

Inquiry into the provision and regulation of supported accommodation in Queensland

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Parliament House
George Street
Brisbane Qld 4000

**Inquiry into the provision and regulation of supported accommodation in Queensland
From WWILD Sexual Violence Prevention Association on behalf of Peoples with
Intellectual, Cognitive and Learning Disabilities.**

February 2024

WWILD Sexual Violence Prevention Association Inc. has been operating since 1998 and supports young people and adults with intellectual disabilities who have experienced violence, abuse, and exploitation, with a particular focus on sexual violence (SV) and domestic and family violence (DFV).

WWILD has two main programs funded by the Department of Justice and Attorney General: the Sexual Assault Service, and the Victim of Crime – Disability Training Program. The Sexual Assault Service is accessible for people of all genders with an intellectual disability who have experienced sexual violence or are at significant risk of experiencing SV, providing specialist trauma recovery counselling and community education programs. Our Victims of Crime - Disability Training Program provides specialist counselling to people with intellectual disability who have been victims of crime across three locations in Greater Brisbane, outreach case management across Greater Brisbane, state-wide information, advice and referral, and state-wide community education and professional training. WWILD also has several current projects including a Department of Social Services funded Community-Based Violence Against Women Prevention Project, called Listen Up!, focusing on developing resources and breaking down negative community stereotypes and attitudes towards people with intellectual disabilities that contribute to experiences of gendered violence.

WWILD supports a diverse range of people with intellectual disabilities who have had a range of experiences of accommodation, from accessing NDIS supports in their own rentals to different levels of Supported Independent Living (SILS) accommodation for a range of support needs. As such WWILD feels well placed to provide a submission to this enquiry based on our history of support and learnings. WWILD has also previously submitted related submissions including:

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- In 2015, to the Senate Inquiry into Violence, Abuse and Neglect against People with Disability in Institutional and Residential Settings, including the Gender and Age-related Dimensions, and the Particular Situation of Aboriginal and Torres Strait Islander People with Disability, and Culturally and Linguistically Diverse People with a Disability.
- In 2023, a submission to the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People who have a Disability – Violence and Abuse of People with Disability at Home.

WWILD has liaised with clients over time and has provided specific case studies, in relation to supported accommodation, to support this submission. It's important to note that these case studies are just a few of the many stories of inequality that WWILD hears from its clients.

These case studies are most relevant to the terms of reference points a., b. and e., being;

- a. appropriateness of standards and their enforcement;
- b. provision of support services funded by the NDIS;
- e. resident wellbeing, including the differing needs of vulnerable population groups, and adequacy of current service delivery, quality and safeguards and oversight arrangements in place across all levels of government.

All clients in case studies have been de-identified and names have been changed to maintain confidentiality and privacy.

Inappropriate placements

People with intellectual disability (PWID) experience intersecting factors such as discrimination, homelessness, unemployment, poor education experiences and others, meaning they have poor access to suitable accommodation. Historical treatment and views of PWID, along with their reliance on others to support them, means PWID also experience little choice over decisions affecting where they live. These factors mean people with intellectual disability experience high and unacceptable levels of abuse and neglect within accommodation settings.

An example which WWILD has knowledge of, with multiple clients providing similar stories, is when people are placed in inappropriate co-tenancies within supported accommodation. These inappropriate placements lead to individuals being abused by other persons with a disability in their home.

Unfortunately, these situations are often met with apathy, or the violence is grossly minimized, by service providers. Another train of thought that WWILD has witnessed is that these situations are normalized and simply '*par for the course*'. Resident-to-resident abuse is so normalised in some contexts that WWILD has witnessed SILS staff fail to make note of severe and significant acts of violence and neglect because '*that's normal*'. This normalisation is evident in the below case study where, a woman, a survivor of both domestic and sexual violence, was inappropriately placed with a male roommate who was

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known to use violence. Furthermore, house support workers were not provided training or adequate support to manage the situation appropriately.

