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What is violence, abuse, neglect and exploitation of children and young people with disability?

We want children and young people with disability to live in communities where they are happy and safe – where there's someone looking out for them, they know their neighbours, and they can get on with playing, learning and having fun with family and friends.

Sadly, we know that abuse and neglect of children and young people with disability happens in all the places where they live their everyday lives – in their homes, schools, playgrounds, libraries, swim centres and the local shops.

Children and young people are often considered 'vulnerable' to harm because of their age – those with disability particularly so. Simply having a disability doesn't increase the risk of harm occurring. But the risk **is** increased by some of the things people with disability commonly experience as a result of having a greater reliance on others for care and support, being socially isolated, and lacking a trusted adult or a way to communicate with someone who can help.

In light of this, children and young people with disability **are** at greater risk of experiencing violence, abuse, neglect and exploitation. Those with cognitive disability and behaviour support needs are at greater risk again. While it is hard to know the extent of the harm that occurs in Australia, we do know that children and young people with disability experience more harm than their peers without disability.

Understanding why and how this happens can help us prevent harm and keep children safe. It is also important to learn ways to reduce risk, and know how to respond if harm does occur. For more information, see *Fact Sheet 2: What to do when harm occurs – or if you suspect it* and *Fact Sheet 3: How can we help keep children and young people with disability safe?*

What is violence against children and young people with disability? What is abuse?

Violence is usually one person harming another. Common examples are hitting, punching or kicking, and sexual assaults such as rape. Violence is experienced across different sections of the community and within families.

Abuse is the term used to cover a wider range of harms. Common examples are restraint, bullying, taking away food, giving people too much or too little medication, limiting access to a communication device, having money stolen, and children witnessing family violence.

The person causing harm to another may or may not have meant to abuse them. **It is still abuse** if the actions result (or were likely to result) in significant harm to the child or young person, even if this wasn't intended.



Aisha's teacher took her drink away in class because she was playing with the lid. Aisha's health condition makes her dehydrate very quickly and she got sick and collapsed. The teacher did not mean for that to happen, but it was still abuse.

A common form of abuse of children and young people with disability is restrictive practices. This can happen in schools, disability services or the home. Restrictive practices involve restricting a person's rights and freedom of movement. This is mainly through restraint (physical, chemical, social or mechanical) and seclusion.

Restraint includes any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability. This can include physical (e.g. holding or pulling), mechanical (e.g. tying up a child or young person or not allowing them to use their wheelchair) or chemical restraint (e.g. saying a child cannot attend school unless they take a certain medication like Ritalin). It can also include psycho-social restraint, which involves using intimidation or threats to control a child or young person.

Seclusion includes solitary confinement of a child or young person in a room or area from which their exit is prevented by a barrier or another person. Seclusion includes situations in which a child or young person believes they cannot or should not leave an area without permission.

There are concerns that these practices may be used for convenience, discipline, coercion or retaliation, instead of carefully managed behaviour support. CYDA's recent National Education Survey found that more than 30 per cent of students who responded had experienced either seclusion or restraint.



"Restricted practice with the use of weighted equipment in a time-out room with no communication with the family. [My child] also has been locked in a support unit area and refused access to the mainstream area during recess and lunch."

Is it violence or abuse?

Sometimes people are not sure if something really is violence or abuse. They might think something is unfair or not right, but don't really know if abuse has occurred. As a result, there may be no action taken to stop the behaviour or report it.



I saw that child at the library turned away from the coding class my son was doing because he was flapping his arms and making noises. He wasn't hurting anyone. But I saw the librarian block him with his body from coming in and pin his arms down. I mean, it's not fair, but I wasn't really sure if it was discrimination or abuse or what I should do...

If you are unsure if something is violence or abuse, you can contact both the police and disability advocacy organisations for advice. Ask to speak with the police disability or youth liaison officer. It's a good idea to do both if you are worried that your concerns might be brushed off.

What is neglect and exploitation of children and young people with disability?

