



Submission to the *Victorian state disability plan 2021-2025*
consultation

April 2021



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Jesuit Social Services: Who we are and what we do

Jesuit Social Services is a social change organisation working to build a just society where all people can live to their full potential. For over 40 years we have been working with some of the most disadvantaged and marginalised members of our communities, who often experience multiple and complex challenges. We work where the need is greatest and where we have the capacity, experience and skills to make the most difference. We deliver services across Victoria as well as in Western Sydney and the Northern Territory.

Our practical support and advocacy covers five main areas:

Justice and crime prevention – people involved with the justice system.

Mental health and wellbeing – people with multiple and complex needs and those affected by trauma, suicide, and complex bereavement.

Settlement and community building – recently arrived immigrants and refugees, and disadvantaged communities.

Education, training and employment – people with barriers to sustainable employment.

Gender and culture – providing leadership on the reduction of violence and other harmful behaviours prevalent among boys and men, and building new approaches to improve their wellbeing and keep families and communities safe.

Ecological justice – inviting discussion on what practices, policies and actions can be taken to build an ecologically just society.

Our programs address the needs of specific populations including people with intellectual disabilities, people with acquired brain injury (ABI), people in the youth and adult justice systems, vulnerable young people, and people with multiple and complex needs. We work with our participants on a range of issues such as mental illness, substance use issues, unemployment, poor physical health and homelessness.

Research, advocacy and policy are coordinated across all program and major interest areas of Jesuit Social Services. Our advocacy is grounded in the knowledge, expertise and experiences of program staff and participants, as well as academic research and evidence. We seek to influence policies, practices, legislation and budget investment to positively influence people's lives and improve approaches to address long term social challenges. We do this by working collaboratively with governments, business and the community sector to build coalitions and alliances around key issues, and building strong relationships with key decision-makers and the community.

Introduction

Jesuit Social Services welcomes the opportunity to contribute to the development of the Victorian State Disability Plan 2021-2025 (the Plan). We believe every person living in Victoria should have access to the opportunities in life that will enable them to flourish – to complete their education, to get a job, to access safe and affordable housing, to raise their children in safe communities and to see the next generation thrive. We recognise that a whole-of-government approach, where the service systems work together and target locations of entrenched disadvantage, is the most effective way of achieving this.

This submission draws on our experience engaging with disadvantaged people and communities throughout Victoria. It focuses on the intersections of disability with complex needs, multiple forms of disadvantage and people involved in the justice system.

Jesuit Social Services supports the six key topics to strengthen the Plan as outlined in [the consultation paper](#). In our submission, we address three of these topics as well as additional areas of concern that we believe warrant further attention, as follows:

1. Improving how disability is described (topic one).
2. Strengthening the leadership of people with disability (topic two).
3. Improving the National Disability Insurance Scheme (NDIS) (topic five).
4. Embedding a place-based approach.
5. Supporting people with disability involved in the justice system.
6. Recognising and responding to violence against people with disability.
7. Enhancing access to safe, secure and stable housing.
8. Ensuring the availability of education and employment opportunities.

1. Improving how disability is described

Jesuit Social Services understands that ‘disability’ is a complex concept for which there is no concise, universally-agreed definition – no single diagnosis can adequately describe the concept of disability or encompass the full range of specific types of disability.¹ We therefore strongly support the use of a rights-based approach informed by the *United Nations’ Convention on the Rights of Persons with Disabilities* and the *Charter of Human Rights and Responsibilities Act 2006* (Vic) to underpin the next Plan. We believe the Plan should go much further than simply drawing on principles from these two instruments and should clearly indicate specific articles that are relevant, as well as how the Plan will seek to uphold these articles.

Jesuit Social Services recommends that the Victorian Government:

- Embed a strong focus on the rights of people with disability in the Plan, including clear indications of the relevant *United Nations’ Convention on the Rights of Persons with Disabilities* and *Charter of Human Rights and Responsibilities Act 2006* (Vic) articles and how the Plan will uphold them.

2. Strengthening the leadership of people with disability

It is critical that proactive efforts are made to ensure the voices of people with disability from all cultural backgrounds, and of all ages and stages of disability are at the centre of the next Plan. We strongly support the Government’s efforts to engage with and hear from people with disability and their carers/families as outlined in the consultation paper. More broadly, we must strengthen the leadership of people with disability across the disability and mainstream sectors to ensure their experiences, preferences and expertise inform service provision. To this end, we call for the Victorian Government to ensure it has effective mechanisms that enable genuine engagement with people with disability and their carers/families. This could include funding community sector organisations to establish avenues for the full and effective participation of people with disability.

