

# Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability

## *Violence and Abuse of People with Disability at Home Issues Paper*

Submission by Autism Spectrum Australia (**Aspect**)

March 2021

### **1. Introduction**

[Autism Spectrum Australia \(Aspect\)](#) welcomes the opportunity to make a submission in response to the Violence and Abuse of People with Disability at Home Issues Paper (**Issues Paper**) issued by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Our submission does not address a specific question in the Issues Paper. Instead we have provided comments that relate to a number of key issues discussed in the Issues Paper and touched on elements of some questions where Aspect has relevant experience to be able to comment.

### **2. Background**

Aspect is Australia's largest service provider for people on the autism spectrum. Our specialised, evidence informed schools program is one of the largest in the world, with additional services that include information and advice, diagnostic assessments, behaviour support, parent and family support and adult programs. As part of schools and service provision, Aspect staff are mandatory reporters, meaning that our staff are trained to monitor, identify and report on any concerns of abuse, neglect and exploitation of the people we support, whether they are children or adults.

As detailed in Aspect's previous submissions to the Royal Commission's Notices, internally Aspect reports within its own incidents and complaints system at a consistent threshold, to support the monitoring and wellbeing of the individual concerned. The threshold, however, for a mandatory report escalation to the various regulatory bodies varies based on state or federal compliance requirements, as well as the age and guardianship of the person.

Aspect recently conducted a comprehensive review of its records of incidents, complaints, concerns and/or mandatory reports to the relevant regulatory body, over an approximate seven-year period (2012 –2019), as part of its internal audit and continuous improvement approach. Within this review were records related to people we support in their home or in a community environment containing allegations of abuse, neglect, violence and exploitation.

### **3. Prevalence of reporting concerns for violence and abuse for the people we support**

During the period reviewed Aspect staff reported over 850 incidents and complaints of a concern for violence, abuse, neglect or exploitation of the people we support, occurring at home or at another provider outside of Aspect (e.g. accommodation or respite service, school transport, etc.) through Aspect's incidents and complaints management systems. The individuals these reports represent would be primarily on the autism spectrum, however, some may also have other disabilities, health conditions or support needs as their primary or secondary diagnosis.

Internal analysis showed that these reports of violence, abuse, neglect or exploitation of the people we support in the home or community environments:

- Comprised of
  - 47% related to abuse or violence;
  - 2% related to exploitation;
  - 41% related to neglect from a family member/carer; and

- 10% related to neglect from an external service provider (e.g. accommodation, transport).
- had a higher number of reports in metropolitan areas than regional, which correlated with the level of services provided within those regions by Aspect;
- were across all age ranges, family types, living environments and cultural backgrounds;
- included reports that were self-disclosed by the student/participant, reported to Aspect from a third party, and reports made directly by observation from Aspect staff; and
- were reported about students and participants in all different Aspect services and schools including adult social groups, assessment clinics, satellite classes based in mainstream schools, special school sites, respite services, day programs, NDIS services, short term accommodation / out of home care and therapy clinic or home visiting services.

#### 4. Our experience

Aspect takes seriously its responsibilities to safeguard the people we support from violence, abuse, neglect and exploitation, and provides ongoing training and support to our staff to assist in the identification and reporting of concerns to the relevant regulatory authority. Mandatory reporting of concerns for both children and vulnerable adults with disability is an important safeguard to assist individuals and their families' access appropriate supports aimed at preventing further harm. Aspect's experiences echo those identified in the Issues Paper and relate to the lack of early intervention services available to support families when concerns are identified, and the variations by state and service type for the expectations of reporting. This is of particular concern for Aspect where we are supporting a person in receipt of both education and NDIS services, or when a person's available regulated safeguards change between being a child and adult, with vastly different thresholds for mandatory reporting impacting when a government body may become involved.

The lack of readily available early intervention, combined with a lack of reciprocal information and responses from the regulatory bodies when reports are made, often leaves individuals and their family without much needed supports. In NSW for example, where the majority of Aspect's schools and services operate, the [Department of Communities and Justice Mandatory Reporter's Guide](#) (MRG) operates a decision tree for staff to know when the threshold for reporting has been met. Where the threshold is not met, the MRG provides advice for next steps including where to seek professional advice or to attempt to maintain relationship and monitor the circumstances. These generic responses do nothing to advise mandatory reporters as to where and what early intervention services may be available, nor do they consider the capacity of the mandatory reporter to provide this ongoing support (e.g. where the mandatory reporter is the provider of one-off or time limited services).

