

Submission

No 73

INQUIRY INTO CHILDREN AND YOUNG PEOPLE 9-14 YEARS IN NSW

Organisation: NSW Council for Intellectual Disability
Name: Mr Jim Simpson
Position: Senior Advocate
Telephone: 02 9345 5504
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NSW Council for Intellectual Disability
Level 1, 418A Elizabeth Street
Surry Hills NSW 2010
Phone: 02 9211 1611 Fax: 02 9211 2606
mail@nswcid.org.au
ABN 25 001 318 967

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The Committee Manager
Committee on Children and Young People
Parliament House
Macquarie Street
Sydney 2000

Dear Manager,

Inquiry into children and young people 9-14 years in NSW

This letter is our submission to the above inquiry. The NSW Council for Intellectual Disability (NSWCID) is a peak body representing the rights and interest of people with intellectual disability in NSW. NSW CID provides policy advice, undertakes systemic advocacy and participates in community education and information provision and dissemination.

Children and young people with intellectual disability face disadvantage in many areas, including:

- Access to appropriate education, that is education that:
 - Is provided by teachers with adequate skills and time to meet individual needs.
 - Is integrated as opposed to segregated.
 - Adequately addresses transition issues from primary to secondary school
 - Includes equitable access to out of school hours care and vacation care.
- Access, capacity and affordability of therapy, medical and other specialist services
- Inclusive frameworks that provide children with the knowledge, opportunity and support they need to participate in decision making processes
- Flexible, affordable and accessible respite, day programs and other supports for families or access to a well supported foster placement if out of home care becomes necessary.
- Inequitable state-wide coverage of services for people with disability, particularly for rural, Indigenous and NESB communities
- Need for human capital investment in the disability services sector

We would anticipate that other groups have made detailed submissions on the above issues. One issue that we wish to highlight is the **overrepresentation of young people with intellectual disability in the juvenile justice system**. Approximately 2% of the general population has an intellectual disability. Recent governmental studies show that at least 10% of young offenders in detention or on community based

orders have an intellectual disability and another 30% or more are functioning in the borderline range of intellectual disability. These studies also found high incidence of psychiatric disorder.ⁱ

The Framework Report (2001)ⁱⁱ spelt out major problems in the human service system that contribute to this overrepresentation, At pages 11-12, the Report states:

In the case studies considered in the present project, one particular factor, which seemed to be evident very early in the person's life, was difficulties at school either in basic skills or with behaviour and attendance. There was little evidence that any appropriate strategies had been tried to address these problems. In one case, the intellectual disability was not identified until the young man was 15 and could leave school. Five of the eleven individuals in the case studies had been excluded from school due to their behaviour. It was surprising how long this had been a problem, often since pre school. There was a general lack of understanding of the significance of the problem. Youths were not referred for appropriate assessment prior to being excluded.

The issues of suspension and expulsion were also raised strongly in the project's consultation with stakeholders, as were broader issues about the inadequacy of services for early action to address problems of the target group.

In summary , for juveniles, it is the following factors rather than the presence of an intellectual disability which indicated a predisposition to offending behaviour:

- unstable, inappropriate accommodation placements,
- problematic family background,
- high support needs arising from factors such as drug use,
- history of poor educational experience and achievement, and
- unresolved behavioural problems

The *Framework Report* made wide ranging recommendations for reform. In the years since the report, some substantial first steps have been taken to better meet the humans service needs of offenders with intellectual disability and those at risk of offending. See our *Framework Plus 5* report.ⁱⁱⁱ However, it is difficult to quantify the extent of progress at the prevention and early action end which is particularly relevant to children and young people aged 9-14. It would be valuable for the Standing Committee to put this issue to the Department of Education and Training and other relevant departments.

If the Inquiry seeks further information from us, we would be happy to provide it.

Yours faithfully,



Jim Simpson
Senior Advocate
jcsimpson@optusnet.com.au
02 934 55504 (phone and fax)

References

ⁱ Diana T Kenny, Paul Nelson, Tony Butler, Chris Lennings, Mark Allerton & Una Champion, *NSW Young People on Community Orders Health Survey 2003-2006* (2006) Justice Health http://www.justicehealth.nsw.gov.au/pubs/YPCO_Report.pdf; Department of Juvenile Justice, *2003 NSW Young People in Custody Health Survey: Key Findings Report*, (2003) Justice Health <http://www.justicehealth.nsw.gov.au/pubs/YPiCHS.pdf>

ⁱⁱ J. Simpson, M. Martin and J. Green (2001), *The Framework Report*, Appropriate community services in NSW of offenders with intellectual disabilities and those at risk of offending, at www.idrs.org.au

ⁱⁱⁱ <http://www.nswcid.org.au/images/pdfs/criminal%20justice%20position%20paper%20standard.pdf>