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**Mental Health  
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## Submission on the Terms of Reference for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability

### Who we are

Mental Health Victoria is the independent peak body for organisations that work within or intersect with the mental health sector. Our aim is to ensure that all people living with mental illness can access effective and appropriate treatment and support to enable them to participate fully in society. To this end, we commission research and develop policy aimed at improving the mental health system as a whole and its many constituent parts. We bring together mental health system stakeholders through state and national events including conferences, summits and forums, and we auspice the Victorian Mental Health Policy Network - the membership of which includes the AMA, RANZCP, Orygen and many others. Our publications are distributed through more than 800 organisations across Australia.

Our Patron is Professor Allan Fels AO and our Ambassador is Professor Patrick McGorry AO.

### Feedback on the draft Terms of Reference

Mental Health Victoria welcomes this opportunity to contribute a submission on the draft Terms of Reference for the Royal Commission. While we anticipate that the Commission will expose traumatic examples and stories of the mistreatment and neglect of some of Australia's most vulnerable persons, we are optimistic that the end result will be substantial improvement in the quality and safety of services and supports for people with disability and their families and carers.

#### 1. Prioritisation of themes

The themes raised in the consultation on the Terms of Reference for the Royal Commission are all essential. They reflect and should reflect the various levels of society with a role in protecting people with a disability from harm and ensuring they can meet their potential. The following social framework should underpin each theme of the investigation:

- Population – prevention, inclusion and respect
- Government – provision of standards/guidelines for providers
- Service delivery – quality and safety
- Community – inclusion and meaningful participation

Each of these levels are interrelated, therefore the Royal Commission should also investigate how governments and others can ensure there is a strategic and integrated approach that intersects all levels of society when considering the planning, delivery and evaluation of services.

## **2. The quality of disability services**

Providing a foundation for the provision of accessible, high quality services should be a priority. Higher quality services are not only a goal for future improvement, but also a preventative measure to reduce the instances of violence, abuse, neglect and exploitation of people with a disability. Services of a high quality and standard are, in the first instance, safe services. They are services that respect the dignity, choice and rights of the people they support and are delivered by an appropriately qualified workforce. High quality services build the capacity of people with a disability to lead more fulfilling, contributing lives. Services that are resourced appropriately and build high standards of quality and safety into their design will ultimately reduce the incidence of violence, abuse, neglect and exploitation and benefit the individuals receiving services and the workforce providing those services.

## **3. The experiences of people with psychosocial disability**

As a priority, the Terms of Reference should also specifically consider the experiences of people with a psychosocial disability or people experiencing periods of psychosocial disability because of episodic mental illness.

Consideration should be given to:

- The forms of abuse and discrimination that are more often experienced by people with psychosocial disability and mental illness.
- The experiences of people with multiple and interacting forms of disadvantage or social positions, such as multiple or complex disabilities, physical illness, homelessness, and low socio-economic status.
- The experiences of people with disabilities relative to their age, gender, sexual orientation, ethnicity and culture.
- Understanding the complex nature of violence, abuse, neglect and exploitation in the home giving consideration to the fact that various forms of violence might co-exist in the same home (such as elder abuse, child abuse, and family violence).
- The extent to which violence, abuse, neglect and exploitation against people with a disability can be structural in nature (i.e. due to such things as the environment, processes and treatment surrounding and experienced by an individual).

#### 4. Issues or settings that should be included or excluded from the Royal Commission

All of the settings (below) outlined in the Terms of Reference are crucial inclusions that at a minimum, should receive attention from the investigation. These being:

- Prisons and corrective services
- Educational settings
- Workplaces
- Disability services
- Health and hospital settings
- Shared living (group homes, rooming houses, hostels)
- Private homes
- Transport
- Religious and cultural settings
- Sporting and recreation settings

In order to ensure that all settings in which people with psychosocial disability in particular interact, we would also add:

- Aged care facilities
- Mental health facilities
- All Federally-funded, State-funded and private disability services, including NDIS providers and services provided to NDIS participants

#### 5. Specific risks or implementation issues that need to be considered

The following key risks and/or implementation issues should be included:

- Potential harm or psychological trauma that might arise from sharing experiences of violence, abuse and neglect at the Commission and the provision of appropriate supports for this. As well as the supports mentioned in the Terms of Reference survey for people with a disability, their carers, and advocates, a process should be established for people to lodge an application for alternative forms of support or more tailored support (specific to their needs and circumstances).
- Particular attention should be paid to people with a psychosocial disability or people with a disability who experience mental illness and their specific needs in relation to support. Considerations of the symptomatology of mental illness and how this may influence how people contribute to the consultations should be given.
- Consideration should also be given to the workers participating in this Royal Commission to receive appropriate supports to ensure their wellbeing throughout the process. In particular, workers who give evidence about abuses they have witnessed should be protected from any adverse action from their employer/s as a result.
- Consideration of the mechanisms that will be available to people to seek recourse and/or compensation.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability will hopefully mark a turning point in how people with a disability are viewed, treated and respected in Australia. While the investigation will no doubt bring to light significant trauma, from these tragic stories opportunities for dramatic change can emerge. Mental Health Victoria hopes that this investigation will allow people to share their experiences with consideration and sensitivity given to their individual needs and that the process leads to significant change that permeates through all levels of society, government and service structures.

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