# Inclusion Australia:

## Gathering the Evidence: A limited literature review on violence, abuse, neglect and exploitation experienced by Australians with intellectual disability

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## Background

In Australia, approximately 668,100 Australians (2.9%) were identified as having an **intellectual disability** in 2012 (Australian Bureau of Statistics, 2012). However, it can be difficult to determine what this means in practice. This is partly because *intellectual disability* itself is a contested concept, understood in several different ways. From a medical perspective, intellectual disability is characterised by an IQ of 70 or under plus deficits in adaptive behaviours such as communication or learning (Intellectual Disability Rights Service, 2009). In response to this medicalised approach, the social model of disability was presented by disability advocates to highlight the social and environmental construction of disability. The social model was a critique of the individualising medical focus on disability (Oliver, 1990). Subsequent developments have led to Shakespeare’s (2013) interactional model of disability, which acknowledges both the material, lived individual experience of disability and the environmental and systemic barriers which create, or increase disadvantage (Goodley, 2016).

Intellectual disability, whether congenital or acquired, can also be understood in terms of the support an individual requires (Intellectual Disability Rights Service, 2009). This approach acknowledges the moveable nature of disability and the varying requirements that an individual may have at any given period of time.

Inclusion Australia aligns itself with a human rights context to understanding intellectual disability. A human rights model of disability emerged in response to the polarisation of social and medical models, which faced almost equal levels of critique, as they positioned or were applied to people with intellectual disability in particular (Degener, 2017). Taking a human rights approach to intellectual disability brings the focus back on to their rights articulated in law, including those stated in the United Nations Convention on the Rights of Persons with Disabilities which Australia ratified in 2006 (United Nations, 2006).

Inclusion Australia focuses the provision of inclusive and holistic policy advise with the aim to drive systemic change in Australia. Consequently, this literature review examines an underreported area of disability - the extent and context of violence, abuse, neglect and exploitation experienced by Australians with intellectual disability. The specific aim of this review is to gain further understanding of the issues specific to people with intellectual disability, acknowledge gaps within the evidence base and establish points for change in the disability sector more broadly.

### Definitions and terminology

For consistency in this review, the definitions used by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (Commonwealth of Australia, 2020) are used to define the following terms referred to throughout.

*Violence and abuse “cover a range of behaviours towards people with a disability. These could include assault, sexual assault, constraints, restrictive practices (physical and chemical), forced treatments, forced interventions, humiliation and harassment, financial and economic abuse and significant violations of privacy and dignity on a systemic or individual basis.”*

*Neglect “includes physical or emotional neglect, passive neglect or wilful deprivation. Neglect can be a single significant incident or a systemic issue that involves depriving a person with disability of the basic necessities of life such as food, drink, shelter, access, mobility, clothing, education, medical care and treatment.”*

*Exploitation “is when a person takes advantage of someone else. This could include improper use of another person or the improper use of or withholding of another person’s assets, labour, employment or resources including taking physical, sexual, financial or economic advantage.”*

Responses to experiences of violence, abuse, neglect and exploitation towards people with an intellectual disability in Australia range from protection under national legislation such as the Federal Disability Discrimination Act (1992) to international approaches including the Convention on the Rights of a Person with Disabilities (United Nations, 2008). In Australia, individual support services such as National Disability Abuse and Neglect Hotline also play a role. The most recent reporting from July-December 2019 suggest that 35 of the 229 calls to the hotline for this period were from people with an intellectual disability (Australian Government, 2019).

## The extent of violence, abuse, neglect and exploitation experienced by Australians with intellectual disability

There is limited incidence and prevalence data exploring the extent of violence towards Australians with an intellectual disability. When data is collected, often this data does not distinguish between disability types. Where possible data focusing specifically on Australians with an intellectual disability has been referred to in the following discussion.

### Violence in Australia

Data collated by the Australia Bureau of Statistics (ABS) (2016) has estimated that 7.2 million Australians aged 18 years and over have experienced violence since the age of 15. Of these Australians, men (3.7 million) were more likely to experience instances of physical violence than women (2.9 million). However, women (1.7 million) were more likely than men (428,800) to experience sexual violence.

The ABS (2016) further estimates that 16% (1.5 million) of women and 11% (992,000) of men experienced physical and/or sexual abuse before the age of 15. Further, about 2.5 million Australian adults (13%) experienced physical and/or sexual abuse during childhood. While it is likely that the prevalence of child abuse and neglect is underestimated, current figures suggest that of those children reported to child protection services approximately 26,400 (aged 0-12 years) had one or more child protection notifications substantiated in 2017-2018 (Australian Institute of Health and Welfare, 2020).

