Submission to the Child Safety Commission of Inquiry

QUEENSLANDERS WITH DISABILITY NETWORK
NOTHING ABOUT US WITHOUT US

27 March 2026

About Queenslanders with Disability Network (QDN)

Queenslanders with Disability Network (QDN) is a state-wide, not-for-profit organisation led by and for people with diverse disability and we are focused on advancing disability rights, inclusion and systemic advocacy in Queensland. QDN is the Executive Peak Body for people with disability in Queensland, providing overarching leadership and coordination across disability peak and representative organisations funded by Queensland Government. QDN operates a state-wide network of over 3,000 members and supporters all over Queensland. Guided by our motto "nothing about us without us,"

QDN ensures that people with lived experience of disability are central to shaping policies, services and supports. Our vibrant and dynamic membership is made up of people with diverse disability who are at the centre of everything we do. QDN as an organisation is in a unique position of representing people with a diverse range of disability.

QDN's work is underpinned by a commitment to inclusion, co-design, collaboration, and innovation and is guided by the pillars of inform, connect, lead and influence. By partnering with communities, service providers, businesses, and government, QDN fosters systemic solutions that empower individuals, amplify the voices of people with disability, and create sustainable, inclusive systems of support, working toward a more equitable and inclusive Queensland.

Through a powerful and engaged network of individuals and 32 Peer Support Groups, QDN informs, leads and influences change on issues impacting the disability community. QDN's extensive body of work includes connecting people through peer support groups, supporting future leaders through the Emerging Leaders Program, and influencing government policies and programs through targeted advocacy. QDN's initiatives are co-designed and co-delivered with people with disability. QDN engages with diverse communities, including Aboriginal and Torres Strait Islander peoples, Culturally and Linguistically Diverse groups, and rural and remote populations across Queensland. We believe that Queenslanders with disability need to be empowered active and valued citizens, and fully included in the economic, social, civic and cultural life of Queensland.

Executive Summary

Children and young people with disability are significantly over-represented in the Queensland child protection system and experience poorer life outcomes than their peers. Evidence indicates high levels of unmet support needs, fragmented service responses, and systemic discrimination affecting both children and parents with disability. The experiences of children and young people with disability from Aboriginal and Torres Strait Islander backgrounds are further compounded in multiple disadvantage and systemic discrimination.

Moving forward, there is an urgent need for a rights-based, coordinated and disability-inclusive approach across child safety, disability, health, education and justice systems.

System reform must prioritise early intervention, family preservation, accessible legal processes, supported decision-making, workforce capability uplift in working with children and young people with disability, and improved coordination and integration of disability supports as well as increased utilisation of NDIS plans to access key disability supports.

This submission outlines key systemic issues and provides recommendations aimed at strengthening prevention, improving participation and reducing long-term social and economic costs associated with poor outcomes.

Human Rights and Policy Framework

Children, young people and parents with disability have the right to equality before the law, family life, participation in decision-making and access to appropriate supports.

This submission is informed by:

- United Nations Convention on the Rights of Persons with Disabilities
- United Nations Convention on the Rights of the Child
- Queensland Human Rights Act 2019
- Findings of the Disability Royal Commission

These frameworks require governments to ensure services are inclusive, accessible and responsive to disability-related needs.

Key issues for children and young people with disability

QDN's submission outlines the key systemic issues impacting children and young people with disability within the child protection system, as well as the experiences of parents with disability.

The submission identifies a set of interconnected priority areas requiring reform. These include the significant over-representation of children with disability in care; late identification of disability and high levels of unmet support needs; fragmentation across service systems and low utilisation of available supports; and the compounding impacts of trauma, instability and being in care.

It also highlights critical workforce capability gaps, increased vulnerability to abuse, neglect and exploitation, and the ongoing experiences of discrimination faced by parents with disability within child protection and legal processes.

QDN has also provided a systems perspective including structural limitations in current policy and service responses, and outlining opportunities for coordinated, cross-government reform to deliver improved outcomes for children, young people and families with disability.

Over-representation of children with disability in care

Children with disability represent a disproportionately high percentage of children in care. Many present with complex needs including intellectual disability, developmental delay, mental illness and trauma. Recent data indicates growth in the number of children placed in residential care, including very young children, reflecting pressures in prevention and early support systems. There is also a significantly high level of over-representation for First Nations children with disability, who experience compounded disadvantage.

The following data is taken from the *Children in Care Census 2024.* Brisbane: Department of Families, Seniors, Disability Services and Child Safety.

Within the broader child protection system, as of December 2024, almost 2,100 children and young people now live in residential care in Queensland, including more than 1,200 children under the age of 14 and almost 50 children younger than 5. This number has grown by 19% since the Queensland Government's review into the residential care system began more than a year prior, with the number of children under 4 years old increasing by 44%.

