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

A Plain English Consultation Paper

for discussion with parents with disabilities and
people who work with parents with disabilities

ADACAS and Advocacy for Inclusion's Investment in Parents with Disabilities Project 2022-2023
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About this Paper

Parents with disabilities can find it hard to join in the community.

They may experience social and physical barriers that people without disabilities do not. For example, not being able to physically enter a building as they use a wheelchair and there are steps to get into the building. Or finding it hard to connect with other people due to feeling anxious in social groups. This means they do not access the community in the same way as people who do not have disabilities can.

Parents with disabilities belong to a group that often experience discrimination in our community. Discrimination is when you are treated unfairly. This could be because of a person's age, sex, religion or another part of who a person is, or a group they belong to.

Human Rights law states that all people have a right to home and family. It does not matter whether they have a disability or not. An example is, the United Nations Convention on the Rights of Persons with Disabilities. This says it is important to stop discrimination of people with disabilities to do with having a family and being a parent. But even with discrimination and human rights laws, parent with a disability still can experience challenges just because they are a parent that is disabled. Often Child Youth and Protection Services (CYPS) will become involved with families who have parents with disabilities.

CYPS are part of the Australian Capital Territory (ACT) Government. They are also known as "Care and Protection" or "Child protection." Their job is to make sure children who live in the ACT are safe and well cared for. There are a lot of parents with disabilities that will have contact with CYPS.

ADACAS and Advocacy for Inclusion (AFI) have started a project. The project is about how to support the rights of parents with disabilities in the ACT in the best way. The project is also about finding ways that are useful to help parents with disabilities. This project started with finding and reading other information about this from around Australia and around the world.

The Project Team then decided that there were two parts in this project:

1. To ask parents with disabilities about their experiences with CYPS and what

they think would help them and their children.

2. To write about these answers and then ask other people in the community what they think. Examples of the other people they would ask are disability advocacy groups, CYPS and workers.

After this, ideas or programs can be suggested that will work to reduce the issues parents with disabilities are experiencing. The aim of this plan is to make life better for parents with disabilities and their children in the ACT.

The project team hope that this project will mean less traumatic CYPS experiences. And make sure families and children of are safe, secure, happy and healthy.

It will also help ADACAS and Advocacy for Inclusion to know what to tell the ACT Government and the community sector about how to best keep giving help to parents with disabilities, in their parenting roles.

Background

This project started because of worry that for a long time there have been too many parents with disabilities, compared to parents with no disabilities, working with the CYPS system.

There are many people in the community who make reports to CYPS, For example: health professionals, teachers, and community workers.

There are many reasons why reports are made to CYPS.

- because of stigma around disability. Stigma is when a person treats a person or people in an unfair way because of beliefs or ideas they have about disabled people.
- fear or lack of understanding about the capacity is of people with disabilities. Capacity is a person’s ability to do something or understanding a choice or decision you need to make. It can also be that a person chooses to ignore a person’s ability.
- lack of understanding of what reasonable adjustments can assist parents with disabilities, to parent. Reasonable adjustments are when changes must be made to get rid of barriers and make something or somewhere accessible to a disabled person. This is to make sure that disabled people get the same services as non-disabled people.

- not knowing about other natural supports available to the parent with a disability. Natural supports are relationships that occur in everyday life. Examples are family members, friends and neighbours
- discriminatory assumptions made in clinical visits, assessments, appraisals and other processes. An assumption is believing something is true without proof.

Sometimes the person meeting with the parents with a disability has unconscious bias. This is when a person does not even realise that they have already made judgements or decisions before meeting or knowing anything about the parents with disabilities. They may think any parent with a disability is not able to safely be a parent. When this happens the person assisting the parents sometimes tries to find a safety issue that may or may not exist.

These judgements could even be made before the mother is pregnant. The issue with the person with an unconscious bias could be made worse in an assessment process if they are also uncomfortable working with people with disabilities.

For example, the person from CYPS that is investigating a report about a family, may not have the necessary skills to ask the parents questions. Instead they simply base their report and recommendations upon their assumptions about people with disabilities more generally. This further increases discrimination against people with disabilities

Every parent is different and will have different parenting issues. What help they might need must be chosen on what each individual family's needs are.