* **7.2 million** Australians have experience violence since the age of 15
* **2.5** **million** Australian adults have experience physical and/or sexual abuse during childhood
* **26,400 children** (aged 0-12 years) had one or more child protection notifications substantiated in 2017-2018.

Recent anecdotal evidence indicates that there is an increase in violence in Australia. While police in Australia respond to a domestic violence matter every two minutes (or 5,000 matters on average every week), evidence indicates that particular social events contribute to notable spikes (Connery, 2019). For example, in New South Wales, on NRL grand final night there is a 20 per cent increase in family violence incidents which police respond to (Blumer, 2016; Cunningham, 2018). Similarly, as reported in several media publications, the lockdown measures currently in place in metropolitan Melbourne to address COVID-19 has contributed to a ‘huge increase in referrals’ to domestic violence organisations (Kehoe, 2020; Mills, 2020; Pfitzner, 2020). To address this increase in demand, the Victorian State Government has implemented a $20 million support package (Clayton, 2020).

### Violence towards people with a disability

The Australian Bureau of Statistics (2016) reports a higher proportion of Australians with a disability experiencing violence than those who do not have a disability regardless of their sex. It should be noted that these statistics only consider individuals who live in private dwellings. As was noted earlier, there is limited incidence and prevalence data exploring the extent of violence towards Australians with an intellectual disability specifically. Incidence of violence among Australians with a disability varies according to age, with violence being more common in younger Australians living with a disability (12.7% among those aged 18-24 and 12.5% among those aged 25-34 years). Of those Australians with an **intellectual disability**, 14.3% (67,900 people) reported experiencing violence. In 2016, this represented 12.2% or 58,200 people experiencing violence in the last 12 months. Furthermore, 5.5% or 26,200 Australians with an intellectual disability experienced sexual violence in the last 12 months.

* **67,900** individuals with an intellectual disability reported having experienced violence
* **26,200** individuals with an intellectual disability reported having experienced sexual violence
* **58,200** individuals with an intellectual disability reported having experienced violence in the previous 12 months

### An intersectional analysis of violence in Australia

A closer exploration of the data allows us to consider the experiences of violence and abuse as they intersect with factors such as gender, sexuality, indigeneity and age for people with intellectual disability.

Women with Disability Australia (2020) have described how women and girls with disability experience all forms of violence at higher levels of intensity and frequency, for longer duration and with more significant injuries as a result. When it comes to interacting with service systems, women with disability are less likely to receive supports to address violence, are less likely to be believed when reporting their experiences, and are denied the right to legal capacity enshrined in the United Nations Convention on the Rights of People with Disability (United Nations, 2008; Women with Disabilities Australia, 2020). While robust data is lacking, it is clear that women with disability experience violence and abuse at higher rates than other groups, with research reporting that 40.9% of women with a disability experience intimate partner violence (violence perpetrated by a current or former intimate partner) with these women significantly more likely to experience multiple incidents of violence (Disabled People’s Organisations Australia, 2019). This is confirmed by Krnjacki et al. (2016) who indicate that while women with a disability are less likely to experience physical violence, they are more likely to experience sexual violence, partner violence and stalking and harassment than men with disabilities. Although comparatively outdated, further evidence suggests that women with an **intellectual disability** experience higher rates of sexual violence, abuse and exploitation (Dowse et al., 2013).

Among Indigenous Australians, of those who have a disability, 33% experience an **intellectual disability** (Dudgeon, 2014), with rates of violence perpetrated against Indigenous Australians being approximately 10 times higher than against non-Indigenous Australians (Disabled People’s Organisations Australia, 2019). There is no data exploring violence against Indigenous Australians with a disability. Data which considers individuals experiencing multiple forms of oppression is lacking and this makes understanding their experiences of violence, abuse, neglect and exploitation difficult to ascertain via an academic review of the literature.

In Australia, data shows that lesbian, gay, bisexual, trans, intersex and queer (LGBTIQ) people with disabilities are more likely to experience violence than those without a disability (Leonard & Mann, 2018). Disability service staff attitudes and beliefs, reported as more conservative and more strongly associated with negative ideas of risk (Charitou et al., 2020), have the potential to negatively influence the experiences of LGBTIQ people with disability. This may also extend to workers capacity to provide effective support and recognise violence and abuse in LGBTIQ contexts, as well as potentially placing people with disability around staff who hold discriminatory views (O’Shea, 2020). Along with a lack of policy or training clarity around protection of sexual rights, this lack of systemic support can lead to an under-recognition of violence and abuse in non-heterosexual relationships, as well as increasing the risk of abuse or neglect.

