



Level 10, 369 Royal Parade
Parkville VIC 3052

Ph: 03 8341 4300
Fax: 03 8341 4333
Email: ndsvic@nds.org.au
Web: www.nds.org.au

28 May 2015

SUBMISSION TO THE VICTORIAN ROYAL COMMISSION INTO FAMILY VIOLENCE

Introduction

NDS is the peak body for non-government disability service providers with 200 members in Victoria and 1,010 nationally. We have a diverse and vibrant membership including small, medium and larger service providers who support thousands of people with disability. Our members employ over 8,000 people in Victoria and are supported by countless volunteers in delivering vital services. NDS is committed to improving the disability service system to ensure it better supports people with disability, families and carers and to build a more inclusive community. NDS has been at the forefront of the campaign to support the introduction of the National Disability Insurance Scheme (NDIS) and we are now supporting service providers as part of its trial in the Barwon region.

Overview

NDS is pleased to make a submission to the Royal Commission into Family Violence. Family Violence is a crime. It is a significant and urgent challenge which requires a society-wide response. As a peak body we support the object of the Commission to investigate how government agencies and community organisations can better integrate and coordinate their efforts.

The Commission's recognition of the particular needs and experiences of people with disability and complex needs in its Terms of Reference is acknowledged and welcomed. NDS abhors any acts of violence, abuse, neglect or crimes against people with disability. We are committed to protecting and promoting the rights of people with disability who use disability services. NDS has been active in leading sector responses to issues of abuse and neglect. We believe there is much that can be done to strengthen safeguarding practices in Victoria with a particular focus on prevention and building open, positive cultures, inclusive of people with disability, both in disability support and mainstream services across our community.

This submission highlights issues associated with violence and abuse experienced by people with disability and how they relate to challenges and approaches to addressing Family Violence.

Prevalence of violence experienced by people with disability

People with disability experience significant levels of violence. Much of this is hidden, and not reflected in available data. Evidence shows that violence is a gendered phenomenon, in that it affects women and men in different ways. Recent reports highlight that women and girls with disability are twice as likely as women and girls without disability to experience violence throughout their lives and over one-third of women with disability experience some form of intimate partner violence¹.

A recent cross sectoral investigation of women with disability who have experienced violence, the *Voices Against Violence*² (2014) project, examined the extent and impact of violence for women with disability in Victoria. The Report's review of the files of 100 women with disability at the Office of the Public Advocate found that:

- 45 of the 100 women reported experiencing violence at the hands of a total of 89 perpetrators
- The most common forms of violence reported were psychological, physical, controlling behaviour and economic abuse
- Impairment related abuse included withholding medication and disability aids
- Many women experienced social isolation as both a risk factor for, and a consequence of, violence. Some perpetrators used social isolation as a form of violent behaviour in itself.

Evidence suggests that the prevalence of maltreatment among children with disability is 3.4 times higher than among children without disability³. It is also likely that abuse is under-reported, for reasons including lack of support to make a complaint, feeling they would not be believed, not having the vocabulary or communication skills to name the harm they are experiencing, and feeling the intimidation commonly experienced by abused and neglected children.

Recognition of people with disability in Family Violence initiatives

NDS notes that the [definition](#)⁴ of family violence for the Royal Commission is as defined in section 5 of the *Family Violence Protection Act 2008*. The terminology used in this definition clearly identifies Family Violence as a range of behaviours by a person towards a 'family member'.

People with disability live in a range of living arrangements including those commonly understood in the community such as with partners and family, with parents and siblings or alone in independent private or rental accommodation. However, other options such as group homes, large institutions

¹ Victorian Mental Illness Awareness Council, *Zero Tolerance for Sexual Assault: A safe admission for women*, VMIAC, Melbourne, 2013

² See <http://wdv.org.au/documents/Voices%20Against%20Violence%20Paper%20One%20Executive%20Summary.pdf>

³ Robinson, S. 2012. Enabling and Protecting: Proactive approaches to addressing the abuse and neglect of children and young people with disability; Children with a Disability Australia. Sydney University Australian Family & Disability Studies Research Collaboration

⁴ https://www.dss.gov.au/sites/default/files/documents/05_2012/domestic_violence_laws_in_australia_-_june_2009.pdf

and licensed boarding houses can present different and unique risks for people with disability. Cohabitation with others - often without being able to choose who - in these domestic environments can expose people to the types of experiences being investigated by the Royal Commission, but would not fall within the scope of the Terms of Reference.

There have been attempts historically to address some of these risks by the disability community. This includes through a focus on 'domestic violence' (to reflect the range of domestic settings where such violence can occur) and inclusion of carers as potential perpetrators of abuse and violence⁵. The inclusion of carers widens the scope to include paid support workers.