Case example: Kathy, a woman with an intellectual disability lived in Level 3 SILS accommodation. She is a survivor of sexual and domestic and family violence and was inappropriately placed with a male roommate at the SILS accommodation. This male roommate had a known history of using violence and was using sexual violence against Kathy while they lived as co-tenants. Kathy disclosed this violence to her GP who supported her to notify the SILS workers, who then formulated a safety plan to try to keep them separated. The plan was not successful, and the violence continued in the shared house. Kathy had nowhere safe or private she could access in the SILS accommodation – none of the doors had locks. Kathy did not want to move out of her accommodation, but her Public Guardian made the decision that she would be the one to move. Kathy was not given any agency about this decision and her Support Coordinator referred her to WWILD following this decision.

Misuse of funds and lack of emergency accommodation

Another example of inadequate provisions/regulation of supported accommodation, relating to people with intellectual disability, is the inappropriate use of monetary funds. WWILD has witnessed several client situations where individual's NDIS plan funds have been exhausted in short timeframes due to the high costs of Short-Term Accommodation, particularly in situations where clients have needed to access Emergency Respite, due to leaving an unsafe situation such as related to domestic violence. Situations like this then leave individuals with inadequate funds for their normal everyday supports, with significant follow-on effects.

The above is concerning, particularly when participant NDIS plans have not provided nor planned for the use of Emergency Respite, plan review processes are not responsive enough to a person's disability support needs in a crisis such as fleeing Domestic Violence, and supported decision making processes are not engaged to support women to make informed decisions about the use of their NDIS funding in emergency circumstances. Furthermore, when women need to leave an unsafe housing situation due to DV, many women's shelters will often not accept women who need support workers to visit them frequently (due to confidentiality of the shelter address) or have not been designed or delivered with sufficient accessibility measures. They may also be inappropriate as be offered in other parts of the state away from all specialist disability supports the woman knows. This can leave women with intellectual disability more likely to remain trapped in unsafe housing, with no safe emergency accommodation options.

In line with the above information, it is worth noting that WWILD has previously submitted a recommendation to the Disability Royal Commission that *That the NDIS provides options for emergency housing and support for people with disability experiencing violence in the home who are unable to access mainstream crisis response supports.*

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The next case example clearly displays an inappropriate use of client's NDIS funding relating to supported accommodation, as well as an inappropriate placement with a co-tenant, impacting on the client's physical and mental safety and wellbeing.

Case example: Due to Domestic Violence, Daisy fled Cairns to Townsville and was in a women's shelter there. After a time, Daisy was asked to leave the shelter, travelled to Brisbane, where she secured a private rental. Unfortunately, her rental arrangement fell through immediately and Daisy was effectively homeless.

Daisy went to live in SILS accommodation with her support dog and support workers. The first house she lived in was shared with a male resident who was aggressive toward Daisy and her support dog, taking up most of the support workers' time and energy. Daisy did not receive adequate care whilst still employing her support workers.

Daisy was moved to another house owned by the same SILS provider. Daisy was notified by the NDIS that her NDIS plan was being consumed by payments for this SILS accommodation – approx. \$14,000 per week. Daisy also found out her plan did not actually include SILS funding – her new Support Coordinator, who had a professional connection with this SILS provider, had not informed her of this. Debbie refused to keep paying the SILS rent and was told to leave the property. Debbie had not seen or signed appropriate paperwork before she moved in.

After leaving the SILS accommodation, despite living there for only a few weeks, the SILS provider sent Daisy a demand notice for \$60,000, this notice being sent via an interstate legal firm. The NDIS Quality and Safeguards Commission did not provide a response when the matter was referred to them.

Another example of a WWILD client whose NDIS funding was exhausted inappropriately:

Case example: A woman with an intellectual disability was forced to leave her accommodation due to family violence. Her NDIS support coordinator supports her move into short-term accommodation from a respite housing provider, despite this not being funded in her plan. She is again paying \$13,000 per week for this short-term respite accommodation, which quickly diminishes the number of support worker hours she can use. Her support coordinator attempts to find more affordable accommodation following a couple of months of her living in respite, however the client remained at the same short-term respite for over 7 months. By the time she finds other accommodation, the client has used up all her NDIS funding and can no longer access the support workers she needs.

Wellbeing, choice, control, autonomy – LGBTIQ intersections

Another concern that WWILD has relates to people with intellectual disability's wellbeing, as it relates to choice, control, autonomy and self-expression, when living in supported accommodation. PWID are more likely to have less choice and control in their lives, due to numerous disadvantaging factors such as mental illness, experience of abuse, poor experiences in education systems and few employment opportunities, frequent experiences of social and systemic discrimination, as well as an increased reliance on day-to-day support

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that may be delivered with little oversight. With these factors in mind, PWID should be provided with as much choice, autonomy and freedom as possible, in situations which affect them such as supported accommodation.