To date, there is no known prevalence data on violence against people with a disability from culturally and linguistically diverse (CALD) backgrounds. However, it is acknowledged that women with a disability from CALD backgrounds underreport instances of violence against them, likely enhanced through intersecting linguistic and cultural barriers and a limited awareness of the criminal justice system (Disabled People’s Organisations Australia, 2019; Frohmader, 2015).

Finally, it is acknowledged that children and young people with a disability experience higher rates of violence and abuse compared to other children, with children who have an intellectual disability experiencing higher rates of abuse. Evidence also suggests that children with a disability are more likely to experience sexual abuse when compared to their peers (Robinson, 2013).

## The links between context and the experience of violence, abuse, neglect and exploitation by Australians with intellectual disability

There does not appear to be adequate research which focuses on Australians with intellectual disability and their experiences of violence, abuse, neglect and exploitation and the environment in which they reside. However, evidence does tell us that Australians with a disability are more likely to experience violence (physical, emotional, sexual) from a carer or family member than a stranger (Victorian Government, 2015). There is no evidence to suggest that remoteness of geographic location influences experiences of violence among Australians with disability.

Evidence from the Senate Inquiry into violence, abuse and neglect against people with a disability in an institutional and residential care setting documented many instances of violence, abuse and neglect (or the risk thereof) (Commonwealth of Australia, 2015). In several submissions provided to the Senate the inference was made that it was a ‘culture’ of neglect which occurred whereby individuals were often isolated and exposed to violence. It was further acknowledged that abuse was facilitated by a lack of transparency and accountability (Commonwealth of Australia, 2015).

Partly in response to such concerns, the NDIS Quality and Safeguards Commission was established in 2017 as part of the NDIS Quality and Safeguarding Framework. Via the independent Commission, the Framework provides a consistent national approach to ensure NDIS providers operate and deliver services of high quality (Australian Government, 2018). The NDIS Code of Conduct explicitly requires NDIS providers and workers to ‘take all reasonable steps to prevent and respond to all forms of violence, exploitation, neglect and abuse…[and] sexual misconduct’ (NDIS Quality and Safeguards Commission, 2020). The NDIS Worker Screening Database will soon be available as a national clearance for workers providing NDIS services and supports to ensure that staff ‘don’t present an unacceptable risk to people with disability’ (NDIS Quality and Safeguards Commission, 2019). However, we note the recent media reporting on the unfortunate death of Ann Marie Smith in April 2020 and the subsequent manslaughter investigation by South Australian Police. A taskforce established to investigate the incident identified 14 ‘safeguarding gaps’ and several recommendations for improvements at state and federal levels (Department of Human Services, 2020). This suggests that there is significant work still to be done in ensuring that people with disability are safe within the services designed to support them.

## How Australians with intellectual disability report (or do not report) violence, abuse, neglect and exploitation

As evidenced within this review, Australians with intellectual disability are more likely to experience violence than most other population groups in Australia. This evidence also suggests that people with a disability face barriers in the reporting of this violence and need further protection from it occurring again. According to Fraser-Barbour et al. (2018) these barriers can be grouped into three key categories.

1. *A lack of confidence in the capacity of mainstream services ability to engage with people with an intellectual disability*

According to Fraser-Barbour et al. (2018), of particular concern is the assumption that an individual with intellectual disability is inherently vulnerable and unable to fully participate in the disclosure of violence. Further concerns levelled by participants in the Fraser-Barbour et al. (2018) study was negative attitudes towards people with intellectual disability. Finally, beyond the disability sector, attitudes towards individuals with intellectual disability appeared to be that individuals with an intellectual disability were limited in their capacity to report experiences of violence and also their ability to access appropriate support services.

1. *A lack of integration between mainstream services and the disability sector in the provision of support or reporting measures*

Currently it is acknowledged that there is a lack of ‘intersection’ between the criminal justice and social justice systems. While it appears that there are opportunities to engage in ‘round table’ discussions in the criminal justice sector, there is a need to adapt this approach to include interactions with the disability sector (Fraser-Barbour et al., 2018). It has been suggested that transitioning to the NDIS may be problematic and contribute to competition between service providers in terms of funding, resources and information. Leadership within organisations is recognised as a means to address this barrier, particularly if this is mandated at government level (Fraser-Barbour et al., 2018).