The issue of safeguarding people with disability from abuse, neglect and violence is currently the focus of several investigations across Australia, including:

- Consultation on the development of a *Quality and Safeguarding Framework* for the National Disability Insurance Scheme (NDIS)
- An Australian Government Senate Inquiry into violence, abuse and neglect against people with disability in institutional and residential settings
- A Victorian Ombudsman investigation into disability abuse reporting
- A Victorian Parliamentary Inquiry into abuse in Disability Services

Such initiatives provide a welcome opportunity to shine a light on a topic that has been historically under-addressed and is not well understood. Demographically, people with disability often fall into categories more strongly associated with abuse and family violence. These include exposure to poverty, underemployment, inadequate housing, poor-quality health care, and social stereotypes of vulnerability at higher levels than other populations. People with disability may be more dependent on others for their intimate personal care. They may also rely on alternative forms of communication, and their complaints may be disregarded by others. All these factors can contribute to lower reporting of abuse, neglect or violence. NDS is keenly contributing to all the above inquiries and investigations.

However, any approach which considers abuse of people with disability as distinct from other forms of violence and abuse in society has the potential to create different problems.

Drivers for abuse and violence in any environment often have common elements: differences in power dynamics between perpetrators and victims, gender inequality, social isolation, lack of understand and respect of human rights, limited choice and control, social and economic stresses.

⁵ See https://www.dss.gov.au/sites/default/files/documents/05_2012/domestic_violence_laws_in_australia_-_june_2009.pdf (p 129-142)

Whilst some abuse occurs in settings unique to people with disability, the abuse they experience is also a reflection of broader societal attitudes towards disability and vulnerability.

The national *Royal Commission into Institutional Child Sexual Abuse* has used its investigations to explore whether there are unique risks of sexual abuse for children with disability as one subset of a range of victims. NDS encourages the Victorian Royal Commission to use a similar approach, incorporating findings from the above initiatives to identify common issues; explore how mainstream services can support the needs of all people with disability; and clarify any unique requirements for victims of family violence with disability.

Strategies to prevent violence

The prevention of violence in our community does not rest with one entity, or one set of rules; it requires a landscape of actors and activities. NDS recommends that the needs of people with disability be addressed both within strategies relating to mainstream services and responses, consistent with a community inclusion model, and with implementation of targeted strategies based on nuanced understanding of the different settings and range of perpetrators.

Mainstream responses involving the police, courts, refuge sector and community education all need to recognise the particular needs of people with disability, including the specific needs of women, children, people with intellectual disabilities or limited verbal communication. Family violence strategies need to take account of the needs of all these people, within an inclusive framework.

NDS welcomes initiatives to make mainstream services more inclusive of people with disability, for example refuges which have disability access, and welcome both women, and their children with disability. However the existing shortcomings of the justice system in relation to people with disability are confirmed in *Beyond Doubt*⁶; the Victorian Equal Opportunity and Human Rights Commission's 2014 report into the experiences of people with disability reporting crime. This found that there is urgent work to do to ensure that people with disability have equitable access to justice and safety, and makes recommendations applicable to a range of broad range of government bodies and authorities. NDS supports the implementation of these recommendations.

NDS also supports cross departmental commitment and investment in implementation of the State Disability Plan 2013-16 which is vital to ensuring that Victoria is an inclusive community. Furthermore Victorian government support for funding of the National Disability Strategy 2010-2020

⁶ See <http://www.humanrightscommission.vic.gov.au/index.php/our-projects-a-initiatives/experiences-of-people-with-disability-reporting-crime>

will also drive broader changes in the Australian community to include and empower people with disability.

Alongside attention being given to mainstream responses, NDS recommends the funding of targeted strategies directed to prevention of abuse of people within supported accommodation and other settings. In 2013, NDS established the *Zero Tolerance* initiative⁷ to develop a comprehensive framework for the non-government sector to implement safeguarding approaches for people with disability. It identifies specific strategies for service providers to improve prevention, early intervention and responses to abuse, neglect and violence experienced by people with disability.

Zero Tolerance potentially addresses a gap in Victoria in terms of providing a rights-based approach to enhance responses to abuse and neglect at the preventative end, in particular improving people and culture practices in disability services. NDS is currently seeking funding from the Victorian government to implement this program with disability services across the state.

The *Zero Tolerance Framework* complements the well-received on-line [human rights training program](#)⁸ developed by NDS in consultation with our members and people with disability. The resources are designed to assist organisations to build human rights and the employment of people with disability into the heart of their service provision.

Conclusion

In summary, NDS welcomes the Royal Commission into Family Violence in Victoria, and urges consideration of the particular needs of people with disability within the review. We recommend that the needs of people with disability be addressed both within strategies relating to mainstream services and responses, consistent with a community inclusion model, and with implementation of targeted strategies based on nuanced understanding of the different settings and range of perpetrators.

I would be pleased to brief you or your staff further on this submission.

⁷ <http://www.nds.org.au/projects/article/194>

⁸ <http://www.nds.org.au/projects/article/110>

Yours sincerely,



Sarah Fordyce
Acting State Manager, Victoria
National Disability Services