

Aspect's Response to the Violence and Abuse at Home Issues Paper Summary

Disability Royal Commission

Submitted March 2021

What is the Disability Royal Commission about?

This Royal Commission is called the **Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability**.

We call it the Disability Royal Commission.

The Disability Royal Commission wants to know about people with disability and their experience of

- **violence** – if someone's body is being hurt by someone else
- **abuse** – if someone is being treated badly
- **neglect** – if someone is not being helped in the way they are supposed to be
- **exploitation** – if someone is being taken advantage of

Introduction

The Disability Royal Commission wrote a paper called the **Violence and Abuse at Home Issues Paper (Issues Paper)**.

The Issues Paper asked people to give the Disability Royal Commission information about what they know about how people with disability experience violence and abuse in the place where they live.

People and organisations do not have to respond to the Issues Paper. It is a choice.

This document tells you what Aspect wrote to the Disability Royal Commission to answer their questions in plain English.

What is the *Violence and Abuse at Home Issues Paper*?

The Issues Paper talks about how people with disability experience violence and abuse in the place where they live.

Many people with disability are not safe in the places they live or stay.

People with disability may live or stay in

- their own home
- their family home
- a group home – this is a home for people with disability who live together and get support
- boarding houses – this is a place where you can rent a bedroom
- temporary accommodation – this is a place where you can only stay for a short time before you have to move again
- a shelter or refuge – this is a place where you can sleep if you do not have anywhere safe to stay

Some people with a disability may also be homeless. This means that they have to find somewhere new to stay all the time.

What questions did the Issues Paper ask?

The Issues Paper asked questions like:

- What types of abuse and violence happen where people with disability live?
- Who does the violence or abuse?
- Are some people with disability in more danger of violence or abuse than other people with disability?
- How do people with disability get help if they experience violence or abuse?
- How do other people or organisations work to keep people with disability safe?
- What stops people with disability from getting the help they need when they experience violence or abuse?
- What needs to change in the law to support people with disability if they experience violence or abuse?
- How the justice system be made easier?

The justice system includes

- Police
- the courts and the law
- prisons.

How did Aspect respond to the Issues Paper?

People and organisations do not have to respond to the Issues Paper. It is a choice.

We wrote back about the Issues Paper to the Disability Royal Commission in March 2021.

We wrote about the following topics.

About Aspect

We wrote about what we do at Aspect including:

- Aspect's **services**
- Our research – **Aspect Research Centre for Autism Practice (ARCAP)**
- **Safeguarding the People we Support**

Safeguarding the people we support means that Aspect will do everything we can to:

- Keep you safe
- Treat you fairly and with respect
- Help you have a good life
- Stand up for you and tell the Police or government if a person or organisation is treating you badly, hurting you or neglecting you.

We write an incident report if a person or organisation treats you badly or we know you have a safety issue where you live.

An incident report is a written document that explains what happened, what we know and who we talked to about the safety issue.

Sometimes we have to tell the Police or government about a safety issue like violence or abuse of a child or adult with disability. This is called a mandatory report.

The different government organisations in each state and for all of Australia have rules about when you do or do not make a mandatory report.

The rules are different based on:

- Where you live
- If you are a child or adult with disability
- What laws the organisation that is making the mandatory report has to follow
- If you receive services from the National Disability Insurance Scheme (NDIS)
- What the safety issue is for you where you live

When the rules say a person has to make a mandatory report they are called a mandatory reporter.

Incident reports and violence and abuse at home

We had a look at our incident reports about violence and abuse at home for the people we support.

We looked at the incident reports between the years 2012 and 2019.

We wrote about what we found when we looked at those incident reports, including:

- We found over 850 incident reports of safety issues at home for the people we support
 - Nearly half of those incident reports were about violence or abuse
 - Some of those incident reports were about exploitation
 - Many other incident reports were about neglect.
- There were more incident reports in places where Aspect had more schools and services
- The incident reports came from all different Aspect schools and services
- We found out about the safety issues at home from
 - The person with disability telling us about it
 - Another person or organisation telling us about it
 - Our staff seeing or hearing something that told them there was a safety issue

Our experience supporting people who have safety issues at home

We told the Disability Royal Commission that we take our job to keep you safe very seriously.

We think that mandatory reporting about safety issues is a good way to help people with disability and their families or carers get support.

We wrote about some problems with mandatory reporting, including:

- The different government rules about when you do or do not make a mandatory report are sometimes confusing
- The Police and government organisations might not tell us what they are doing to help the person who has the safety issue
- There are not enough services and supports available to help when the safety issue is reported
- Many people do not get the help they need when the law says a mandatory report does not need to be made
- When a mandatory report is not made, sometimes the safety issues can:
 - be a problem for a long time
 - still cause harm to the child or adult with disability
 - turn into bigger safety issues
- The Police sometimes do not believe the person with disability when they tell the Police what happened to them

Research tells us that the Police and government organisations do not know how to work best with people with disability.

We wrote that we have told the government before that there are problems with:

- mandatory reports, and
- what the government does or does not do when it gets a mandatory report.

Finding solutions

We believe mandatory reporting can be more helpful if:

- The rules about when you do or do not make a mandatory report are made the same all over Australia
- The Police and government organisations give us some more information about what they are doing to help the person who has the safety issue
- There are more services and supports available to help as soon as the safety issue is reported
- The government thinks about how to help someone who has a safety issue at home if a mandatory report is not needed
- The government tells us where we can find help for the person with the safety issue
- The Police believe the person with disability when they tell the Police what happened to them
- The Police and government organisations had more training about:
 - how to help people with disability
 - how to talk to people with disability who use different ways to speak like Auslan or a communication device
- There is more information and teaching about:
 - what everyone's human rights are
 - where to get help if you have a safety issue

- Better support was available for the mandatory reporter

What will the Disability Royal Commission do with our response?

The Disability Royal Commission will use the information we gave them to:

- complete their work
- decide if they want to ask us for more information
- share information.