDIS and child protection believe they may be eligible, support should be provided to the family commence NDIS access process. Refer to the DPA for additional support if required.