Of these 2,100 children in care, 41% of children in care have a disability in Queensland. The data shows that 32% will require NDIS support in adulthood, 1 in 3 will remain with their carer.

Almost half of young people 15 years and over display extreme emotional responses that limit their participation in school and the workforce. For almost one third of these children, their mental illness is undiagnosed despite having similar rates of complexity to children with a diagnosed mental illness.

The statistics for children in care who have diagnosed or suspected disability with Foetal Alcohol Spectrum Disorder (FASD) is about 20%. 1 in 3 children in care have limited to severely limited intellectual functioning/developmental delay. The majority (81%) of these children also have a disability such as an intellectual disability, autism, and/or ADHD. Children in residential care have significantly higher levels of complexity compared to children in kinship and foster care.

There is also data to suggest that boys in care will have higher levels of disability and intellectual impairment than girls and more likely to have been excluded and/or suspended from an education facility in the past.

There are a range of impacts on children and young people with disability and issues that they experience within the child protection system. These are outlined below.

Late identification of disability, unmet support needs and low utilisation of NDIS supports.

Many children enter care without formal disability diagnosis or adequate assessment.

High rates of suspected disability, intellectual impairment, FASD and mental illness highlight the challenges for early screening that cross over into education and health system interfaces also. It is important to acknowledge that the first interaction with a mainstream system that a child with undiagnosed disability has is not usually via the child protection system. Early child education settings, schools and health services are key points of mainstream services that interact with children and it is critical that there is greater integration and coordination at these mainstream service touch points to identify children with potential additional needs for support as well as any identified risks for their safety and wellbeing. It is critical that children and young people who have undiagnosed disability and therefore maybe eligible for NDIS can receive support to test access.

It is also noted in the evidence that children with disability often experience multiple placement changes which can contribute to instability and unmet support needs. This can contribute significantly to heightened impacts for children's disability needs particularly where predictability and routine are important for their support and environment.

Data suggests that 1 in 5 children with a diagnosed or suspected disability have unmet support needs in relation to their disability which include limited access to stable, consistent and adequate levels of therapeutic supports (Children in Care Census 2024, 2024). This instability and reduced access to disability supports that are critical at point of early intervention can contribute to poorer socio-emotional wellbeing, behavioural escalation, and long-term mental health impacts. There are also a significant number of children and young people who have complex behavioural needs which may not be adequately supported by the current skill-set and knowledge of the workforce.

Although many children in care are eligible for disability supports, there are systemic barriers to access and low utilisation of available plans and services. Fragmentation between child safety, disability, education, housing and health systems results in duplication of processes, gaps in accountability and coordination across the multiple service systems and a lack of integrated care and support and subsequent delays in service provision have compounding impact on children and young people with disability. Children in child safety system have high need for service integration and approaches that deliver coordinated responses.

Children and young people with disability who are in the child protection system also experience educational disengagement and barriers to education. Data shows children with diagnosed or suspected disability are more likely to have been excluded or suspended from school (57%) before they are in care (Children in Care Census 2024, 2024).

Long term impacts for children and young people

Children with disability in Out Of Home Care (OOHC) had poorer physical health, socio-emotional wellbeing and cognitive outcomes than children without disability, and that placement type had little or limited association with those wellbeing outcomes. (Cheng, Tani, & Katz, 2023)

The compounding impacts in later life for children with disability who have been part of the child protection system include half (54%) will require public housing and 71% of these will be on a waitlist for public housing (Children in Care Census 2024, 2024).

Higher vulnerability and experiences of abuse, neglect and exploitation within the child protection system

Literature shows that children and young people with disabilities are an over represented group in both out- of-home care(OOHC)and the child protection system in Australia, who face additional challenges and increased vulnerability to abuse, neglect and maltreatment [11–14]. (e vulnerability of children with disabilities relates to their

> "physical, intellectual, sensory, communication, and/or psychiatric impairments (putting them)at a high risk of bullying, abuse, and exploitation" that is often perpetrated by their peers and they are less likely to communicate what is happening to them, less likely to progress to an allegation of abuse through prosecution and less like to be able to recognise instances of abuse, violence or exploitation being perpetrated against them (Gatwiri, McPherson, & James, 2024).

Workforce capability gaps

The current child protection workforce which includes front line workers, child protection practitioners and legal professionals have low knowledge, skills and expertise in working with children and young people with disability. This has a range of impacts both directly during delivery of services and supports as well as subsequent compounding impacts for children and young people later in life. The direct impacts of limited understanding of complex behaviour can lead to inappropriate risk assessments and strategies to support the child effectively. Reasonable adjustments that could be put in place within the different settings can be insufficient or not recognised and sometimes labelled as giving 'special treatment' to that child or young person when in fact it is an important strategy to support them effectively with their disability support needs. Conscious and unconscious bias is a contributing factor to the lack of protective action or delivery of quality disability supports that impact on the services and supports delivered to children and young people with disability.