Jesuit Social Services recommends that the Victorian Government:

- Develop effective mechanisms to ensure genuine engagement with people with disability and their carers/families, including by funding community sector organisations to establish avenues for their meaningful participation.

3. Improving the NDIS

Jesuit Social Services recognises the complexity of needs experienced by people with disability, the challenges of providing and coordinating services in a way that meets each person’s individual needs, and

¹ Jesuit Social Services. (2020). Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability – *Criminal Justice System Issues Paper* ([Weblink](#)).

the individual and broader economic benefits of providing effective support coordination to NDIS participants. However, in its current form the NDIS does not lend itself to the type of support required by people who experience multiple and complex challenges. We strongly support the Victorian Government continuing to use its role on the Disability Reform Council to advocate for changes to the NDIS to ensure it is accessible to all people with disability as per the Victorian State Disability Plan 2017-2020 (Action 25).²

3.1 Strengthening the interface of the NDIS and mainstream services

We work with a small, highly complex, cohort of people with mild-to-moderate intellectual or cognitive disability and other complex needs or life circumstances, including homelessness, substance use problems, involvement with child protection and the justice system, and experiences of trauma, including family violence. It is crucial that co-occurring issues experienced by this cohort of people are not compartmentalised and dealt with in isolation by numerous service providers. Jesuit Social Services is therefore strongly supportive of the Victorian Government's commitment to develop a detailed vision for the interface between the NDIS and mainstream services as outlined in the consultation paper.

3.2 Accessing and navigating the NDIS

Many of the people we work with do not necessarily have the ability to navigate the complexities of the NDIS and engage with appropriate services. For people with a psychosocial disability there is even further complexity in that they must show they have a 'substantial and ongoing disability need' in order to become an NDIS participant. This runs counter to the recovery model widely adopted by mental health professionals which emphasises the episodic nature of mental health conditions.³

These challenges can be compounded for people from Culturally and Linguistically Diverse (CALD) backgrounds who face considerable difficulty when engaging with the Australian service systems not only because of language proficiency, but also because of the complexity of the systems. Further, self-stigma and a lack of accessible information about disability may prevent people from CALD backgrounds from identifying as having a disability.⁴

Jesuit Social Services would like to see implementation of the Tune Review's recommendation that the 'NDIS Act and Rules are amended to provide clearer guidance for the National Disability Insurance Agency (NDIA) in considering whether a psychosocial impairment is permanent, recognising that some conditions may be episodic or fluctuating'.⁵ Additionally, resources must be directed to support people with complex needs and people from CALD backgrounds to understand the NDIS and assist them in both applying for and participating in the NDIS.

Jesuit Social Services recommends that the Victorian Government continue to use its role on the Disability Reform Council as per the Victorian State Disability Plan 2017-2020 to:

- Advocate for implementation of the Tune Review's recommendation that the 'NDIS Act and Rules are amended to provide clearer guidance for the NDIA in considering whether a psychosocial impairment is permanent, recognising that some conditions may be episodic or fluctuating'.
- Advocate for increased funding to assist people with complex needs and people from CALD backgrounds to understand the NDIS and assist them in both applying for and participating in the NDIS.

² Victorian Government. (2016). Victorian State Disability Plan 2017-2020. ([Weblink](#))

³ Tune, D. (2019). Review of the National Disability Insurance Act 2013: Removing red tape and implementing the NDIS Participant Service Guarantee. Canberra: Australian Government. ([Weblink](#))

⁴ Knifton, L. (2012). Understanding and addressing the stigma of mental illness with ethnic minority communities. *Health Sociology Review*, 21(3), 287-298. ([Weblink](#))

⁵ Tune, D. (2019). Review of the National Disability Insurance Act 2013: Removing red tape and implementing the NDIS Participant Service Guarantee. Canberra: Australian Government. ([Weblink](#))

3.3 Assessment and planning processes

The challenges posed by the NDIS have been further illustrated most recently by the proposed introduction of independent assessments. Working with participants who have multiple and complex needs is nuanced and challenging, and requires the allocation of significant time in the planning stage and more face-to-face contact for assessments, where relationships can be created and trust established. We note concerns from disability advocates and others about the quality and suitability of privately contracted independent assessments, their impact on people accessing NDIS, and the lack of adequate prior consultation with people with disability and the sector.⁶ Jesuit Social Services welcomes the Federal Government's recent decision to pause the rollout of independent assessments. We urge the Victorian Government to advocate for the assessment and planning process to be adequately resourced to enable sufficient time to develop suitable support plans.

