



MEDIA RELEASE

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“PARENS PATRIAE” – “PARENT OF THE NATION” COMMISSIONER FOR CHILDREN’S STATEMENT ON GOVERNMENT RESPONSE TO DISABILITY RESPITE REPORT

Tasmania’s Children’s Commissioner Paul Mason today described the Government’s response to his report on the circumstances of 7 children who lived long-term in Government respite facilities as positive but faint-hearted.

“Many parts of the response are to be applauded” said Mr Mason “For instance the Government says it will immediately review the respite booking system which parents for years have said and which by its own terms appears to be a barrier instead of a doorway to obtaining the help they need to keep going with their exhausting role. I would expect they can fix that in months rather than years.”

“I am pleased that by announcing a review of voluntary care arrangements within Disabilities law rather than Child Protection law, the Government is at last conceding that assistance and care can be provided without forcing the round peg of an exhausted family into the square hole of protection for abused and neglected children.

“However there does not appear to be a complete acceptance of the notion that for the families of children requiring constant care, occasional respite is not a bonus; long-term planned respite is an essential component of enabling families to keep their children at home. Parents who “soldier on” save the community millions a year. I have met parents who have not slept a full night for 6 years or more. And the siblings of kids with disability deserve regular reliable down-time in their own homes. Routine respite of some sort should be the rule, not the exception.

Mr Mason said his report was a long time coming because most of 2008 was taken up with the development of what promises to be a national state-of-the-art child and family support system in Tasmania’s “Future Communities” reforms.

“Human Services including disabilities, child protection and early family support services are clearly going in the right direction to plan and provide long-term routine host-family and centre-based respite. The Gateway and Integrated Family Support Service assessment and referral process currently under construction must be capable of identifying the long-term needs of all disabled children. Once diagnosed, one thing we know is that planning is for life.

“I very much welcome the integration of Disability Services and Child Protection under the same line of management within Disability Children Youth and Family

Services (DCYFS) as a step towards ending the buck-passing and suspension in limbo that I found most of these children experienced. This integration holds huge promise for professionalising the whole Disabilities industry and enhancing the skills of Child Protection workers.

Mr Mason said some parts of the response were disappointing, and a lot remained to be seen about how the "Future Communities" system would work on the ground.

"I remain concerned that the Government has not taken up my recommendation for independent monitoring of the welfare of children living in Government or Government-funded out of home care.

"I question whether the departure of Government from providing out-of-home respite will necessarily improve the lives of children in this situation. If Government contracts with an NGO to provide care, how will it know whether the staff have the skills, training and empathy to manage complex behaviours, to administer and record medication, or even to write up shift notes so that there is optimum consistency of care for the child?

"If the agreed care plan to house a particular child turns out to be more expensive than the service provider had bargained for, will the provider seek to hand the child back, or reduce the quantity or quality of service? Will poorly trained site-managers or staff take out their frustrations on the child? Who will know, and how will they know? Do we wait for another round of compensation claims against the State, or will the new arrangements simply shield the State from its responsibilities as the "Parent of the Nation"?

"I am concerned about the lack of supervision when a parent says that the State has let down its side of an agreed plan – who will uphold the rights of parents under a voluntary care arrangement or a Court order, whether under the Child Protection laws or the Disabilities laws? The families and carers of two of the subject children are still telling me of inappropriate placements and lack of family involvement. I have no powers: where are they supposed to go?

"I remain concerned to see how the Government will avoid being heavy-handed with exhausted parents and avoid stigmatising them with Child Protection court cases because help arrived too late or not at all. What criteria will be used? Who will monitor the State's application of its own rules?

"I welcome the proposal to amend the *Disability Services Act* to provide for the negotiation of sharing long-term caring and parental responsibilities between parents of kids with disability and the State. I still hold a hope that the parties can avail themselves of the specialist parenting solutions service offered by the Federal *Family Law Act*, with the State Secretary either as Applicant or as Respondent. Where the Department is convinced that a child is at risk of real harm, there is much room for improving the *Children Young Persons and Their Families Act* and I am pleased the Government will be considering how that can be improved to reduce the hostility and increase the child-focus of Child Protection cases.

"I hope those reviews will start very soon, and involve input from the Association for Children with Disability, parents and young people with disabilities themselves."