The Disability Royal Commission examination during Public Hearing 33 which focused in particular the nature and extent of violence, abuse, and neglect experienced over the life course of people with disability, and the failure of natural safeguards and government departments and agencies to prevent violence, abuse and neglect. The hearing examined these themes by focusing on the case study of two people with disability, Kaleb and Jonathon (pseudonyms). It was an important case for consideration in terms of the systemic failures for these two children and examination of the multiple touch points with mainstream service systems and issues of child safety and child protection. (Commission, 2023)

The Disability Royal Commission made a number of important findings and systemic recommendations in relation to this case that are important for consideration in being able to deliver better services and support for children and young people with disability in the child protection system or at risk to ensure adequate protections and risk escalation practices are in place. Key to this is greater knowledge, understanding and skills for disability inclusive and disability informed practice, policy and frameworks.

There were 3 findings made which included finding 2 – the violence, abuse, neglect and deprivation of human rights Kaleb and Jonathon experienced in the care of their father was preventable. Finding 3 found that the State could and should have done more to prevent Kaleb and Jonathon from experiencing violence, abuse, neglect and the deprivation of their human rights, having regard to the particular departments' or agencies' powers and responsibilities.

The recommendations included:

- Incorporating the voices and experiences of people with disability, particularly children and young people and their representative organisations in the child protection system. This included decision making committees, policies and practices, reviewing and responding to occurrences and risks of violence, abuse, neglect of children and young people with disability and training materials
- Legislative changes
- Expansion of Child Advocate scheme to provide advocacy services to children and young people with disability who are at risk of entering the child protection scheme
- Actions of acknowledgment, review and redress
- Training and resources for employees and agents who have any responsibilities relevant to children and young people with disability in disability awareness training and conscious and unconscious bias.

Experiences of discrimination for parents with disability

For parents with disability, including parents with intellectual disability, their experiences of interactions with the child protection system are challenging and in nature discriminatory in relation to their disability.

There are a number of key experiences for parents with disability that need to be considered including:

- Parents with disability including parents with intellectual disability report feeling that there is a presumption that they are incapable of parenting and people feel they are punished for seeking help.
- Experiences of not being provided meaningful support or reasonable adjustments.
- The impacts of limited availability of disability inclusive support services with regards to parenting and support to parent and child including if child has disability and complex support needs.
- Reported feelings of discrimination because of the conflation of disability and risk.
- The disability capability and knowledge needed by the justice system, including specific staff and Magistrates and the importance of further training to appropriately respond to the needs of parents with disability.

- Individual experiences and challenges with navigating and understanding the litigation system including processes that were inaccessible, confusing and prolonged and the impact of these experiences that undermine trust and engagement with services.
- Parents with intellectual or cognitive disability often face significant challenges understanding legal proceedings and documentation.
- Accessible information and supported decision-making mechanisms are not consistently available, limiting meaningful participation.
- There are unclear expectations about reunification requirements and limited communication regarding children's wellbeing and progress reported by parents with disability including parents with intellectual disability.
- Reported distressing removal experiences and limited opportunity for their children's voices to be heard in decisions affecting their lives.

Key areas that are opportunities to strengthen and deliver improved supports for this cohort include:

- The need for intensive in-home supports aimed at preventing removal and supporting reunification which includes working with families to support the home environment and address any barriers to their ability to parent, specifically prior to the children being removed.
- Benefits of a peer support program and the role of peer support workers to be able to navigate the child protection system including Child Protection Litigation.
- The need for parents with disability including parents with intellectual disability to be provided with information and support to understand the legal system, know their rights as a parent and to have supported decision making as part of the process in a way that is accessible.
- The need for staff in both the child protection and the legal system to have disability awareness training including training to identify disability types and respond accordingly.
- Strengthening mechanisms for participation, including independent advocacy and legal representation, is critical.
- The need for disability inclusive framework that delivers improved practice, policy and systemic responses for this group.

Systems perspective

QDN acknowledges that the current child protection system for children and young people with disability including First Nations is a fragmented service system that frames disability primarily as vulnerability rather then recognising the rights, strengths and agency of children and parents with disability. QDN also acknowledges that there are a range of systemic issues that limit effective policy design and monitoring and support the Queensland Kids Partnership's recommendations for transformative reform and investment agenda to deliver different and better results that focus on child connection and child development.

Currently, Queensland does not have a comprehensive whole-of-government strategy addressing family wellbeing and disability inclusion. The integrated response needed for multiple system interfaces across State and Commonwealth including NDIS is key to system-lens change and reform. Consistent data collection and the work of the National Disability Data Asset is a key part of reform and improvements. Alongside this the need for enhancement of protective factors include stable placements, early intervention, coordinated services and disability expertise in the workforce are critical.

