

Parents with Disabilities: addressing discrimination and removing barriers in the ACT

A Consultation Paper for discussion with parents with
disabilities and people who work with parents with
disabilities

Investment in Parents with Disabilities Project

About the Project

ADACAS and Advocacy for Inclusion have started a project to find the best ways to support parents with disabilities. The project will also look at the things that make it harder to be a parent with a disability.

They have asked Dr Fiona Tito Wheatland to help them with this. Fiona has been working for a long time to improve child protection and family support systems. She has also worked for a long time with the disability community.

Fiona wants to talk to parents with disabilities to find out what would help them.

You can also meet face-to-face with Fiona, with a support person if you want. This option requires us to ensure that you, Fiona and any support person can meet safely to avoid the spread of CoVid-19. You can also ask to join a group chat with other parents with disabilities.

Everything you say to Fiona will be private.

You can contact Fiona to arrange a meeting by:

Text 0412 172 876

Email fionatitotwheatland@gmail.com

If you would prefer, you can fill in a confidential on-line survey at:

<https://www.surveymonkey.com/r/LW2XVB9>

What is this paper about

Parents with disabilities face challenges in a world where there are social and physical barriers to their full participation in the community. Parents with disabilities are also often discriminated against in our society.

Human rights laws require that all people have a right to home and family, whether they have a disability or not. For example, the United Nations Convention on the Rights of Persons with Disabilities stresses the importance of eliminating discrimination towards people with disabilities in relation to families and parenthood. However, parents with disabilities face many on-going challenges and injustices in relation to parenting their children.

ADACAS and Advocacy for inclusion have started a project, to look at how best to support the rights of parents with disabilities. The project also aims to look at ways to overcome practical and other barriers for parents with disabilities. The project started with a resource review, looking at research and information from here and overseas. The Project Team then decided that there should be a two stage process:

- firstly to seek the views of parents with disabilities about their experiences and what they believed would assist them and their children;
- secondly to include these views in a discussion paper to seek responses from community stakeholders, disability advocacy groups, child protection services and workers and others with an interest.

From these processes, one or more proposals or programs to reduce barriers and discrimination against parents with disabilities would be put forward. It is intended to set forward ways these can be implemented to ensure that parents with disabilities and their children can flourish in the ACT. At a practical level it is also hoped that these actions will result in fewer traumatic child protection interventions, while protecting and promoting the well-being, safety and security of families where parents have disabilities. It will also provide a template for action for ADACAS and Advocacy for Inclusion to work across the ACT Government and the community sector to invest in parents with disabilities in their parenting roles.

Some background

This project arose from continuing concerns about the over-representation of parents with disabilities in the child protection system. Interactions with child protection can arise following reporting by people within the community, including health professionals, teachers and community workers. Many of these reports may be based upon stigma and a fear or lack of understanding about the capacities of people with disabilities. Discriminatory reporting can be very distressing for parents with disabilities and their children and make it hard for them to seek help if they need it at any time. The fear of authority, particularly where the authority's power is exercised insensitively, intrusively or in a discriminatory manner, can have a much broader negative impact on the parents with disabilities and their families.

Where child protection services intervene in a family and remove a child, this is generally a traumatic experience for the parents and the child or children. Ongoing data on removal of children from parents with disabilities is not available in either of the national child

protection data bases, held by the Productivity Commission and the Australian Institute of Health and Welfare. However, ACT advocacy groups report that this is not an uncommon experience for parents with disabilities.

Data that is publicly available on child removal from parents with disabilities is limited, often disability specific and time specific. For example, in 2012, NSW, the ABC published the following statement:

Intellectually disabled parents make up just 1 per cent of the general parenting population, but they represent 10 per cent of parents who are before the courts in New South Wales fighting to have their children returned.

A position statement Victorian Office of the Public Advocate entitled "*The removal of children from their parent with a disability*" dated December 2012, noted that:

A parent with a disability is up to 10 times more likely than other parents to have a child removed from their care. ... The Public Advocate is concerned that children of parents with a disability may be removed on the basis of the parents' disability. The Public Advocate considers that removing a child from a parent with a disability is discriminatory, inhumane and breaches the human rights of both the parent and the child.