Jesuit Social Services recommends that the Victorian Government continue to use its role on the Disability Reform Council as per the Victorian State Disability Plan 2017-2020 to:

- Advocate for increased resourcing for the assessment and planning process to enable sufficient time to develop suitable support plans.

3.4 Pricing structure

Jesuit Social Services highlights that the existing NDIS fixed pricing structure does not accommodate the specialist, highly qualified and skilled workforce required to effectively support people with multiple and complex needs. Further, our organisation can only make financially viable the provision of NDIS services to the people we work with in combination with additional support funding and the provision of NDIS support coordination. The NDIS pricing structure must be suitably flexible to ensure that it can engage highly skilled staff to meet the complex needs of the diverse range of participants supported by the scheme.

Jesuit Social Services recommends that the Victorian Government continue to use its role on the Disability Reform Council as per the Victorian State Disability Plan 2017-2020 to:

- Advocate for a pricing structure that is suitably flexible to ensure that it can engage highly skilled staff to meet the complex needs of the diverse range of participants supported by the scheme.

3.5 Consultation with service providers

We note a pattern of unilateral decision-making by the NDIA in relation to the NDIS, with limited or no consultation with service providers, and subsequent announcement of significant changes to pricing structures with very tight implementation timelines, despite significant impacts on the financial viability of service providers. Jesuit Social Services emphasises the need for the NDIA to engage in ongoing consultation processes and fine-tuning of policy and funding decisions in relation to the NDIS, and to provide adequate lead times for NDIS service providers to adjust their service offerings following any changes in these areas.

Jesuit Social Services recommends that the Victorian Government continue to use its role on the Disability Reform Council as per the Victorian State Disability Plan 2017-2020 to:

- Advocate for improved consultation processes and adequate lead times for NDIS service providers to adjust their service offerings following any changes.

⁶ See, for example, The Guardian (March 2021) *Backlash grows over 'independent assessments' plan for disability scheme*, ([Weblink](#))

4. Embedding a place-based approach

Jesuit Social Services' research into locational disadvantage, over more than 20 years, has consistently shown that a small number of communities across the country are experiencing persistent, entrenched disadvantage, with a higher incidence of factors such as poor health, unemployment and contact with the justice system.⁷

Our *Dropping off the Edge* 2015 research showed that in areas of greater disadvantage in Victoria, there is a strong correlation between receiving disability support and other indicators of disadvantage around internet access, education, income and type of employment.⁸ Those living in 3 per cent of the most disadvantaged communities in Victoria are 2.4 times more likely to be on disability support.

Having a disability may impact a person's life in multiple ways, with implications for access to education, employment and social connection. However, with the right support, including programs which address community attitudes, access to the built and natural environment, and educational and employment support programs, many people have the opportunity to lead a rich and fulfilling life. While universally applicable strategies are important, more targeted action is needed within communities of greater disadvantage, starting with their involvement in leading decision-making.

Putting local communities at the heart of decision making, and empowering communities with the resources they need to reach their potential, are the key focus areas of Jesuit Social Services' new [Centre for Just Places](#). In the interest of providing further impetus and assistance for this approach, Jesuit Social Services will produce the fifth *Dropping off the Edge* report during 2021. For the first time, *Dropping off the Edge* 2021 will include environmental indicators alongside social, economic, education and health measurements.

Jesuit Social Services recommends that the Victorian Government:

- Continue to support and develop place-based programs in areas of disadvantage that centre community decision-making and address the range of factors which impact opportunities for people with disability.

5. Supporting people with disability involved in the justice system

5.1 Aboriginal and Torres Strait Islander people with disability in the justice system

Across Australia, Aboriginal and Torres Strait Islander people with disability are overrepresented in the criminal justice system.⁹ A UNSW study on Aboriginal and Torres Strait Islander people with mental and cognitive disabilities in the criminal justice system highlights a number of underlying factors that contribute to their over-incarceration, including institutional racism, stigma and discrimination which impacts access to education, employment, housing and just legal outcomes; a lack of recognition of the ongoing impacts of colonisation, intergenerational trauma and grief; little acknowledgement of the different meanings of the term 'disability' in Aboriginal communities; and under diagnosis of disability, including Fetal Alcohol Spectrum Disorder (FASD).¹⁰