WWILD supports people with intellectual disability of all genders, and has numerous non-binary and gender-diverse and sexually diverse clients. Intersecting factors mean that LGBTIQ+ PWID may face compounding disadvantage in inappropriate accommodation settings. For this reason, dynamics of power and control need to be considered with the utmost importance in a setting such as a SILS, as is *not* demonstrated in the next case example.

A WWILD Worker recounted a small story she had recently been told by a LGBTQIA+ client with a historic experience of sexual violence that, when living in a group home, all of the client's clothes were chosen for her by staff. The other residents were also given the exact same three T-shirts and pairs of shorts, thus giving them no autonomy over something as basic as choosing own clothing and taking away any opportunity for self-expression, indicating a deeply institutionalised attitude from the residential support provider.

Within such a highly controlled environment, discrimination occurring within dynamics of care provision, where authoritative and conservative social attitudes may easily be re-enforced in paid or unpaid caring contexts, is a risk that can escalate into a dynamic of coercive control. Having lived in institutional settings and experienced varying forms of violence and abuse over her lifetime, this woman is now beginning a process of coming out as a lesbian in her 60s, an experience that she had not felt able to disclose earlier in life. However, her newfound disclosure was not validated by the professional staff at home, who dismissed the significance of her coming out as a superficial phase. Given the woman's home environment was not an affirming or enabling environment, and her extensive history of harm and institutionalisation, this limited the extent to which she felt able to express herself at home, and resulted in persistent feelings of distress and emotional conflict even in accessing affirming social spaces away from home that welcomed her as a lesbian woman. The woman continued to rely on limiting disclosure or self-expression in order to better manage safety and avoid conflict at home.

It is clear there is a need for change. People with intellectual and other cognitive disabilities living in supported accommodation are at greater risk of exploitation, abuse and neglect. Having access to safe and secure accommodation is a human right for all and something that maybe people do not have access too. The current system does not support people with intellectual disabilities to obtain and return a safe and secure home which increases vulnerabilities and greatly impacts a person's quality of life.

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WWILD’s recommendations to improve accommodation service standards include:

- Supported accommodation services to have more nuanced and person-centred consideration of the mix of residents in supported accommodation. To provide individuals choice and control over where they are placed and to avoid inappropriate placements as they relate to experiences of assault and DFV. Consideration should also be given to a person’s background and trauma experience when making house placements to try to limit re-traumatisation and conflict in supported accommodation placements.
- Adjustments to NDIS funding models to ensure that adequate and comprehensive training, professional development and supervision expenses are provided for supported accommodation workers, particularly for workers supporting people with disability with complex needs or who may be at elevated risk of violence. Such accommodations should be an expectation for workers within supported accommodation spaces and training should include increasing knowledge of DFV, sexual violence and trauma.
- Better communication and clarity from NDIS support coordinators, around what funds are available or not available in a participants plan, relating to supported accommodation both short and long term. If accommodation is not included in a participants NDIS plan this needs to be communicated and problem solved by NDIS support coordinators before a participant's plan is exhausted. Furthermore, the NDIS provides options for emergency housing and support for people with disability experiencing violence in the home who are unable to access mainstream crisis response supports.
- Queensland needs to be more inclusive in its legislation around DFV to be on par with NSW Crimes Domestic and Personal Violence Act 2007. This allows relationships such as housemate arrangements and NDIS support workers are covered under DFV legislation allowing people to receive specialised DFV support and have legal opportunities to escape these abusive relationships.
- That active recognition and affirmation of First Nations, Culturally and Linguistically Diverse and LGBTQIA+ people with disability is improved across disability support providers beyond the NDIA workforce or NDIS registered services.
- Australia’s National Disability Strategy 2010-2020 (NDS) needs to provide strategies of responding to violence against people with disability in residential settings, in family situations and in the community generally. There needs to be more action taken to educate the community on the rights of people with

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disabilities to live safely in the community, and remove the stigma and discrimination from the community.

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