

Briefing Paper for the Families Australia and Children and Young People with Disability Australia (CYDA) Forum

Recognising and promoting rights - children and young people with disability

The current context

Children and young people with disability are often overlooked or missed in public policy. In child and youth-specific policies, the distinct needs and strengths of children and young people with disability are generally absent. Similarly, the cohort's rights and developmental and social needs are also commonly absent from disability-specific policies.

How children with disability are framed in Australian policy

A 2020 research report¹ explored how children and safety were constructed within and across relevant state and federal government policies in Australia. Altogether 56 policies were included in the analysis, including disability-specific policies. The review found that children and safety are generally framed in policies in two ways; with a focus on children needing protection from harm or as a recognition of children's rights, agency and capabilities. The authors noted that the emphasis on children's autonomy and competence was becoming increasingly evident in policy.

The review then explored specifically how children with disability and safety were framed. The review found:

- References to children with disability were minimal in national documents aimed at all children
- When children with disability were included in cross-sector policies, it was primarily in terms of their perceived vulnerability.

In the disability sector, the documents analysed predominantly call for compliance of people working with children, rather than promoting cultural conditions that recognise the importance of children's rights and relationships.

¹ Powell, M. A., Graham, A., Canosa, A., Anderson, D., Taylor, N., Robinson, S., Moore, T., & Thomas, N. P. (2020). Children and safety in Australian policy: Implications for organisations and practitioners. *Australian Journal of Social Issues*. <https://doi.org/10.1002/ajs4.134>

The authors concluded that different “constructions of children in cross-sector and sector-specific policy have potential implications for the way that the safety and wellbeing of children and young people is attended to across contexts” and that framing children with disability “in terms of agency, rights and empowerment in sector-specific documents seems more likely to contribute to their increased wellbeing and safety, than the emphasis on vulnerability in other contexts.”²

Policies and systems do not capture the lived realities of children and young people with disability

Children and young people with disability need to be considered as children and young people first, and not defined by their disability. While some may receive specific disability supports and care, all children and young people are also located in other mainstream systems alongside their peers, including early childhood education, schools, health, employment, income support and housing. They are also included in more tertiary services including child protection services and out-of-home care, and the justice system.

Therefore, when mainstream or cross-sector specific policies ignore the 15 per cent of children and young people with disability,³ their distinct rights and needs will be missed, and programs and strategies will not be effective for and/or fail to provide targeted supports when and where most necessary.

When disability and the experiences of living with disability are included in policies, they tend to view people with a disability as a homogenous group. Recently, CYDA co-hosted the inaugural 2020 National Youth Disability Summit (NYDS), a five-day conference designed by and for young people with disability. The young participants at the NYDS shared how important it is that systems recognise and be respectful of a diverse range of identities.

One young participant commented that the “*one-size-fits-all approach*” does not represent people’s differences, comparing it to a “*blanket thrown over people with disabilities that contains stereotypes*”.

Young participants attending also shared the significance of intersectionality and how the recognition and promotion of different identities, such as ethnicity or sexual and gender diversity, in different systems is fundamental in ensuring that all young people feel safe and included. Talking about their experience in the education system, one young person shared:

² *ibid.*, p. 20.

³ 14.8% of people with disability are aged 0–24 years. AIHW. (2020). *People with disability in Australia*. Available at [People with disability in Australia, Prevalence of disability - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/reports/14.8%-of-people-with-disability-are-aged-0-24-years)

“I felt left out. Felt different. Felt like I don’t belong. Like the default is white, abled and heterosexual. I have experienced discrimination from teachers and lecturers, such as being told that I was ‘too sick’ to be at university, and constantly being in detention at school because the system just wasn’t designed for someone like me.”

The voices of children and young people with disability are missing from policy development

A key contributing factor why the strengths, needs and recognition of intersectional identities of children and young people with disability are missing in policies is because the cohort are generally missing in the processes that shape and design them.

Comments from young participants at the NYDS:

“Young people in particular ... are not part of the conversation about what should be in those supports or plans or policies [that affect young people]. ... People very much think, ‘I know all about young people so I can put this policy together without talking to them’, but when you do that, there are so many stories, narratives, bits of information that you miss because you are not talking to the affected person.”

“Politicians don’t have lived experience of the systems they are designing. So, they don’t necessarily know the ways of enacting systems change that are going to best benefit the people that exist within the system.”

Children and young people with disability face barriers to participating in consultative activities that inform policy and service development. The processes are often inaccessible, including inadequate information delivery, meeting structures, interpreters, and assistive technology. This was noted in the recent report commissioned by the Department of Social Services, which confirmed young people with disability “do not find current mechanisms used by governments to engage on these issues appealing, suitable or easy to access.”⁴

⁴ Social Deck. (2019). *Right to opportunity: Consultation report to help shape the next national disability strategy*. Available at https://www.dss.gov.au/sites/default/files/documents/12_2019/nds_beyond2020_fullreport-161219_0.pdf, p. 64

The opportunity for change

As they grow and develop, children and young people interact and intersect with many systems and structures — both disability and non-disability specific. When these systems and relevant government policies do not encompass the needs and strengths of children and young people with disability, the group will be further marginalised and governments will design and invest in strategies and safeguards that ultimately will not be effective.

Children and young people with disability and their representative organisations must have a seat at the table and incorporated in national public policies, plans and frameworks that span all the elements of their lives.

This call is echoed by young people who attended the NYDS. Young people are hungry for change and see themselves as being a core part of the solution; whereby they believe they can enact positive change if governments and systems invested in their skill development and provided meaningful platforms where they can be heard and exercise their lived expertise.

As noted by participants at the NYDS

“Our needs get met the best when we’re the ones that get to define what they are.”

“I believe that young people’s voices need to be heard. ... [W]e have the future ahead of us and we see the changes that need to happen. It will be silly not to give young people a voice and input in the matters that affect them.”

“Listen to young people. Because there is not a decision that is not with us at the end of the day. The mistakes made today will haunt us in the future.”