To ensure Aboriginal and Torres Strait Islander people with disability receive the support they need, we must listen to and be informed by Aboriginal and Torres Strait Islander communities and commit to resourcing and supporting disability-specific community-led initiatives. Additionally, the Victorian Government must urgently address the overrepresentation of Aboriginal and Torres Strait Islander people

⁷ Vinson, T., & Rawsthorne, M. (2015). *Dropping off the edge: Persistent communal disadvantage in Australia*. Jesuit Social services and Catholic Social Services Australia. ([Weblink](#))

⁸ *Ibid.*

⁹ Sharma, K. (2018). "I needed help, instead I was punished": Abuse and Neglect of Prisoners with Disabilities in Australia. Human Rights Watch. ([Weblink](#))

¹⁰ Baldry, E., McCausland, R., Dowse, L., & McEntyre, E. (2015). *A predictable and preventable path: Aboriginal people with mental and cognitive disabilities in the criminal justice system*. Sydney: University of New South Wales ([Weblink](#))

in prison in Victoria by increasing the overall number of Aboriginal and Torres Strait Islander community-led initiatives, training all prison staff in cultural awareness, and employing more Aboriginal and Torres Strait Islander case managers.

Jesuit Social Services recommends that the Victorian Government:

- Listen to and be informed by Aboriginal and Torres Strait Islander communities and commit to resourcing disability-specific community-led initiatives to ensure Aboriginal and Torres Strait Islander people with disability receive the support they need.
- Address the overrepresentation of Aboriginal and Torres Strait Islander prisoners in Victoria by increasing the number of Aboriginal and Torres Strait Islander community-led initiatives, training all prison staff in cultural awareness, and employing more Aboriginal and Torres Strait Islander case managers.

5.2 Children and young people with disability in the youth justice system

Young people with a range of disabilities continue to represent a significant number of those involved in the justice system. For example, an annual survey of young people detained on sentence and remand at Parkville and Malmsbury Youth Justice Centres conducted in December 2018 found that 12 per cent were linked with Forensic Disability Services offered through DHHS, and 4 per cent were accessing NDIS funded disability supports or services.¹¹ These findings highlight the prevalence of diagnosed disability in the youth justice system, but the numbers of young people presenting with cognitive difficulties that affect their daily functioning was found to be much higher – at 38 per cent in the December 2018 survey.

Early identification of disability

Disability can be understood as occurring along a continuum, from having no disability to the complete loss of functioning.¹² It is therefore critical that identification of any developmental delay, cognitive impairment or other disability occurs as early as possible in a child or young person's life, and that appropriate service responses be delivered in a timely manner, in order to prevent and/or minimise the potential impacts on their life. Likewise, it is critical that identification of, and appropriate service responses to, any cognitive impairment or other disability occurs as soon as possible after a child or young person enters the youth justice system to prevent their trajectory into the adult justice system. This necessarily involves assessment of the support needs and delivery of appropriate services to children and young people with disability, and their families and/or carers.

Raising the age of legal responsibility

A small number of vulnerable children enter the criminal justice system at a very young age. We know this group is among the most vulnerable in our community and that children first detained between the ages of 10 and 14 are more likely, compared to those first supervised at older ages, to have sustained and frequent contact with the criminal justice system throughout their life – particularly for Aboriginal and Torres Strait Islander children.¹³

Child offending experts, psychologists and other health experts agree that younger children have rarely developed the social, emotional and intellectual maturity necessary for legal responsibility before the age

¹¹ Youth Parole Board (2019). Youth Parole Board, Annual Report 2018-19. Melbourne: Department of Justice and Safety, Victorian Government. ([Weblink](#))

¹² Cieza, A., Sabariego, C., Bickenbach, J., & Chatterji, S. (2018). Rethinking disability. *BMC medicine*, 16(1), 1-5.

¹³ Jesuit Social Services (2013). Thinking Outside: Alternatives to remand for children ([Weblink](#)) and; Australian Institute of Health and Welfare (2013). Young people aged 10–14 in the youth justice system 2011– 2012 ([Weblink](#));

of 14 years and also lack the capacity to properly engage in the justice system.¹⁴ Consequently, procedural fairness cannot be assured and criminal justice proceedings fail to guarantee a just response to children's behaviour. The most effective approach to prevent these children's trajectories into the justice system is to address the issues driving their vulnerability, such as family violence, trauma, abuse and neglect, and stable, safe and secure housing.

