



Dr Ros Baxter
A/Deputy Secretary Social Policy
Department of Prime Minister and Cabinet

by email: roslyn.baxter@pmc.gov.au

Dear Dr Baxter

Draft Terms of Reference for a Royal Commission into Violence, Neglect and Exploitation of People with Disability

The Commission for Children and Young People (the Commission) welcomes the opportunity to comment on the terms of reference for the Royal Commission into Violence, Neglect and Exploitation of People with Disability (the Royal Commission).

The Commission is an independent statutory body that promotes the safety, wellbeing and best interests of children and young people in Victoria. It provides independent scrutiny and oversight of services to children and young people, with a focus on vulnerable children in the child protection, out-of-home care and youth justice systems. This function includes monitoring the wellbeing of children and young people in out-of-home care and youth justice.

The Commission also conducts inquiries when a child dies and they were involved in the child protection system in the 12 months before their death. These child death inquiries focus on the services provided to the child with a view to identifying opportunities for future system improvement. The Commission recently completed a systemic inquiry into services provided to vulnerable children and young people with complex medical needs and/or disability, through consideration of 72 child death inquiries finalised between 1 March 2013 and 28 February 2017. A summary of the findings of this inquiry can be found in the Commission's 2017-18 Annual Report.

Reference to children

Informed by its functions, it is the Commission's view that the terms of reference should make specific reference to children with disability, given their vulnerability, their lack of opportunity or voice to self-advocate, and the opportunity for timely intervention to have significant lifetime benefit.

Inclusion of residential care, other forms of out-of-home care, secure welfare and youth justice custody

The Commission considers that if the terms of reference include reference to specific settings where violence, abuse, neglect and exploitation take place, then they should include reference to settings where some of the most vulnerable children are found, including residential care, other forms of out-of-home care, secure welfare and youth justice custody.

Intersections between services

In addition, the terms of reference should include authorisation for the Royal Commission to inquire into the intersection and interaction between service providers that provide services to people, including children, with a disability. This is necessary in light of the complexity of

overlapping services provided to people with disability, and the real risk of gaps in service provision.

For example, the Commission's inquiries have highlighted the lack of communication, information-sharing and necessary coordination between state child protection authorities and disability services. The systemic inquiry into vulnerable children and young people with complex medical needs and/or disability found that, too often, services working with these children and young people and their families did not gain a full picture of the risk of harm to which they were exposed or their parents' capacity to look after them. The inquiry also found services often did not ensure children and young people were connected to the ongoing supports they needed.

This inquiry considered the service system prior to the introduction of the National Disability Insurance Scheme (NDIS). The findings of the report have significant implications for how NDIS services will be provided to vulnerable families and how families will access and navigate that system. In the context of NDIS implementation, the Royal Commission's consideration of the way in which services intersect will be particularly important. B

We would be happy to discuss these issues further and can be reached via Julie Nesbitt, Manager, Analysis and Strategy, on (03) 8601 5818 or julie.nesbitt@ccyp.vic.gov.au.

Yours sincerely



Liana Buchanan
Principal Commissioner

27/3/19



Justin Mohamed
**Commissioner for Aboriginal
Children and Young People**

27/3/19