

# 2010

## 10 year plan for supporting Queenslander with a disability.



*Let our distress not overshadow our faith in a better world and our joy of contributing to it each in our way.*

- Pir Vilayat Inayat Khan

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10/8/2010

## Introduction

WWILD SVP Inc is funded by the Department of Health and Department of Justice and Attorney General. WWILD provides two programs to people with intellectual and learning disabilities; the Sexual Violence Prevention and a Victims of Crime Disability Training Program.

WWILD – SVP is funded to provide support, counselling and education to women over 15 years who have or are at risk of experiencing a sexual assault, exploitation or violence. WWILD – Victims of Crime was funded after a project (Voices, 2000) with the Community Living Association and Alina which documented crimes against people with intellectual disability. There is a current dearth of research that provides current statistics in the area but what we know is that sexual assault of women (and men) with a disability is extreme. Murray and Powell (2008) argue that people with an intellectual disability experience sexual assault at high rates and face considerable challenges in reporting abuse. Green and Simpson (2001) document the challenges that women face in reporting a sexual assault to police.

Disability Training Program – Victims of Crime is funded by the Department of Justice and Attorney General. We are funded to provide community education to government and non government organizations who work with people who are victims of crime. We teach professionals in legal, police and disability sectors about the vulnerability of people with an intellectual disability and how to support them during a legal process. In a smaller capacity we provide court support to people going through the legal system. The majority of people we assist through the criminal justice system have been sexual assaulted – child sexual assault, domestic violence, adult rape or sexual assault. Typically it is a violent assault and there is more than one incidence. It is from this standpoint that we wish to inform your policy document.

## Stories from the service

**These are not 'real' stories but some of the constructed stories we use in our work for training that are based on what is typical for people accessing WWILD. Rights have no impact on being able to live a safe life.**

Anna

*Anna is 5. She has lived in foster care for 3 years, her mother and father relinquished care of her when she was 2. Anna is constructed as a child with Down Syndrome. Her parents did not want to raise a child with a disability and tried to pursue a 'Wrongful Birth' case against their obstetrician. They argued that he didn't detect the disability in pre – natal tests and if he had they could have terminated the pregnancy. In hospital the parents refused to care for Anna, they did not want to touch her, so staff did all her care. Her mum refused to breast feed her and they started calling her their idiot child from the day they were told she had 'Down Syndrome'. Though they took her home Anna was neglected and the parents eventually took her to child protection and said they wanted to relinquish her into care. They refused to accept any offers child protection made to support them to care for Anna, saying simply that they didn't want to raise an idiot, freak or whatever you call her.*

Jake

*Jake was waiting for a bus home from work (he works in a sheltered workshop). 6 men came up to him and started pushing him around, shouting at him, 'what are you looking at you freak' they take his phone and wallet and beat him till he was unconscious, and leave him laying at the bus stop. A passerby called an ambulance. Jake woke up in hospital 3 days later. Jake never caught a bus again and now stays at home with his parents and will not leave the house. Jake is 43. No one was ever charge with the crime because Jake was not seen as having capacity to be a witness.*

Janet

*Janet is in a respite centre – it is meant to be a temporary placement but there are no houses for her to move into. She has stayed in the centre for 4 years. The staff do not like Janet (she is anxious, nervous and asks what is happening all the time) and so she is persecuted. They often call her a stupid bitch or a retard whenever they speak to her and she is handled roughly – she always has bruises on her body - head to toe. Because they don't like her, they send her outside of the house, sometimes they lock her in the chicken coup with the chickens, other times they lock her in the toilet with no clothes on, so they didn't need to change her. Janet spends days screaming, banging her head or pulling the hair from her arms. When a new worker comes to the centre she is kind to Janet. The worker reports the abuse to disability services who take years to investigate the complaint.*

*Nothing has changed for Janet until 3 years later; she is placed in a home of her own with 24/7 individual funding, but there are never charges made against the carers and they continue to work as support staff.*

Helen

*Helen meets new friends having coffee one morning Dwayne and Bruce. She asks them if they would like to see her house. Helen lives in public housing a one bedroom unit in a 10 unit complex. Dwayne and Bruce come for coffee and 6 weeks later Helen still cannot get them to move out. Dwayne refuses saying 'you said I could stay'. They have friends over all day; they party, drink take drugs and have sex with her and other women who they bring to the unit on a regular basis. Dwayne takes all her pension for drugs and alcohol. Bruce met a woman who has moved in too and all they sleep with Helen often taking film of the sex – then it uploading onto the internet. Helen has no idea about how to get them all out of her house and is terrified of them.*

