

# Empowered Lives

## SECURING CHANGE FOR VICTORIANS WITH DISABILITY



Empowered Lives brings together people with disability, advocates, and organisations across the Victorian disability community.

Together, we have developed this platform for change – outlining the key issues that face Victorians with disability in their interactions with Victorian Government systems, and setting out achievable actions the Government can take to provide more opportunities for people with disability, more inclusive environments and communities, and stronger support when needed.

This factsheet provides information about one of the areas for change identified in the platform.



## 2 Ensure safety and freedom from violence

**Goal:** Victorians with disability are safe and free from violence, abuse and neglect.

People with disability have the right to be safe and free from violence and abuse,<sup>1</sup> and to have access to justice if this right is not upheld.<sup>2</sup> In order for this to happen people with disability need strong links to the community and the mainstream service system, and robust protections that are upheld by a fair regulatory system.

We call on the Victorian Government to:

### Strengthen Victoria's safeguards for people with disability

Numerous reviews and inquiries have highlighted the shocking levels of violence, abuse and neglect experienced by people with disability.<sup>3</sup> The NDIS may help address some of these issues, but it also brings new challenges for safety and service quality. And maintaining strong and appropriate safeguards outside the NDIS and when accessing mainstream services remains an important responsibility of the Victorian Government.

A robust quality and safeguarding system provides strong protections to help prevent people with disability from experiencing harm, offers appropriate responses when harm occurs, and

promotes high quality service delivery. Complaints and reporting processes need to be independent and easy to use.<sup>4</sup> Support for self-advocacy, peer support groups, and other forms of advocacy is also important for preventing violence and abuse.<sup>5</sup>

## Address intersectional violence and abuse

People with disability are disproportionately affected by family violence and elder abuse, as different types of discrimination intersect and lead to greater risk of violence.<sup>6</sup> The Victorian Government's commitment to implement all recommendations from the Royal Commission into Family Violence is important for preventing violence against women and children with disability. It is also important that the Government ensures appropriate responses are available and that the family violence and disability service systems work together, including after the roll-out of the NDIS is complete. More work must also be done to address elder abuse, including the development of a whole-of-government strategy to increase understanding and improve responses.<sup>7</sup>

## Eliminate the use of restrictive practices

'Restrictive practices' are interventions that limit a person's freedom or rights, with the objective of reducing harm to themselves or others, including different types of restraints and seclusion.<sup>8</sup> Using restrictive practices can have serious long-term consequences for people's health, wellbeing and quality of life.<sup>9</sup>

The Victorian Government has committed to reducing and eliminating the use of restrictive practices in disability services,<sup>10</sup> but progress is slow, and they are still used on people with disability in other services, including schools, hospitals and prisons. The Government must take a more proactive approach to ending the use of these practices.

<sup>1</sup> United Nations Convention on the Rights of Persons with Disabilities (CRPD), Article 16.

<sup>2</sup> United Nations Convention on the Rights of Persons with Disabilities (CRPD), Article 13.

<sup>3</sup> Most recently, the Parliament of Victoria Family and Community Development Committee's *inquiry into abuse in disability services* (2016); the Parliament of Australia Senate Community Affairs References Committee *inquiry into violence, abuse and neglect against people with disability in institutional and residential settings* (2015); and the Victorian Ombudsman's two part report into the *reporting and investigation of allegations of abuse in the disability sector* (2015).

<sup>4</sup> Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight*, 2015.

<sup>5</sup> DHHS, *Dignity, respect and safer services: Victoria's disability abuse prevention strategy*, 2018; Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight*, June 2015.

<sup>6</sup> S Dyson, P Frawley and S Robinson, *Whatever it takes? Access for women with disabilities to domestic and family violence services, final report*, ANROWS Horizons, Issue 05/2017, 2017, p.5.

<sup>7</sup> ALRC, *Elder Abuse: A National Legal Response*, final report, 2017.

<sup>8</sup> ALRC, *Equality, Capacity and Disability in Commonwealth Laws*, 2014, p.244.

<sup>9</sup> Amaze, *Position Statement: Restrictive Practices*, March 2018.

<sup>10</sup> COAG, *National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Service Sector*, May 2013.

## More information

More information about Empowered Lives, including the full platform and an Easy English summary, can be found online at [empoweredlives.vcross.org.au/](http://empoweredlives.vcross.org.au/)

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