ACD

Submission: Community Visitor Scheme consultation

September 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.

ACD welcomes the opportunity to contribute to the Department of Health, Disability and Ageing's Community Visitor Scheme consultation. This submission highlights the systemic neglect experienced by children with disability in the out-of-home care system, and the need to extend the Community Visitor Scheme to residential care settings.

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Safeguarding children with disability in residential care settings

Recommendation

Expand Community Visitors' powers to include residential care settings, ensuring stronger oversight and safeguarding of children with disability

Children with disability are overrepresented in Australia's out-of-home care (OOHC) system, particularly in residential care. Although this is widely acknowledged in research and across the sector, data collection on disability remains inconsistent and incomplete.[1] Current data indicates that at least 22% of children in OOHC have a disability.[2] This figure is almost certainly an underestimate, as disability status is recorded for only 72% of children in care.[3] Anglicare, one of Australia's largest home care services, estimates half of children in the out-of-home care system have a disability diagnosis.[4] This patchy data undermines oversight and accountability and contributes to the frequent overlooking of children's disability-specific needs in both practice and policy. There is no consistent or coordinated national approach to ensuring these children receive the care and support they require.

Children with disability are linked with poorer outcomes and experiences in OOHC. Compared to their peers without disability, they are:[5,6]

- At greater risk of maltreatment in care
- More likely to be reported absent or go missing from residential care (placing them at heightened risk of sexual exploitation, abuse, and harm)[7]
- More likely to experience instability and multiple moves in residential placements
- More likely to remain in the system for longer
- More likely to be excluded from decision-making about everyday choices

They also face systemic and structural disadvantages that are disability-specific. These include delays or barriers in obtaining necessary assessments, diagnoses, and disability supports; a workforce that often lacks training, knowledge, and expertise to support children with disability and complex needs; ableist attitudes that contribute to a culture of acceptance of harm; poor interfaces between systems and regulators leading to gaps in responsibility and response; and a lack of monitoring and visibility.[8,9]

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[1] Research Centre for Children and Families. (2022). *Children with disability in out-of- home care – summary of the literature.* University of Sydney. children-and-young-people-with-disability-in-out-of-home-care_summary-of-the-evidence.pdf

[2] Australian Institute of Health and Welfare. (2025.) *Child protection Australia 2023-24.* Available at Child protection Australia 2023–24, Supporting children - Australian Institute of Health and Welfare

[3] ibid.

[4] O'Connor, K. (2025, August 22). Concerns new NDIS plan won't prioritise out of home care children [Radio broadcast. In *AM.* ABC Radio. AM with Sabra Lane - ABC listen

[5] 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 and Social Care in the Community*, https://doi.org/10.1155/2024/3456823

[6] Research Centre for Children and Families. (2022).

[7] Commission for Children and Young People. (2021). *Out of sight: systemic inquiry into children and young people who are absent or missing from residential care*. Available at Out-of-sight-inquiry-report-Web.pdf

[8] Research Centre for Children and Families. (2022).

[9] Gatwiri, K., McPherson, L., & James, S. (2024).

The Disability Royal Commission highlighted the critical role of Community Visitor Schemes (CVS) in promoting and protecting the rights of people with disability, including their function as an early-warning system to prevent abuse and neglect. However, the current remit of CVS does not extend to children in residential care, "a system [that] is becoming a de facto disability home provider, something these residential care homes are not set up to be."[10]

Children in residential care, particularly those with few or no natural support networks, face risks similar to those in closed disability housing. They would benefit from an external, independent function to provide oversight, escalate concerns, help them understand their rights, and support them to make complaints to the relevant child protection or disability regulator.

The CVS should have powers to visit residential care settings where children are NDIS participants, or where child protection agencies have flagged children as having disability or complex needs associated with greater risk of harm. ACD acknowledges the practical challenges of this criterion, given the current state of inconsistent and incomplete disability data, but views national CVS reform as a critical opportunity for the NDIS Quality and Safeguards Commission, state and territory child protection agencies, and Children's Commissioners and Guardians to adopt consistent definitions of disability, implement consistent processes for collecting and reporting disability status, and agree on common indicators of disability-related risk.

[10] Centre for Excellence in Child and Family Welfare. (2023). *Submission: NDIS Review – Children in out of home care.* p. 2. Available at CFECFW-NDIS-Review-Submission-Children-in-out-of-home-care.pdf