Dan

*Dan was walking down the mall and a man told him he had a fantastic deal on the new iphone. 'Too good to be true, mate'. Dan thought this deal sounded great and so he signed up for a plan. The first phone bill is \$1000.00. He can't pay. He keeps putting the bills in the bin, but keeps using the phone. 6 months later and he owes the company \$6000.00 now he has been told he has to go to court and needs to pay the fine. He had no understanding of the contract he was signing. The company is saying they never knew he was not capable of signing the agreement.*

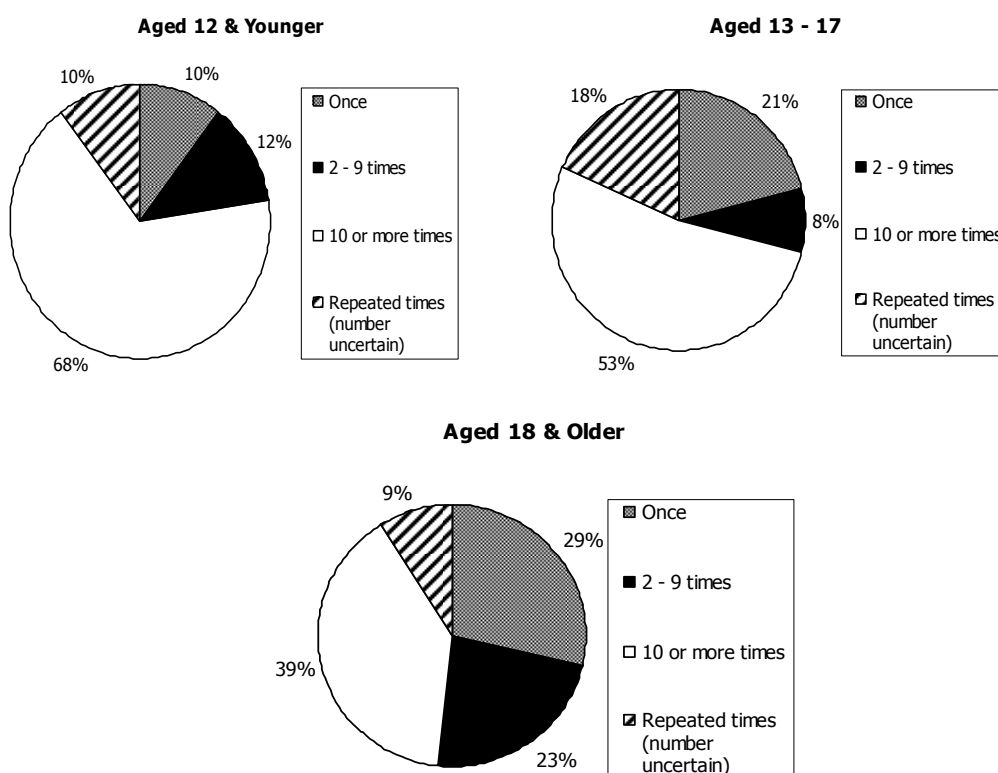
## Current research

Sims 2007 stated that in her service (Intellectual Disability Rights Service NSW) 70 – 90% of men and women accessing the service had been sexually assaulted. These assaults were more violent than those experienced by people without intellectual disabilities and typically occurred more than once.

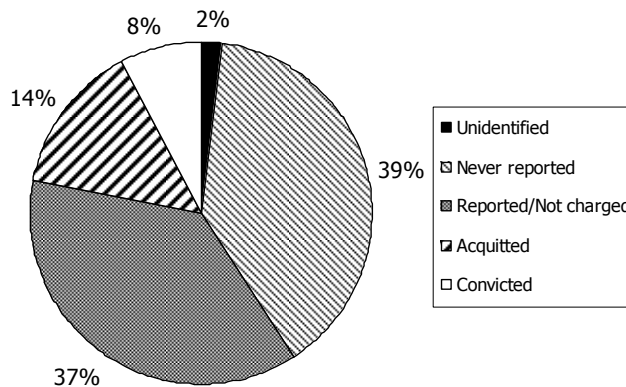
The foundation study in the area of sexual assault of people with intellectual disability was written by Dick Sobsey (1994) he looked at the sexual assault of people living in institutional care at this time and this work continues to be quoted in all studies looking at this issue. At the time he argued that the lack of sex education and attending special education programs that taught unquestioning compliance to children with intellectual disabilities were the key features that heightened their vulnerability to abuse. Both of these factors continue to make people vulnerable to abuse and violence.

