ACD

Submission: Rapid Child Safety Review

July 2025

Background

ACD is the Victorian advocacy service for children with disability and their families. We are a not-for-profit organisation led by, and for, families of children with disability.

Our vision is an inclusive community where children with disability and their families thrive.

Through our work we reach thousands of Victorian families raising children with disability each year. Their experiences inform our systemic advocacy.

This submission responds to the Victorian Government's *Rapid Child Safety Review*, which seeks to identify immediate actions to improve the safety of children in early childhood education and care (ECEC) settings.

Children with disability are at greater risk of harm and need a dedicated response.

"I'd like to experience more peace of mind knowing my son is thriving and that the supports are making a positive impact."

Parent, ACD consultation, September 2024

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ACD acknowledges the Traditional Owners of this land. We recognise their continuing connection to land, waters and community. We pay respects to Elders past and present.

Recommendations

Recommendations for Victorian Government immediate action to improve child safety

1) Increase investment in child and family focused disability advocacy to support families with children with disability to raise concerns and make complaints

2) Increase resourcing to investigate and follow up complaints

3) Develop targeted education and support for families of children with disability, including building skills in body safety, parent-child communication, recognising abuse, and understanding children's safety rights in early learning

4) Increase the funding and scope of the Kindergarten Inclusion Support program to ensure it meets the safety and inclusion needs of children with disability

Recommendations for Victorian Government national advocacy and cross-jurisdictional action and information sharing

5) Implement the recommendations of the Productivity Commission's Inquiry into Universal Childcare to strengthen inclusive practice in ECEC, including:
   - Improving the Inclusion Support Program an immediate priority
   - Establishing a dedicated ECEC Inclusion Fund

6) Develop nationally consistent resource and training guidance materials on the inclusion and safety of children with disability for pre-service training

7) Introduce mandatory, nationally consistent child safety training, with required periodic refreshers, that focuses on creating a child-safe culture for children with disability

8) Invest in comprehensive training and support for the ECEC workforce to build their capacity to understand and uphold their safety obligations. This training must include a strong focus on the role of families in promoting child safety, the importance of listening and responding to parental concerns, and addressing biases towards disability in risk assessment and decision-making

9) Establish a nationally consistent, real-time Working with Children Check system with cross-jurisdictional information sharing, immediate status updates, and automatic employer notifications to ensure ongoing protection of children

10) Establish a centralised, cross-sector 'disqualified' provider process with real-time information sharing between regulators, to prevent providers disqualified from ECEC moving to becoming NDIS service providers

Specific risks for children with disability

Children with disability are at greater risk of harm than their peers without disability.[1,2] Children with disability are:

- At more than three times higher risk of physical violence
- Nearly three times higher risk for sexual violence
- Over four times higher risk for emotional abuse and neglect[3]

"Increase in reported use of inappropriate discipline or interactions by educators in childcare settings, often in relation to children with additional needs."

ACECQA Safety Review, 2023[4]

Children who are non-verbal face increased vulnerability, as they are unable alert to others to mistreatment or tell their parents what's happened. Disability often has a genetic link and many children with disability have parents with disability, who made need additional support in raising child safety concerns.

A one-size-fits all approach will not meet the safety needs of children with disability in early learning settings. Tailored supports and strategies are required to safeguard children with disability and address existing systemic risks.

Critical role of families in safeguarding children

The National Child Safe Standards recognise the critical role of families in being informed and involved in promoting child safety and wellbeing, and in ensuring organisations remain child safe.

Support families to raise concerns

Under the national regulatory framework, it is the responsibility of ECEC providers to have clear policies and procedures to record, investigate and respond to complaints (including those from families), and to escalate to regulatory bodies where necessary.[5]

Despite these protections, ACD frequently hears from families through our support line of incidents in education settings failing to:

1) Alert families of incidents of harm, and
2) Respond to family concerns and complaints regarding safety and harm

Families report that their insights, instincts, and understanding of their child and their behaviour support needs are often undervalued or disregarded. Many incidents of harm,

[1] Maclean, M.J., Sims, S., Bower, C., Leonard, H., Stanley, F.J., O'Donnell, M. (2017). Maltreatment risk among children with disabilities. *Pediatrics 139*(4). doi: 10.1542/peds.2016-1817.
[2] Llewellyn, G., Wayland, S., Hindmarsh, G. (2016). *Disability and child sexual abuse in institutional contexts*. Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney.
[3] Wayland, S., & Hindmarsh, G. (2017). *Understanding safeguarding practices for children with disability when engaging with organisations.* Australian Institute of Family Studies. Available at Understanding safeguarding practices for children with disability when engaging with organisations
[4] Australian Children's Education & Care Quality Authority. (2023). *Review of Child Safety Arrangements under the National Quality Framework*. Available at Review of Child Safety Arrangements under the National Quality Framework Executive Summary
[5] Education and Care Services National Law Act 2010, National Education and Care Services National Regulations

and failures to notify families or respond appropriately, stem from an underlying, biased acceptance of harm as inevitable for children with disability.

ACD receives regular reports of children with disability being denied or discouraged from accessing early education and care. The final report of the Disability Royal Commission found that children with disability and their parents are frequently faced with the dilemma of feeling compelled to either accept situations of violence and mistreatment or speak up and risk losing access to education.[6]

Increased investment in child and family focused disability advocacy is required to support families to identify issues, raise concerns, make complaints if needed and ensure that complaints are acted on.