1. *A lack of training among service providers in how to respond to people with intellectual disability experiencing violence and reporting these experiences*

An inability to effectively respond to people with intellectual disability experiencing (and reporting) violence and abuse is acknowledged as a significant barrier in further reporting. Participants involved in the Fraser-Barbour et al. (2018) study note that people in all levels of service provision need to be better trained in how to sensitively respond to people with intellectual disability. Participants identified that specific considerations were required including a trauma informed approach, greater public awareness and conversation within the sector. It is was felt that advocacy and leadership is a ‘driving force’ in ensuring that individuals are not ‘lost in the system’ (Fraser-Barbour et al., 2018).

Similar research undertaken by Australia’s National Research Organisation for Women’s Safety (ANROWS) explored the barriers faced by women with disability in accessing justice (Mahar, 2018). This report documented several barriers. As was outlined by Fraser-Barbour et al. (2018), women with a disability were often not acknowledged or believed (Mahar, 2018). Particular challenges faced by women with disability appear to focus on their safety and security. That is, the ability of a service provider to support women accessing services safely and without the risk of further violence. Mahar (2018) also noted that pre-existing assumptions about a women’s ability to contribute to the reporting and disclosure of violence was a key barrier in the provision services (Mahar, 2018). Finally, Mahar (2018) recognised the importance of not only developing a robust evidence base but also the need for multidisciplinary training as a means to support best practice service provision.

## The role of other safeguards in uncovering violence, abuse, neglect and exploitation against Australians with intellectual disability

As detailed throughout this review there is a clear lack in tangible evidence that documents in a meaningful and usable way the incidence and prevalence of violence towards Australians with intellectual disability. Safeguarding measures which aim to provide individuals with an opportunity to report such experiences again often lack a specific focus. There are however some resources which draw on the academic evidence base and evaluation emerging such as ‘Sexual Lives & Respectful Relationships’ which is a peer-based education program for people with intellectual disability that in part aims to educate individuals with an intellectual disability around issues such as violence and abuse (Frawley & O’Shea, 2020).

Other resources focus on the ways to report abuse from within the disability sector. The NSW Ombudsman (2017) has established several guides designed to assist in reporting abuse and neglect including, a resource guide for disability services which outlines what staff need to do if it happens in their service and a flow chart on responding to alleged abuse and neglect. The NSW Ombudsman also provides multiple training resources which vary from half to full-day training focusing on responding to and report abuse and/or neglect in disability services (Ombudsman New South Wales, 2017).

Further resources focus on the provision of services for people with a disability more broadly. For example, People with a Disability Australia along with Domestic Violence NSW (2015) has put together a policy document which outlines a collaborative approach to supporting women who have experienced domestic violence in seeking treatment. Similarly, ANROWS (2020) has begun reporting on the impact of early intervention violence prevention support for women (8-18 years) with disability who are at risk of domestic and family violence. The researchers from ANROWS (2020) concluded that training and capacity building in those people working in support services is essential and further, that there is a need for national policy to acknowledge the intersectional nature of domestic and family violence and disability

## Gaps in the available research and recommendations for future change

Perhaps the most significant gap within the research to date is the lack of focus on individuals with intellectual disability. Of the limited evidence which is available, little to no evidence focuses specifically on those individuals with intellectual disability. As a consequence, developing an in-depth understanding of the experiences of Australians living with intellectual disability and the support services they require remains difficult.

Currently there is a lack of relevant research with which to understand both the experiences and needs of Australians with an intellectual disability. Based on the available literature, following measures should be implemented.

1. Collating specific incidence and prevalence data that focuses on people with intellectual disability.
2. Establishing a portfolio of evidence gathered from individuals with a lived experience of violence and intellectual disability.
3. Building confidence among service provides as to the capacity of people with intellectual disability. This may come in the form of specific organisational training or workshops such as those provided by the NSW Ombudsman.
4. The provision of further cross discipline/institution opportunities to ensure the consistent reporting of abuse or violence among people with intellectual disability.
5. Using an advocacy-based framework to evaluate and further develop safeguarding measures targeting the reporting of violence and/or abuse toward Australians living with intellectual disability.
6. Continuing the development of robust evidence-based safeguarding measures to assist in the reporting violence and/or abuse among Australians living with intellectual disability. This may involve the evaluation and assessment of already established support services or programs occurring in a community setting.

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