Jesuit Social Services recommends that the Victorian Government:

- Introduce comprehensive assessment processes involving a range of relevant specialists for all people who enter the Victorian youth justice system to ensure identification of and appropriate support for each young person's needs.
- Commit to legislative change to raise the age of criminal responsibility from 10 to 14 years old.

5.3 Women with disability in the justice system

Women in the prison system are among the most vulnerable and marginalised members of our community. Not only are they more likely to have a disability, but they are also likely to have a history of experiencing family violence, homelessness and substance use issues.¹⁵ Prisons are more often than not traumatic environments that multiply existing physical and mental health conditions.¹⁶ Early intervention and diversion into holistic, trauma-informed, culturally responsive, community-based support and housing support is therefore imperative to break the cycle of imprisonment for many of these women.

Jesuit Social Services recommends that the Victorian Government:

- Break the cycle of imprisonment for women with disability by intervening early and diverting them into holistic, trauma-informed, culturally responsive, community-based support and housing support.

5.4 Isolation of people with disability in the justice system

Jesuit Social Services is deeply concerned about the use of isolation in prisons as a substitute for suitable health care for people with disability.¹⁷ Our report – [All alone: Young adults in the Victorian justice system](#) – raises a number of serious concerns regarding the ongoing use of punitive practices such as isolation and restraint in Victorian prisons. The report draws on first-hand knowledge acquired through our ReConnect program, which supports men and women to transition from prison into the community. A number have been isolated in adult prisons, sometimes for periods in excess of two years. As the report highlights, there is overwhelming evidence around the detrimental health impacts of isolation and restraint practices:

"[Participants who have experienced isolation in prison] report feeling 'institutionalised' and as though they have 'lost' themselves, and have limited hope for their future in the community. They struggle to manage day-to-day living tasks, experience constant feelings of hypervigilance and adopt behaviours showing how deeply traumatic isolation has been. For example, one participant created a space to sleep that replicated the same size as a prison cell, reconstructing their isolation experience."

¹⁴ Cauffman, E., & Steinberg, L. (2000). (Im)maturity of judgment in adolescence: why adolescents may be less culpable than adults. *Behavioural Sciences and the Law*, 18(6): 741-760 ([Weblink](#))

¹⁵ Kinner, S. A., & Young, J. T. (2018). Understanding and improving the health of people who experience incarceration: an overview and synthesis. *Epidemiologic reviews*, 40(1), 4-11. ([Weblink](#))

¹⁶ Douglas, N., Plugge, E., & Fitzpatrick, R. (2009). The impact of imprisonment on health: what do women prisoners say? *Journal of Epidemiology & Community Health*, 63(9), 749-754. ([Weblink](#))

¹⁷ Jesuit Social Services. (2018). *All alone: Young adults in the Victorian justice system*. ([Weblink](#))

We strongly support the findings of the World Health Organisation, which acknowledge the range of detrimental effects that isolation can have on the mental health and wellbeing of those subjected to it.¹⁸ Children and young people with physical or mental health conditions are particularly vulnerable to these negative effects.¹⁹ Jesuit Social Services welcomes the Victorian Ombudsman’s investigation into the isolation of young people in closed environments in Victoria, carrying out inspections according to the standards of the United Nations’ Optional Protocol to the Convention against Torture (OPCAT). As noted by the Ombudsman:

“Unlike in the adult system, there is no requirement under the Children Youth and Families Act 2005 (Vic) for consideration to be given to a person’s medical and psychiatric conditions before authorising isolation [...] The inspection was concerned by this, particularly in cases such as [...] where a young person with an intellectual disability and anxiety was isolated after becoming agitated because of lockdowns, despite staff being advised that ‘being alone and the sound of silence’ could trigger his anxiety and that he had a tendency to self-harm when isolated.”

In light of the significant health risks associated with isolation as confirmed by both international research and local experience, Jesuit Social Services considers that the use of isolation in youth justice centres should be banned. Practices must ensure that harm to children and young people is minimised and that their rights are protected.

Jesuit Social Services also recommends that the Victorian Government should legislate for a presumption against the use of isolation in adult prisons, with isolation only permissible in rare cases where immediate safety to persons is a concern, and then only for the briefest possible period. In no case should isolation exceed 14 consecutive days, and a period of such length could only be justified in the most extreme circumstances.

Jesuit Social Services recommends that the Victorian Government:

- Ban the use of isolation for children and young people in Youth Justice Centres.
- Legislate for a presumption against the use of isolation in adult prisons, with isolation only permissible in rare cases where immediate safety to persons is a concern, and then only for the briefest possible period. In no case should isolation exceed 14 consecutive days, and a period of such length could only be justified in the most extreme circumstances.