Neglect is failing to provide the necessary care, guidance and assistance to children and young people to support their development and wellbeing. It includes failures of both physical and emotional care. Neglect can be both an isolated incident or a pattern of failure over time.

Neglect can also be a neglect of rights, such as the right to inclusive education and employment, or denying the basic necessities of life, such as food, drink, shelter, access, mobility, clothing, medical care and treatment.

Exploitation is abuse that involves the improper use of a person where the perpetrator benefits in some way – either financially, socially or politically. Exploitation can also occur at a systems level; for example, where structures are in place that result in whole groups of people being paid less for their labour.



Ty is in his last year of school. He's keen to work in IT, like his dad. Ty's guidance counsellor advised his family that the local Disability Enterprise was the best place for him to work. There he could earn a small wage that wouldn't affect his pension. Ty and his family were distressed and disappointed with this advice. They expected that, like his brother, Ty would be able to consider further education, a range of jobs and find a place in the workforce where he was valued and paid a living wage. In imposing her own judgement that Ty would not be able to work in open employment, the counsellor closed off options for him to explore possible pathways, including further education. This is an example of systemic exploitation.

Is it neglect or exploitation?

Low expectations for children with disability have made it hard at times for people to recognise poor practice as potentially neglectful or exploitative. For example, children with disability have the same rights as all children to education, yet CYDA's survey found that more than 40 per cent of the children and young people with disability who responded were excluded from school events or activities in the past year. This is a form of neglect.

Exploitation occurs when others take advantage of a person because of their disability.

If you are unsure if something is neglect or exploitation, you can contact a disability advocacy organisation for advice.

Why does abuse, neglect and exploitation of children and young people with disability happen?

This is a complex social problem. There are many different types of harm and reasons why it occurs.

As well as an action between two people, harm can also be caused by the way rules and systems make life less safe for some people than others. Our relationships, environment and culture all play a part in children and young people feeling safe. Established systems and policies and resistance to change not only make life harder for children and young people with disability, but also put them at higher risk of harm.



Tina is doing work experience at a shop. The door does not open automatically and she is unable to leave without having to ask other staff for help to open it. When the store manager starts asking Tina about online dating at the end of the work day, she feels very uncomfortable but has no way of leaving.

The lack of essential support for children and young people with disability has not been given much attention as a potential risk factor leading to harm. Many children and young people are under-supported in areas such as education, housing, equipment, assistive technology and so on – despite having significant support needs.

When places like schools or disability services do not make adjustments for children and young people to access learning or participate, they are contributing to harm.

To prevent harm, we need to think seriously about how a lack of essential support can increase the risks to children and young people.



George had been excluded from his local primary school and the principal was unwilling to work with his foster family to plan how he could return. The principal at the neighbouring school led a process of collaboration with George, his family and his psychologist to plan a supported entry into the school that helped George to build on successes, develop relationships with teachers and peers, and build confidence in his learning. While trauma still informs George's behaviour, his teachers understand the reasons for it and know how to respond. He spends most of the week at school now and says he loves art and soccer.

It is important to remember that together we can help create safer lives for children and young people with disability. Children are safer when they have adults around them who can recognise and respond to harm. They are safer when they have confidence that people believe them when they share something important. They are safest when they are surrounded by people who will act on their concerns.

More information

This fact sheet may have raised concerns for you or for people you know.

If you have any concerns or you would like support, please contact CYDA on:

t: 03 9417 1025

1800 222 660 (regional or interstate callers outside Melbourne metro)

e: info@cyda.org.au

For information about providing a submission to the Disability Royal Commission, please visit our website:

<https://www.cyda.org.au/disability-royal-commission>

or the Disability Royal Commission website:

<https://disability.royalcommission.gov.au/>

**This fact sheet is one of four.
Please also read:**

Fact Sheet 2 *What to do when harm occurs – or if you suspect it*

Fact Sheet 3 *How can we help keep children and young people with disability safe?*

Fact Sheet 4 *About the Disability Royal Commission*