Reports that are made because of discrimination can be very upsetting for parents with disabilities and their children. It can also make it hard for them to seek help at any time if they need to.

A lot of damage can be done to parents with disabilities and their families by people in power. Especially when they use their position of authority without thinking about the other person's thoughts and feelings. Or if they are using that authority to discriminate.

The Productivity Commission and the Australian Institute of Health and Welfare have databases. But there is no data in there about the number of children removed by CYPS from parents with disabilities. ACT advocacy groups report that it is a common experience for parents with disabilities to have children removed from their care.

There is not much public information about child removal from parents with disabilities.

What information is available is about specific disabilities for example intellectual disability.

For example, in 2012, New South Wales, 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.

Some information and ideas from the research

There has been research done about parents with disabilities working with child protection services. Most of the research has been done overseas and a smaller amount in Australia. Some important information and ideas from that research are:

- There are more parents with disabilities working with child protection than parents without disabilities. The most common types of disabilities, where CYPS took action, involved parents with intellectual disabilities or disabilities because of mental ill health (sometimes called psychosocial disabilities). Parents who have different ways of looking at the world (neurodiversity) are also discussed in the research about child protection interventions. Parents with these disabilities more often experience negative stereotypes and stigma. It is more likely that others think the parents cannot do things without checking. And they do not take time to find a way to help parents with disabilities, to parent well and safely.
- Health professionals, child protection, education and other professionals who work with parents with disabilities often do not think about reasonable adjustments. Human rights law says that to decide how well a person can parent, the parent must have had help to organise support and have reasonable adjustments made.
- 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 reporter under child protection legislation. Mandated reporting is when the law states you must report known or suspected cases of abuse and neglect. The same rule of positive training must be used to make sure these same people learn about reasonable adjustments when working with parents with disabilities. This includes the person assessing the family, support staff and others.
- Positive parenting support that starts before pregnancy and keeps going after pregnancy is important for parents and prospective parents with disabilities. These should be available as early as possible (when a person makes the decision that they want to be a parent) to reduce the anxiety of parents and prospective parents, and to make sure that support services for the parent in the parenting role are there.
- For parents with disability on the National Disability Insurance Scheme (NDIS), support should also be there in their parenting roles. These supports need to be

checked if they are helpful and ready to help the parent from the time they decide they would like to be a parent. This may be before pregnancy.

- There needs to also be adequate support for parents with disability who are not on the NDIS from the federal, state or territory Governments.
- There are many resources and tools about reasonable adjustments for parenting available from overseas and Australia to assist parents with disabilities. These resources and tools need to be made easily available and easily accessible by parents with disabilities and the people who support them. For example social networks, support service providers, treating health professionals, child protection and education etc. It is important that the services and information for parents with disabilities need to be available in different ways e.g. peer-to-peer meetings, in person and on-line; written, braille and audio materials; personal assistance and teaching skills one on one etc.
- It can be traumatic to have CYPS involved for parents with disabilities. It is important to avoid the need for CYPS to be involved. One way to try and get the best outcome for parents and children is to have a meeting and offer services as soon as possible, even before parents with disabilities have children. The meeting needs to include family and involved friends. This will help provide a lower stress environment and provide a good set up for not needing CYPS to be involved.

Questions and experiences to think about

1. Tell us about times you have had problems in your parenting role because you have a disability.

2. Tell us about a time that because you are a parent with disability you have been treated badly.

3. All parents need support to help them be good parents. What supports would help you to be the best parent you can be?

4. What would help you in your parenting role, if you wanted to do more things in your community?

5. As a parent with a disability, what can the government do to help you?

How you can help

ADACAS and Advocacy for Inclusion have asked Fiona Tito Wheatland to help them with this project. 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.

Fiona is happy to talk with you via Zoom by yourself or with a support person.

You can also meet face-to-face with Fiona, with a support person if you want. 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

Note: This is a plain English version of the Consultation Paper, prepared for the Investment on Parents with Disabilities project by Dr Fiona Tito Wheatland. If you would like a copy of the original paper, please email Fiona on fionatitowheatland@gmail.com . There will be a Final Report of the Project, which will take account of the findings from the consultations, and, where appropriate, the material from the original consultation paper will be included in that Report.