5.5 People with ABIs in the justice system

People with ABIs tend to have a high level of interaction with the criminal justice system. In 2011, Corrections Victoria reported that 42 per cent of men and 33 per cent of women (in a sample of the Victorian prison population) had been diagnosed with an ABI – this compares with just two per cent across the general population.²⁰ The extraordinary overrepresentation of people with ABI in prisons reflects a broader failure of the criminal justice system to recognise and respond to the needs of people with ABI. In fact, ABI is not well-recognised within the justice system, and the basic supports accepted as essential for people with other kinds of disability in other contexts are lacking – leaving people with ABI to fend for themselves in a system that most people find overwhelming. As explained by a person with an ABI and experience of the criminal justice system:

¹⁸ World Health Organisation (2014). Prisons and Health. World Health Organization, Regional Office for Europe. ([Weblink](#))

¹⁹ Victorian Ombudsman (2019). OPCAT in Victoria: A thematic investigation of practices related to solitary confinement of children and young people. Melbourne: Victorian Ombudsman. ([Weblink](#))

²⁰ Jackson, M., Hardy, G., Persson, P. & Holland, S. (2011). Acquired Brain Injury in the Victorian Prison System. Corrections Victoria Research Paper, Series Paper No. 04, April 2011 ([Weblink](#))

“I just wanted to get [the court process] over and done with. Every time. I just wanted to get it over and done with. I never really listened to them that much, I think because they were talking words I wasn’t understanding or relating to. A lot of the time it used to be words that went past me, that’s why I think I didn’t really listen because they weren’t talking to me and knowing that I was understanding?”²¹

Listening to people impacted by the criminal justice system and identifying and responding to their needs is critical to developing effective responses. In 2017, Jesuit Social Services, together with RMIT University’s Centre for Innovative Justice, published a report entitled *Recognition, Respect and Support: Enabling Justice for People with an Acquired Brain Injury*.²² We interviewed 21 people affected by ABI who had been in contact with the justice system in order to better understand how they experienced the system and to identify ‘missed opportunities’ where alternative responses may have led to more positive outcomes. We found that to participate fully and equally in the justice system, people with ABI clearly need increased recognition, respect and support.

Recognition of ABI

For people with ABI to receive the support they need, the system must acknowledge ABI as a disability, even though it often occurs alongside other forms of disability and disadvantage. The system must also recognise that a person with ABI may have additional communication and support needs. People working within the system must have an awareness of the causes, symptoms and common support needs of people with ABI. The system must make those supports known and available to people who have or are suspected of having ABI. Where ABI is understood, people can feel more confident to disclose their ABI and access services suited to their needs.

Respect for people with ABIs

A more respectful justice system should take a ‘solutions-focused’, constructive and therapeutic approach which promotes reintegration into the community. Whether they are offenders, prisoners, victims or witnesses, people with ABI are entitled to respect. This includes treating people with dignity and enabling them to participate meaningfully in processes that affect them. In the criminal justice system, this can take many forms, including the use of plain English to ensure people with ABI can understand and meaningfully participate in their legal processes.

Support for people with ABIs

People with ABI require more support to access justice within and outside the criminal justice system. Many participants felt they were ‘set up to fail’ due to the lack of disability specific services available, both within the justice system and in the broader community. A number of simple measures of support have the potential to make a significant difference. Interviewees reported insecure housing as a significant factor in their cycles of offending. Supporting people with ABI to access secure housing would make a significant difference in promoting their stability, facilitating long-term support, and ultimately reducing recidivism.

Jesuit Social Services recommends that the Victorian Government:

- Increase the availability of supports for people with ABI both within the justice system and the broader community.

²¹ Jesuit Social Services and RMIT University Centre for Innovative Justice (2017). *Recognition, Respect and Support: Enabling Justice for People with an Acquired Brain Injury*. ([Weblink](#))

²² *Ibid.*

6. Recognising and responding to violence against people with disability

Australian adults with a disability are more likely to experience violence than those without a disability.²³ These differences are particularly stark for people with more profound disabilities as well as young people with a disability. According to the Australian Bureau of Statistics' personal safety survey, one-half of all those who experience abuse before the age of 15 have a disability.²⁴ Women with a disability who have experienced intimate partner violence were also more likely to have experienced multiple incidents.