## Sobsey's 1994 foundation study

Number of Episodes of Sexual Abuse/Assault – Children and Adults with a Disability



## Outcomes for Offenders



Sobsey D. (1994) Violence and Abuse in the Lives of People with Disabilities Paul H. Brookes Publishing Co.

## The picture of what we know and see

- Statically people with a disability are over represented in all areas of human services and this includes extreme rates of sexual abuse (Sobsey, 1994; Sims, 2007, French 2007).
- Abuses goes unreported because of the power and control other people have over their lives, and many people don't know that they have a right to control what happens to them or what sex is, so don't make a report or disclosure (Keilty and Connelly 2000 Robinson, 2009)
- Victims of crime with intellectual disabilities need accommodations to engage in legal processes, and the same is true of accessing counseling and therapeutic services.
- Traditionally there has been a view that people with intellectual disabilities are not fully human and do not think or feel in the same way as 'humans' so there is no need to offer counseling as they don't experience human emotions (Bender, 1994).
- Lack of good sex education makes people vulnerable to abuse.
- Often people do not understand that they have been sexually assaulted so do not seek out crisis counseling and interventions. Often a person waits years to seek out therapeutic interventions and by this time have significant signs of trauma layered on top of the experience of abuse.
- Many men and women live in abusive and violent situations that promote violence and sexual assault, this reinforces a lens through which they see the world that locates abuse as normative (Chenoweth 1995 in French 2007).
- People long for intimacy and relationships in lives marked by a poverty of relationship and will stay in violence and abuse if these needs are being met and make no complaints or not understand that this is a violent or abusive relationship.
- Working in a therapeutic relationship with a person with intellectual difference requires careful consideration of the skills and techniques required to work effectively with each

person, as historically people with intellectual difference have not been offered these services or the 'counselor's chair' (Bender 1994).

- Short, crisis orientated or compartmentalized interventions will not address the complexity and pluralistic disadvantage that normalize abuse in the lives of these men and women.
- People experience the same trauma from abuse and assault as people without intellectual disability.

## Submission Response

### Critique of the policy

The 10 Year Plan is not a policy document it is a vision statement.

It is wonderful to have a vision. We all need a vision.

Statements of rights perform many functions for many different population groups, but assurances and guarantees that these rights will be meant are not part of these functions for people with intellectual difference. The Australian Government's level of understanding about their obligations under the UN Convention on the Rights of Persons with a Disability is not clear. Everyday people experience breaches of their rights, everyday people die with their rights on.

Statements of rights are the rhetoric used by people in privileged positions to insufficiently address the experiences of people who are socially excluded; they do not guarantee a person's rights.

What makes a difference in people's lives? – Having freely given, reciprocal and trustworthy relationships with others who have a genuine interest in your life. That's what makes a difference.

Our response to you is grounded in our experience of the extreme rates of violence and abuse of people with intellectual difference. From our standpoint a statement of rights will never be enough to change the daily acts of abuse that people with intellectual disability experience. It is also our view that your policy statement does not understand how the role that the social construction of intellectual disability, the hierarchy of disability and the impact of class influence the lived experience and reality of people.

This is a wonderful document for people with physical and sensory disabilities who as Westcott (2003) tells us have done extremely well under the policy directions of the DDA and Disability Services. Most of the people we work with qualify for a Disability Support Pension not a Disability Support Service and are abandoned into community (whatever that is). They are homeless, living rough, in public housing (if they are lucky) or in hostels which are notoriously violent and dangerous places. They have no work, nothing to do in a day, and often spend their days on the street and often come to the attention of police. Prison has become a housing option for people with an intellectual disability who the system fails to accommodate, demonstrated by the 20% of the prison population having an intellectual disability (Hayes, 2009). During the day many people with an intellectual disability are provided services that reflect child care, in day programs or special schools their whole lives. Their life is diminished

on all levels and they are over represented in ALL human services. Nothing in this policy will do anything to change this and I am sure that there are no intentions of changing this document. Consultation to the sector over the past 20 years has been constant and tokenistic. There is little evidence of change in the lives of people we come in contact with. They are still denied a good life.

