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Supporting parents with intellectual disability in care and protection proceedings project: review report

Intellectual Disability Behaviour Support Program



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Intellectual Disability Rights Service, Sydney

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Executive Summary

The Intellectual Disability Rights Service (IDRS) is a specialist community legal centre and disability advocacy service that offers free legal services, support and advocacy to people in the criminal justice system, and rights education and peer support to people with intellectual disability in New South Wales (NSW). IDRS services also include a program for parents with intellectual disability in care and protection proceedings called the Parents Project. The Parents Project is the only service in Australia that provides both legal and non-legal advocacy services for parents with intellectual disability involved in care and protection proceedings. This unique model gives parents with intellectual disability access to legal expertise, individual advocacy, and volunteer court support from a team with extensive knowledge of the care and protection system, intellectual disability, and its impact on parents and parenting.

In 2016, the UNSW Intellectual Disability Behaviour Support Program (IDBS) was invited to conduct a review of the IDRS Parents Project model in order to identify key barriers/facilitators to its sustainability, including the volunteer court support aspect of the project. The review focused on the non-legal aspects of the Parents Project. The rationale for this focus was that the parents have access to legal representation via Legal Aid (as do all parents in Care and Protection proceedings), but many do not receive the additional non-legal supports they need. The Parents Project case manager/advocate role is designed to respond to these support needs. The research included:

- 1.1 A review of the literature about parents with intellectual disability in the child protection system.
- 1.2 A case file review of 45 closed (i.e. not current) non-legal files to describe parent demographics, patterns of service use, and court outcomes.
- 1.3 The development of three composite case studies from the case file review that depict typically observed patterns in child protection trajectories and outcomes for these parents, and the types of supports they received from the Parents Project.
- 1.4 Interviews with 10 parents, focus groups in two locations with five volunteers, and discussions with key program staff to understand key stakeholder perspectives of the program strengths and challenges.

Conclusions

The Parents Project is regarded as a critical form of support by parents with intellectual disability facing child protection proceedings. However, the research identified that the service currently has a number of challenges related to the level of resourcing needed to properly address the breadth and complexity of work required to support parents and the

demand for the service. In addition, the absence of an existing inclusive systemic framework within the courts and Community Services¹ places the onus on already overstretched volunteers to seek accommodations for their clients on a case-by-case basis. These create significant challenges with the potential to undermine the ongoing viability of the program.

Recommendations

Recommendations regarding the program are made in three key areas to ensure the ongoing sustainability of the Parents Project:

1. Enhance data capture procedures to enable clearer articulation of the demands on program activities and personnel.
2. Boost the capacity for systemic advocacy and dedicated case management/ advocacy to address unmet need for parent support in NSW by increased staffing.
3. Build volunteer court support to complement other program activities and enhance volunteer training, on-site activities, and support.

Two further recommendations concern action required by the NSW Government to address changes to the policy and funding context are made:

4. Concerted effort by the NSW Government, in recognition of the responsibility of the courts, under the National Disability Strategy, to develop and provide an inclusive framework for court processes. Inclusion would recognise the support needs and accommodations required to enable parents with intellectual disability to participate in court proceedings on an equal basis. Training of Children's Court staff would increase understanding of intellectual disability, necessary adjustments and learning support needs of these parents.
5. Provision of funding by the NSW Government for individualised supports available to all parents with intellectual disability involved in a child protection investigation. Community Services should provide funding for IDRS (and/or other services with sufficient specialist skills in this area across NSW) to provide support and case management for the duration of their involvement. Additionally, Community Services should develop a process to ensure that all parents with intellectual disability are provided appropriate mental health supports when an investigation commences.

¹ NSW Family and Community Services (FACS), Community Services is the statutory body responsible for protecting children and young people at significant risk of harm (for more information visit www.facs.nsw.gov.au).