The types of violence experienced by people with a disability differ by gender. Women are more likely to experience sexual violence and intimate partner violence while men report higher rates of physical violence. These patterns are similar for people without a disability although the rates of violence for people with a disability are higher. Evidence also suggests that every week in Australia, three women are hospitalised with a brain injury as a direct outcome of family violence.²⁵

While existing data is useful, there are substantial knowledge gaps regarding the prevalence and nature of violence experienced by people with disability in Australia.²⁶ The ABS personal safety survey only includes people who live in private dwellings. As a result, people with a disability who live in institutional settings are not included. Further, for safety reasons, the personal safety survey doesn't include people who need support communicating.

There is a compelling need to address the root causes of violence by supporting boys and men to live respectful, accountable and fulfilling lives, enabling them to develop loving relationships free from violence and contribute to safe and equal communities. Through a program called The Men's Project, Jesuit Social Services has taken steps to better understand and respond to male violence and other harmful behaviours, including through our '[Man Box' research](#), which surveys men and boys on their beliefs about sex, gender and violence. Our [MoRE \(Modelling Respect and Equality\) program](#) helps participants to be agents of change in their schools, clubs and communities.

In addressing violence perpetrated by boys and men, our priority must be to make women and children safe; change structures, norms and practices that regard women as inferior and condone violence against them; ensure that violence is reported and sanctioned; and hold men to account for their actions. Stronger policing and restraints will form a necessary part of the response but they will not be enough unless boys and men change their behaviour. We need to promote positive change around gender norms and stereotypes and what it means to be a healthy and respectful man in the 21st century noting that there is only limited quantitative research examining the interaction between masculinities and disability.²⁷ We also need to focus on the contributing factors to male violence like mental health problems, substance misuse and social isolation.

Jesuit Social Services recommends that the Victorian Government:

²³ AIHW. (2020). People with disability in Australia. ([Weblink](#))

²⁴ ABS. (2017). Personal Safety, Australia. ([Weblink](#))

²⁵ Brain Injury Australia (2015). Media Release: Every week in Australia, one woman is killed - the result of family violence. Every week in Australia, three women are hospitalised with a brain injury - the result of family violence. ([Weblink](#))

²⁶ Mitra-Kahn, T., Newbigin, C., & Hardefeldt, S. (2016). Invisible women, invisible violence: Understanding and improving data on the experiences of domestic and family violence and sexual assault for diverse groups of women: State of knowledge paper. Sydney: ANROWS. ([Weblink](#))

²⁷ King, T. L., Shields, M., Milner, A., Vaughan, C., Shakespeare, T., Currier, D., & Kavanagh, A. (2020). Conformity to masculine norms: Differences between men with and without a disability. *Psychology of Men & Masculinities*, 21(3), 380–391. ([Weblink](#))

- Partner with Jesuit Social Services to roll out training, developed by The Men’s Project, for role models – teachers, social and youth workers including in our prisons, disability support workers, sports coaches and emergency services workers – to engage with the men and boys they work with to decrease rigid adherence to stereotypical masculine norms.
- Use our Adolescent Man Box Survey to complement the current Resilience, Rights and Respectful Relationships curriculum in schools. The survey presents an opportunity to tailor the curriculum to each school community’s particular behaviours and needs, while also serving as an evaluation tool to monitor progress.
- Partner with Jesuit Social Services to address concerning sexual behaviours among children, as well as the sexual abuse of children, through our pilot project, ‘Worried About Sex and Pornography’. We are developing a psycho-educational tool for young people worried about their sexual thoughts or behaviours with design tailored for the needs of different users including young people with a disability. This will fill a significant gap in secondary school-level interventions designed to prevent destructive behaviours. This tool will be separate from, but aligned with, our ‘Stop it Now!’ service, which targets adults.

7. Enhancing access to safe, secure and stable housing

The availability of safe, secure and stable housing is an issue for many, particularly those with disabilities and other complex needs.²⁸ In particular, there is a lack of housing options and integrated supports for vulnerable young people with complex life circumstances or needs, including those who may be dealing with substance misuse issues, who may be experiencing mental ill health, who have experienced trauma, and who may be transitioning from out-of-home care or the justice system.

Responding to this significant service gap, Jesuit Social Services delivers Perry House – a supported housing program for justice system involved young people with intellectual disabilities who are at risk of, or are experiencing, homelessness. Up to four participants at a time reside at the house for up to 12 months, after which they are supported for a further four months in an outreach capacity to develop independent living skills and engage with activities. Additional supported housing options for young people with intellectual disabilities exiting the justice system are urgently required.