Where the individual at risk of harm has been part of an ongoing service and Aspect has been able to provide longer term contact and support (e.g. school provision), Aspect's data has demonstrated examples of multiple mandatory reports that have been made related to 'the risk of harm' concerns for the same person, and Aspect consistently receiving the same response to follow the same next steps as the previous report outcome. Reports of violence, abuse, neglect or exploitation in the home are not typically isolated events for an individual's circumstance. Unfortunately, the lack of response at an earlier threshold for reporting, combined with a lack of early intervention services being available to prevent further crisis, has at times resulted in further harm to the person with disability which may have been preventable. Aspect has previously raised these concerns of lack of response in [its submission](#) to the [Joint Standing Committee on the National Disability Insurance Scheme – Parliament of Australia](#) response to Question b - The effectiveness of the Commission in

responding to concerns, complaints and reportable incidents – including allegations of abuse and neglect of NDIS participants, where there has been limited communication back to providers when reports have been made.

This submission was then further elaborated on in Aspect's appearance at the 17 November 2020 Public Hearing (see [the transcript](#)).

Similar experiences of a lack of action have also been observed on occasion when Aspect has supported people with disability to report their allegations to police, particularly where the police have suggested that the person with disability is 'an unreliable witness' to their own experiences. This may be as a result of a poor understanding of the disability and what appropriate accommodations could be used to support the individual with disability in their interactions with police, such as described in the recent study of interactions between the police and autistic individuals (Gibbs & Haas, 2020). Fraser-Barbour et al (2018) described in a study how police attitudes, beliefs and misconceptions about the voices of people with disability can influence the treatment the person with disability receives following the report and create secondary trauma for the person reporting. The lack of support at times of reporting can further dissuade people with disability reporting when they are experiencing violence, abuse, neglect or exploitation; and does not even begin to acknowledge the support needs of those who cannot report due to the lack of services, not knowing what their rights are or being reliant on their abuser to be able to access and communicate their concerns (Douglas & Harpour, 2016). Aspect has also noted times where the regulatory body has struggled to engage with the vulnerable child or adult due to the individual's communication skills and specific disability support needs, particularly where the allegation was against another person with disability.

Furthermore, it is important to acknowledge the impact on staff as they uphold their safeguarding responsibilities to make mandatory reports. Making mandatory reports for the people we support experiencing violence, abuse, neglect or exploitation can become contentious for staff. Whilst always adhering to our mandatory reporting obligations, Aspect and Aspect staff have experienced:

- concerns for the impact the report will have on the relationship with the family or accommodation provider in which the person resides;
- breakdowns in family relationships and the removal of the person we support from our services as a result of a mandatory report being made, with the government body responsible subsequently identifying not only Aspect, but the staff member within Aspect, who was responsible for making the mandatory report to the person and/or their family;
- difficulties with navigating the multi-state and federal requirements for reporting, or identifying which body to report to, particularly with infrequent or poor communication from the regulatory bodies as to the legislated requirements; and
- the impacts of potential vicarious trauma for the reporting staff.

These situations undermine any further support that might be provided to the person with disability at risk of harm or their family / support providers, which is the exact emphasis given to reports that fall below particular reporting thresholds.

## 5. Conclusion

Aspect would welcome:

- further guidance and advice to education and disability service providers on maintaining support for children and adults with disability for whom there are concerns of violence, abuse, neglect or exploitation at home, particularly where that support may be beyond the capacity of the service provided;

- reduced complexity and further consistency and clarity for mandatory reporters between the various states and federal regulatory bodies for both children and adults with disability for the relevant mandatory reporting thresholds;
- the opportunity to refer to, engage in and work with sufficiently available, early intervention services for children and adults at risk of violence, abuse, neglect and exploitation in the home or community to meet the person-centred needs of the individual;
- disability specific supports for children and adults with disability who have diverse learning and communication needs to be able to engage appropriately with the reporting process and the criminal justice system when they are a victim of violence, abuse, neglect or exploitation;
- increased publicly available resources and information targeted to diverse communities, including those catering to diverse communication skills and learning abilities about individual human rights and where to seek help or report when faced with situations of violence, abuse, neglect or exploitation;
- the research and development of appropriate training for police and relevant personnel from regulatory bodies to ensure that people with disability experience equitable access to criminal justice processes; and
- the opportunity to discuss this Issues Paper response further with the Royal Commission.

## References

Gibbs, V., Haas, K. Interactions Between the Police and the Autistic Community in Australia: Experiences and Perspectives of Autistic Adults and Parents/Carers. *J Autism Dev Disord* **50**, 4513–4526 (2020). <https://doi.org/10.1007/s10803-020-04510-7>

Heather Douglas & Paul Harpour (2016) Intellectual disabilities, domestic violence and legal engagement, *Disability & Society*, 31:3, 305-321, DOI: 10.1080/09687599.2016.1167673

[Fraser-Barbour, E.F.](#), [Crocker, R.](#) and [Walker, R.](#) (2018), "Barriers and facilitators in supporting people with intellectual disability to report sexual violence: perspectives of Australian disability and mainstream support providers", *The Journal of Adult Protection*, Vol. 20 No. 1, pp. 5-16. <https://doi.org/10.1108/JAP-08-2017-0031>