Within current disability reforms, there is a significant changing policy and program landscape at jurisdictional levels as well as nationally shaped by the Disability Royal Commission and NDIS Review. Children and young people with disability are a key part of the first tranche of these national reforms through targeted foundational supports reforms:Thriving Kids. Negotiations are underway with regards to Commonwealth and State/Territory arrangements to deliver on this. Thriving Kids is a national initiative designed to support children aged 8 and under who have developmental delays or autism with low to moderate support needs, along with their families, carers and kin. The program aims to provide early, accessible and evidence based supports in everyday settings, helping children achieve better developmental outcomes by intervening at a stage when support can have the greatest impact. These reforms and the broader systems reforms with focus on the continuum of prevention and early intervention for children and young people with disability at risk of entry to the child protection system are critical for consideration and informing recommendations and shaping a way forward.

QDN supports Queensland Kids Partnership's recommendations in their submission and particularly focuses on the following in regards to children and young people with disability to

1. Implement the **national Thriving Kids initiative** in accord with the design of the National Thriving Kids Advisory Group, with a particular focus on families with children with developmental delays and disabilities at risk of coming into, or already in, the Child Safety System.
2. Adopt and operationalise a shared **Child, Youth and Families Wellbeing Outcomes Framework**, based on *The Nest* Child and Youth Wellbeing Framework to be used across Queensland Government systems including the National Thriving Kids initiative as a consistent and overarching framework for children, youth and families.
3. Co-develop an integrated **'Whole Child / Whole Family Plan'** tool that coordinates supports and services, facilitates information sharing, aligns case work across multiple government and non-government agencies and programs, and helps a child / family carry their story, including their cultural context, through a fragmented service system.
4. Co-develop integrated **Thriving Kids, Thriving Families Plans** at local or regional levels to ensure all services, services and systems are working well together and are fit for both purpose and context.

Key Recommendations

QDN provides the following additional recommendations to the Commission of Inquiry.

System reform

1. Develop a whole-of-government disability-inclusive family wellbeing strategy and Child, Youth and Families Well-being Outcomes Framework.

2. Establish integrated service coordination models across child safety, disability, NDIS, health, education and housing.

3. Improve disability data collection and consistent identification practices.

4. Invest in evidence-informed primary and secondary prevention and early intervention through specific investment and commissioning.

5. Identify opportunities to leverage existing resources and deliver improved service integration and supports across disability, NDIS and child safety for children and young people with complex disability and functional needs, complex behaviour and experiences of trauma.

6. Ensure children and young people entering child protection system with undiagnosed disability receive access to assessments, plans and funding through NDIS where they have eligibility to facilitate access to quality and essential disability services and supports.

7. Implement Disability Royal Commission and NDIS review recommendations relating to children and young people with disability in child safety system.

8. Improve access to independent advocacy for children and young people with disability.

Early intervention and family support

9. Invest in targeted parenting support programs for parents with intellectual disability and strengthen prevention and reunification pathways.

10. Expand peer support programs for parents with disability including parents with intellectual disability.

Workforce capability

7. Identify knowledge and skill gaps within current workforce around disability and NDIS.

8. Develop an integrated cross-sector workforce plan across the key areas to build disability capability across the system. The Disability Child Safety interface Workforce Plan to include mandatory disability awareness and disability inclusive, trauma-informed practice training across all parts of the child protection system including conscious and unconscious bias and managing and responding to complex disability and complex behaviour. The workforce plan to focus on building specialist disability expertise and capacity within child protection and legal systems.

Accessible legal processes and rights protection

9. Introduce supported decision-making frameworks for parents with disability including parent with intellectual disability.

10. Improve accessibility and inclusion of legal processes through reasonable adjustments, access to inclusive supports and information for parents with disability.

Disability supports

12. Improve access to therapeutic services and disability supports and address barriers to NDIS plan utilisation for children in care.

References

Cheng, Z., Tani, M., & Katz, I. (2023). Outcomes for children with disability in out-of-home care: Evidence from the pathways of care longitudinal study in Australia. *Child Abuse & Neglect* .

(2024). *Children in Care Census 2024.* Brisbane: Department of Families, Seniors, Disability Services and Child Safety.

Commission, D. R. (2023). *Public Hearing Report - Public Hearing 33. Violence, abuse, neglect and deprivation of human rights: Kaleb and Jonathon (a case study)* .

Gatwiri, K., McPherson, L., & James, S. (2024). Experiences of Children and Young People with a Disability in Out-of-Home Care in Australia: A Scoping Review. *Health & Social Care in the Community* .

Royal Commission into Violence, A. N. (2023). *Public Hearing Report: Public Hearing 33 Violence, abuse, neglect and deprivation of human rights: Kaleb and Jonathon (a case study)* .