These concerns were also identified in the work of the 2018 ACT Law Reform Advisory Council's evidence report in its reference on Canberra as a restorative city. Of its consultations in the reference the report said:

In relation to people with disabilities, we were informed that sometimes parents were contacted by child protection services while pregnant. These contacts indicated the intention of child protection services to remove the baby at birth because they did not believe the woman would be able to care for the child. This was mostly the case with women with intellectual disabilities, but the "assumption of inability" was sometimes applied to other forms of disability as well, despite the extent of research that shows that most women with disabilities (including those with intellectual disabilities) can parent their children with support.

Many child safety concerns raised with and by child protection services can arise from a lack of understanding of what reasonable adjustments can assist parents with disabilities to parent. They can also arise from ignorance of the capacities of people with disabilities, of their other natural supports and from discriminatory assumptions made in clinical visits, assessments, appraisals and other processes.

The practical parenting issues for different people with disabilities will vary. Their individual circumstances are likely to mean that each person's need for assistance (if any) must be tailored to meet their specific circumstances. Often people involved in the parenting process with parents with disabilities from prenatal care onwards will hold their own unconscious biases about the capacities of parents with disabilities and will look for safety issues which may or may not exist.

These unconscious biases can be compounded in an assessment process if an assessor is uncomfortable about working with people with disabilities. For example, the assessor may not have the necessary skills to ask questions of the parent, and simply base their report and recommendations upon their assumptions about people with disabilities more generally. This embeds discrimination against people with disabilities.

What is identified in the research

There is a significant amount of research overseas and, to a lesser extent, in Australia, looking at the interactions between child protection services and parents with disabilities. Some key findings in that research are that:

- While all parents with disability appear to be overly represented in the children protection system, this is more marked where parents have intellectual and mental disabilities. Often negative stereotypes and stigma influence decisions made about these parents. Assumptions of incapacity are made without actively exploring ways to assist parents to carry out their role well and safely.
- Health professionals, child protection, education and other professionals who interact with parents with disabilities often seem unaware of the principle of reasonable adjustment. Human rights law requires them to determine someone's parenting capacity through a lens which permits and facilitates reasonable adjustment and ensures reasonable supports are made available.
- Positive training to reduce both conscious and unconscious bias about parents with disabilities is usually required for health professionals, child protection staff and any mandated reported under child protection legislation. Similarly, the possibilities and use of reasonable adjustments needs to be learned by both assessors, support staff and others.
- Positive parenting support from pregnancy and onwards is particularly important for parents and prospective parents with disabilities. These should be available as early as possible to reduce the anxiety of parents and prospective parents, and to ensure that support services for the parent in the parenting role are put in place.
- The National Disability Insurance Scheme should provide for the care needs of the parents with disabilities, as well as ensuring that support is available for parents with disabilities in their parenting roles. These need to be evaluated and set up early to assist the parent from the beginning. Where policy problems are identified in the operation of the NDIS in relation to parenting, this should be addressed through state, territory and Australian Governments as a matter of urgency.
- Many resources are available from overseas and elsewhere to assist parents with disabilities. This is specifically so in relation to reasonable adjustments. These need to be made readily available and easily accessible by parents with disabilities, their extended networks, support service providers, treating health professionals, child protection and education etc. Different delivery means for services and information are also important eg peer-to-peer meetings in person and on-line; written, braille and audio materials; personal assistance and teaching skills one on one etc.
- Early facilitation of a planning meeting with family and involved friends can provide a good framework for moving forward, without child protection intervention. To avoid care and protection involvement, which can be quite traumatic for people with disabilities, this service could be offered as part of pre-natal care for all parents with disabilities to try and ensure the best outcomes for parents and children in a lower stress environment.

Some questions you can think about

1. Can you tell us about times you have had problems because you are a parent with a disability?
2. Have you ever been treated badly because you are a parent with a disability?
3. All parents need support to help them be good parents. What support would help you?
4. What would help you if you wanted to do more things in your community?
5. What can the government do to help you because you are a parent with a disability?