We know and work with many committed and ethical workers in government systems and know that they strive to do these things well. As Clear (2000) documents there are 20 years of broken promises to people with a disability in public policy. Forgive our cynicism. We are always open to positive progress.

Class is a determining factor of 'the good life' (Marmot, 2010). If you grow up in a family (middle class or above) you will do well, even if you have a disability because these families will know how to make the system work for them and you. Life will not be easy for your parents but they will be resourced enough to make a good life for you. You will get an education and maybe get a degree, especially if you have a physical or sensory disability. If you live in a poor or working class family you will not do so well in life. These families are not as well resourced and despite best wishes and intentions they often do not do well and so neither do their sons and daughters, characterised of the intergenerational disadvantage experienced by these families and their children. More disturbingly we also know for women attending our service the family is a common site of child abuse and then abuse as an adult becomes a norm.

## Gaps

Safety is a pre requisite to living a good life and it needs to be the primary priority. There is no plan in this policy to enable a safe life or to ensure a safe life. While we see that communities are really important they are also extremely dangerous. Neither are we asking that people are locked away as has been the historic way of keeping them safe, we are just asking that we recognise their vulnerability and not romance community as a perfect place. There needs to be mindful, potent and clear processes of keeping people safe **and** active in community. For we know that neither are you safe when we lock you in the walls of an institution (Blatt and Kaplan, 1974). Sobsey (1994) tells us that the taxi driver, the bus driver and your carer are the three most dangerous people in your life. Considering the extreme rates of abuse and victimisation there are no provisions in this document to increase the capacity to provide victim supports and access to counselling to people who are abused.

We know that people with intellectual disability also have high rates of mental illness over 75% is the current estimates of dual diagnosis (Mitchell and Clegg, 2005; 2006). This is a direct result of the trauma, abuse, rejection, victimisation and exploitation of people. There is no plan to increase access to services for mental health; in fact mental health is not spoken about in this document.

**Being safe needs to be the first priority in any plan aiming to create good lives for people.**

The plan does not discuss how to bring the wider society on board and spread the word of inclusion. One often wonders if all the money that has been spent on separate services over the last 20 years would have better spend on advertising that promotes people with disabilities as members of community, who work, need good education, and benefit from freely given

functional relationships. That portrayed them as productive and important members of society with valued roles to play, would their lives be better than today? Would we have broken the stereotypes? If each of us made a commitment to play an active role of support in just one person's life, that is 2 million plus people making a difference, every day in Queensland, surely this is better. No amount of money can ever provide the level of support that these relationships could provide. Relationships are critical but they need to be created in mindful and skilful ways rather than leaving things up to chance because this is when we see people are abused and exploited.

**There needs to be a public education campaign to end the stigma associated with disability.**

The notion of equity is missing in this document. If you treat people equally you continue to discriminate against them (Marmot, 2010). People have been at the bottom of human consciousness for thousands of years and there is a historic habit of discriminating against people. People need a good ordinary life, someone to love, something to do, and something to look forward to (Livingston, 2004).

**All references to equality need to be corrected to establish equity.**

Over the past 15 years there has been a slow but constant perversion of the word inclusion. Today in policy inclusion is often used to refer to separate or 'special' systems; this is a perversion of the term inclusion. Inclusion and exclusion are binary terms. If you are excluded you are **not** included. Any system or service that is not **IN** mainstream communities is Exclusion from Inclusion. This means that the majority of this document is morally incoherent because it refers to community inclusion when directing parents and people with a disability to a special or separate service. Inclusion is not partial so terms like fully included are nonsense, as are terms like fully human. When a binary exists you are either in or out. Separate systems lead to separate lives, not inclusive communities. This means the fundamental premise of this document cannot be achieved because you are on one hand asking for community inclusion and on the other saying that you can get it in special services. This is illogical.