Alongside increased support for families to raise concerns, there is a critical need for increase resourcing to investigate and follow up complaints.

"[It's important to have] staff that listen even if they have experience with disability – every child is different and us parents know our kids [best]."

Parent, ACD consultation, April 2023

Tailored support to empower children

Despite the increased risk of harm experienced by children with disability, there remains a stark lack of resources targeted and tailored to children with disability.

Acknowledging the role of families as their child's first teacher, investment is needed in targeted education, capacity building, and support for families of children with disability, including:[7,8,9]

- Building families' capability to help their child to develop understanding of body safety and personal safety strategies
- Supporting child–parent communication skills, including strategies for alternative and non-verbal communication
- Equipping families to recognise indicators of abuse and maltreatment, with a focus on responses specific to children with disability and developmental delay
- Raising awareness of children's wellbeing and safety rights in early learning settings

This investment must also ensure information is accessible, including in multiple languages and in formats suitable for parents and carers with low literacy.

[6] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2023). *Inclusive education, employment and housing.* Final Report, Volume 7, Part A, pp. 235-254. Available at Final Report - Volume 7, Inclusive education, employment and housing - Part A
[7] Robinson, S. (2016*). Feeling safe, being safe: what is important to children and young people with disability and high support needs about safety in institutional settings?* Centre for Children and Young People, Southern Cross University, Lismore, NSW.
[8] Llewellyn, G., Wayland, S., Hindmarsh, G. (2016). *Disability and child sexual abuse in institutional contexts*. Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney.
[9] National Office for Child Safety. (n.d.) *Signs and indicators of child sexual abuse.* Available at Signs and indicators of child sexual abuse | National Office for Child Safety

Inclusion and safety go hand in hand

Inclusive practices, disability knowledge and awareness, and environments where children and their families feel they belong are essential foundations for child safety.

Efforts to safeguard the safety, health, and wellbeing of children with disability across the ECEC sector are currently inconsistent and insufficient. Both regulatory and non-regulatory reform is needed.

While existing instruments such as the Disability Discrimination Act, National Child Safe Standards, and the National Quality Framework are designed to protect children with disability across all jurisdictions, their intent can only be fully realised if the early learning workforce:

- Understands the rights of children with disability
- Is aware of their professional and legal obligations
- Is supported with time, training, and practical resources to deliver safe and inclusive environments

Strengthen inclusion support

The Inclusion Support Program is the main mechanism for supporting inclusion in childcare services, primarily through funding additional staffing. However, its own evaluation[10] found that it does not adequately build workforce capability in working with children with additional needs and that a more strategic and systemic approach is needed to strengthen inclusive practice across the sector.

The Productivity Commission's inquiry into universal ECEC also found the children with additional needs were not adequately being supported in the current ECEC system. Its final report[11] recommended immediate changes to the Inclusion Support Program and investment in a strengthened, expanded needs-based inclusion funding model.

ACD welcomes the Inclusive Capability Project, currently in development and funded by the Department of Education. However, it remains unclear whether adoption of the final framework will be mandated or supported through robust monitoring and implementation measures.

While the current review focuses on childcare settings, families report similar challenges accessing inclusive kindergarten. The Kindergarten Inclusion Program is also significantly limited in its ability to meet the needs of children with disability across Victoria and effectively support kindergartens to provide safe and inclusive settings.

Increase training

Currently, there is no mandatory or consistent national approach to upskilling pre-service educators or the existing ECEC workforce in the safety, rights, and support needs of children with disability.

All educators, teachers, and staff entering the ECEC workforce should receive consistent, high-quality child safety training that includes:

[10] Deloitte. (2023). *Review of the Inclusion Support Program – Final report*. Commissioned by the Department of Education. Available at Inclusion Support Program review - Department of Education, Australian Government
[11] Productivity Commission. (2024). *A path to universal early childhood education and care: Inquiry report.* Available at Inquiry Report - A path to universal early childhood education and care - Productivity Commission

- Children's rights, including under the Disability Standards for Education
- Understanding complex behaviour and diverse communication needs
- Practical strategies for making reasonable adjustments and creating safe and supporting learning environments

Training must be strengths-based and designed to promote high expectations for children with disability

ACD also recommends the introduction of mandatory, nationally consistent child safety training, with required periodic refreshers.

This training should include a focus on:

- Creating a child-safe culture for children with additional needs
- Recognising varied presentations of behaviour and communication
- Building skills in de-escalation responses

There is also a need for comprehensive training and support for the ECEC workforce to build their capacity to understand and uphold their safety obligations. This training must include a strong focus on the role of families in promoting child safety, the importance of listening and responding to parental concerns, and addressing biases towards disability in risk assessment and decision-making.

"I've been teaching for 21 years and since having children it's only now that I've actually learned more about disability in education and reasonable adjustments just from my personal perspective of being a mum."

Parent and teacher, ACD consultation, March 2025

Stronger national Working with Children Check

Across aged care, childcare, disability services and the NDIS, a patchwork of exclusion and prohibition schemes applies to workers. There must be greater information sharing and a centralised, cross-sector 'disqualified persons' process, ensuring that individuals barred from one sector cannot obtain or retain a Working with Children Check.

A cross-sector approach to providers is also urgently needed. Currently, a provider deemed unfit to operate an ECEC service can go on to register as a NDIS service provider. Governments must establish a centralised, cross-sector 'disqualified provider' process, with real-time data sharing between regulators, to prevent providers from exploiting gaps between systems.