There is also a significant need for suitable housing options for older adults with disability who are exiting prison. Jesuit Social Services highlights the growing population of older people in Australian prisons. The number of older people in prisons has increased by almost 80 per cent since 2009.²⁹ Anecdotal evidence from Jesuit Social Services’ [Reconnect program](#), which works with men and women exiting the prison system, suggests that it is not uncommon for older adults exiting prison to have both a cognitive and physical disability. Despite this, there is a general lack of age-appropriate programs and transitional services for ageing prisoners, and little consideration is given to their specific physical, health and social needs.

The Government should invest in a diversity of housing options for people with disability, including specific housing initiatives for older adults exiting the justice system. Without access to appropriate transitional, stable, quality supported housing arrangements, the most vulnerable Victorians will continue to be at risk of long-term homelessness and will face an ever-greater challenge in overcoming any other issues they are facing.

Jesuit Social Services recommends that the Victorian Government:

²⁸ King, T. L., Shields, M., Milner, A., Vaughan, C., Shakespeare, T., Currier, D., & Kavanagh, A. (2020). Conformity to masculine norms: Differences between men with and without a disability. *Psychology of Men & Masculinities*, 21(3), 380–391. ([Weblink](#))

²⁹ AIHW. (2018). Health and ageing of Australia’s prisoners. ([Weblink](#))

- Partner with Jesuit Social Services to create an expanded, 24/7 blended housing model at Perry House to support young people with intellectual disability on their way out of prison and help them to remain out.
- Invest in a diversity of housing options for people with disability, including specific housing initiatives for older adults exiting the justice system.

8. Ensuring the availability of education and employment opportunities

We know that people with disability continue to have lower rates of employment participation. In Australia, 48 per cent of working-age (aged 16-64) people with disability are employed compared with 80 per cent of those without disability.³⁰ An important factor in increasing the participation of people with disability in the workforce is education and training.

While in Australia there have been small increases in the education levels attained by people with disability, there is need for greater effective involvement for many.³¹ Research shows that people with disability face a range of barriers to engaging in and completing education and training.³² This can include limited access to education, social barriers, and negative experiences and/or attitudes to learning. In order to overcome these barriers, potential learners need support to deal with any issues affecting their ability to access and engage in education. Jesuit Social Services welcomes the investment of \$1.6 billion by the Victorian government in [the Disability Inclusion Program](#) to be gradually rolled out in government schools from this year.

In addition, resources are needed to enable people with disability to be supported along pathways through education and training into employment. Intensive, flexible and individualised training and support may be needed to support the individual, but just as important is support for any potential employers. Such support can enable them to see possibilities, adapt if needed, provide training for current employees, and provide the supports needed for the prospective employee.

Jesuit Social Services, through [the Jesuit Community College](#) and [the Ignatius Learning Centre](#), focuses on embedding pathways into employment from our training and learning programs. This can include integration with work experience and employment opportunities, and using intermediate labour market programs such as social enterprises. The Ignatius Learning Centre is a Catholic Specialist Secondary School recently established by Jesuit Social Services. Our school provides an inclusive, therapeutic educational environment for who have had a severely disrupted education and are at significant risk of incarceration. We aim to re-engage young people with education pathways to further learning and employment. Our multidisciplinary team works collaboratively with families and carers of students to build a strong, supportive and safe school community.

Through Jobs Victoria Employment Network (JVEN) funding Jesuit Social Services is also able to invest the time and resources needed by each individual, to develop and enhance their vocational skills and work readiness, and to secure suitable work with an employer. Geared towards working at the local level with people who face significant barriers to employment (such as living with disability), it includes working with employers to enhance their capacity to employ participants.

Jesuit Social Services recommends that the Victorian Government:

- Expand investment in JVEN, with funding provided over the long-term, to support Victorians experiencing significant barriers to employment such as disability.

³⁰ AIHW. (2020). People with disability in Australia. ([Weblink](#))

³¹ ABS. (2019). Disability, ageing and carers, Australia: Summary of findings. ([Weblink](#))

³² Regina Hill Effective Consulting. (2013). Jesuit Community College Evaluation Report. Department of Education and Early Childhood Development: Melbourne.

- Support the development of new models that provide integrated learning and employment pathways for people with disabilities.

Jesuit Social Services believes the above recommendations can help create a fairer Victoria that is inclusive of people with disability. We would welcome the opportunity to discuss these ideas with you further.

For further information regarding this submission or to arrange a meeting, please contact:

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