**If this 10 Year Plan and policy direction is FOR inclusion then you need to remove all reference to special or separate service. This places a HUGE responsibility on government to be responsible in the creation of a community (safe, welcoming and accommodation to individual difference) that is willing and able to welcome the vast diversity of "being human", including dis/ability.**

## **Priorities - The order is wrong. In our view it should be**

- **Safety, health and wellbeing**
- **Families and friends are valued**
- **Increased Interdependence.**
- **Skilling mainstream systems.**
- **Access**
- **Inclusion**
- **Complaints mechanism**

### **Safety, health and wellbeing**

We recommend to you the Marmot Report 2010 <http://www.marmotreview.org/> this document needs to be incorporated into any evaluation and critique of the safety health and wellbeing of people with a disability. This priority needs to remove notions of sport and recreation and include mental health and sexuality into this section.

### **Families and friends are valued**

**When you effectively and potently meet the needs of a person with a disability you are valuing their family and friends.**

The best chance a person has of living well is to be supported by a well resourced, safe, functional loving family. Today families are in the disability Olympics as they are forced to compete for what are constructed as scarce resources to support their children. Parents who are not well resourced do not typically get the support that they need to cope and go the distance. It is very important to remember that most people live with their family. Governments fail to value families so how are you planning to make the systemic changes needed to support and value families. This Plan could benefit from taking on the approach that the National Standards for the Mental Health Workforce has take to valuing families and lived experience

([http://www.health.gov.au/internet/main/publishing.nsf/Content/2ED5E3CD955D5FAACA25722F007B402C/\\$File/workstds.pdf](http://www.health.gov.au/internet/main/publishing.nsf/Content/2ED5E3CD955D5FAACA25722F007B402C/$File/workstds.pdf)).

The plan is a nice idea as it stands. A good intention. But the road to hell is paved with good intentions.

### **Increased Interdependence**

Life teaches us over and over that everything is connected. Our shared fate in this lifeboat we call Earth depends on our stewardship of the world that is our inheritance

(Livingstone, nd. <http://www.forwardsteps.com.au/docs/SixtyTrueThings.pdf>)

Independence is a white, male, liberal, privileged lie. It has dominated politics and policy in Australia since the advent of liberalism. Being human is a social construct. We are all

interconnected. Functional families and people are interconnected. They have family to call on for support, friends to talk to about the problems and joys in their lives. They go to work with people where they are interconnected. Isolation or independence leads to loneliness to sadness to depression to the junction of disability and mental illness. People need less independence and more interdependence based in and on relationship and community, just like everyone else.

**Independence needs to be erased and replaced with the notion interdependence it is what happens in inclusive communities that provide safe good lives.**

### **Skilling mainstream systems.**

Until we position intellectual disability as part of the normal diversity of being human there will not be the possibility of creating skill and will in mainstream services. Ability needs to be increasingly seen as part of cultural diversity and a **requirement** that mainstream services accommodate this individual difference. This creates a need for training.

### **Access**

This needs to include physical and social access. But more than that many people are physically present in a house on a street but not a part of their society. To meet this goal you need multiple actions that are detailed and measurable. A huge increase in affordable public housing, universal building designs in schools, community spaces and government buildings.

It will be a vastly improved world to meet this priority.

### **Inclusion**

See above.

### **Complaints mechanism**

One of the important functions of statements of rights is to have access to a complaints mechanism. It is indeed important to have such a legal process. However we would argue that if you need to make a complaint a right has been breached, too late, for the person.

To our knowledge no one with an intellectual disability has won a rights case in Australia. Current research tells us that rights based policy serves people with physical disabilities well but fails people, who are low on the rung of the hierarchy of disability, those with an intellectual disability. People's rights are breached every day, people die with their rights on.

**Notions of rights are secondary to all of the above areas and should not be the starting point of this policy. Rights do not ensure a good life they are a part of a range of tools that can be used to argue for a good life but on their own do not obligate governments to provide a good life.**

## Conclusion

This lovely inspirational 10 Year Plan which provides no detail on how you will reach the goals set out as priorities. Dream rich - action poor. It may serve white middle class, wealthy families and people with a physical or sensory disability very well. We see that it will do little if anything to address the huge inequity, victimisation and vulnerability of the people who come to WWILD after a sexual assault or being the victim of a crime. There is little to make us hopeful in this document for people who live with intellectual disability and fail on all measures in living a good life.

Plans need directions, outcomes and action, and this one has none. No key performance indicators equate to no accountability. To move the 10 Year Plan beyond a vision statement, the experiences of all people need to be considered, planned for and responded to adequately.

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