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| Children who may require accommodation outside the family home due to complex disability support needs  Guidance for Child Protection Practitioners |
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## Introduction

Most children with complex disability needs live with their families in safe and nurturing home environments. There are however a small group of children who may require accommodation outside the family home due to the unique complexity of their disability support needs.

Principal Disability Practice Advisors (PDPAs) within each division are responsible for establishing and overseeing voluntary arrangements with the National Disability Insurance Scheme (NDIS) for families who require accommodation outside the family home. PDPAs are also available to provide specialist NDIS advice to child protection for children with disability who require a statutory response though the child protection program.

## Why do some families require accommodation outside the family home for a child with complex disability needs?

There is no typical family unit or child presentation that may result in a child requiring accommodation outside the family home due to complex disability support needs. Each child and family’s circumstances are unique and varied.

Families responsible for the care of a child with complex disabilities are at higher risk of stress, social isolation, financial difficulties and family breakdown. Many families have not had access to the right supports to meet their child’s needs, and many may still be struggling to access supports through the NDIS.

Families who require accommodation for their child outside the family home are unable to fulfil their caring role due to the complexity of their child’s disability support needs, disability related stressors and limited access to appropriate services. This is different to families being unable to provide safe care for a child with complex disability support needs where protective concerns are evident.

## Children with complex disability needs and protective concerns

The challenges associated with caring for a child with complex disability support needs can impact on a parent’s emotional wellbeing and coping strategies which may result in increased risk of abuse or neglect. Other factors including family violence, family mental health issues and parental substance abuse may be also present.

Children with complex disability needs often face distinct challenges in being heard and therefore have additional vulnerabilities that must be considered when assessing protective concerns. As part of a child protection investigation, extensive consultation must take place between child protection and all mainstream, disability and medical services involved with the child and family about the reported protective concerns and parental capacity to meet the child’s complex disability needs. If parents will not provide consent to share information from the National Disability Insurance Agency (NDIA) and funded services, NDIS information sharing request forms can be accessed via the child protection manual.

Where child protection identifies protective concerns for a child with complex disability needs, the family cannot be referred to the PDPA for consideration for accommodation outside the family home. This service response is only suitable for families where protective concerns are not present. The PDPA can provide guidance to child protection in relation to NDIS access and planning issues for children and their families where protective concerns are present.

## Guiding principles for child protection intervening with families with complex disability needs when no protective concerns are present

Where child protection identifies no protective concerns, and the family believe they require, or are at extreme risk of requiring, accommodation for their child outside the family home due to complex disability support needs, the following principles apply:

* The best place for a child is to be safely supported in the family home.
* Greater support at the earliest point possible helps to prevent the need for children to live outside the family home. Additional disability supports to prevent the need for accommodation outside the family home can be facilitated through a consult with the PDPA who will support child protection collaborate with the National Disability Insurance Agency (NDIA) for an urgent review of supports.
* A child or young person requiring accommodation outside the family home is a last resort option after all other in-home support arrangements have been exhausted.

In the exceptional circumstance where a child is unable to remain in the family home and no protective concerns are identified, child protection should request a consult with the PDPA. The PDPA will then engage with the family and the NDIA to determine next steps.

If the NDIA considers the child requires accommodation outside the family home, the parent/s may be required to sign a ‘parenting agreement’ which outlines a commitment to maintain active guardianship while their child resides in accommodation outside the family home. The agreement will outline responsibilities regarding ongoing parental care and support such taking the child to medical appointments, attending parent/teacher interviews and other educational events, facilitating family and social connections, monitoring their child’s well-being, and advocating on the child’s behalf.

Where child protection does not believe the parent/s will be able to maintain the above responsibilities while supporting their child in accommodation outside the family home, further assessment of parental capacity and whether the child is in need of protection should take place.

## Families who require intensive support due to complex disability needs

Where child protection encounters families with children with complex disability support needs who are willing to maintain care of their child however are at high risk of requiring care outside of the family home, a referral to the Integrated Family Services’ *Children with Complex Disability Support Needs Program* should be considered.

The program provides intensive case management to integrate parenting, family and NDIS disability supports to prevent family breakdown. Part of the family service practitioner’s role will be to assist parents navigate the NDIS and advocate for supports that contain both parenting and disability supports that will help maintain the sustainability of safe care.

Child protection engaging with families in the investigation or protective intervention phase can seek advice from their PDPA on making a referral to the Children with Complex Disability Support Needs Program, noting the program has fixed staffing capacity and can only take referrals where capacity permits.

**After hours disability crisis response for children who are NDIS participants**

Where a child is a NDIS participant and a disability-related crisis occurs outside of business hours (5pm-9am weekdays, weekends and public holidays), After Hours Child Protection Emergency Service (AHCPES) can contact the NDIS After Hours Crisis Response Service. Further information is available from the [AHCPES NDIS After Hours Crisis Response Service advice](https://dhhsvicgovau.sharepoint.com/:f:/r/sites/ChildProtection/SharedDocs/Out-of-home%20care/NDIS%20-%20crisis%20after%20hours%20response?csf=1&web=1&e=SikomH).

## Children with complex disability support needs subject to protection orders

Children with complex disability support needs subject to protection orders generally cannot be transferred to voluntary accommodation arrangements outside the family home. Consideration may be given to the appropriateness of such arrangements by the PDPA where robust reunification planning with the family is in progress and there are no existing protective concerns within the family.

