



MY LIFE, MY HOME, MY SOLUTION



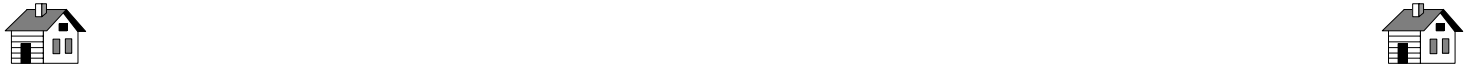
POSITION STATEMENT



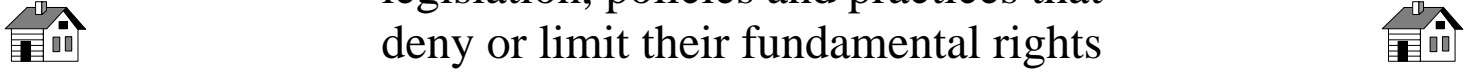
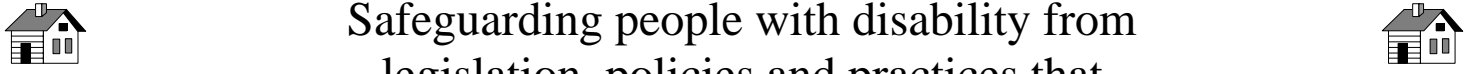
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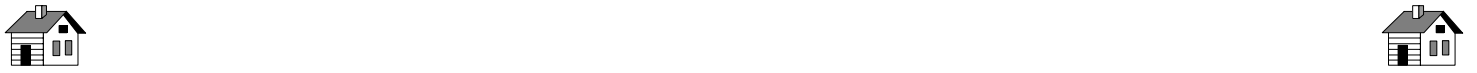
COMMUNITY SAFEGUARDS COALITION



Safeguarding people with disability from
legislation, policies and practices that
deny or limit their fundamental rights



2009



1. BACKGROUND

The Community Safeguards Coalition (CSC) is a network of advocacy agencies, people with disability and their families, friends, advocates and allies of people with disability in Queensland (see Appendix 1).

Our Mission:

To promote people with disability having the equal right, together with the appropriate support and resources to the same range of lifestyles as other people by safeguarding against legislation, policies and practices that limit or deny their fundamental rights.

Our Aims:

- To provide a mechanism for a collective of like-minded people to undertake united and rights-based action
- To examine and analyse government policy and practice which dictates the ways that people with disability are supported in Queensland
- To raise awareness of any negative impacts that government legislation, policy and practice have on people with disability

Our Beliefs:

We believe that people with disability have a right to:

- Live in the community with choices equal to others
- Be included and participate in the community
- Choose their place of residence on an equal basis with others and not be obliged to live in any particular living arrangement

2. PREAMBLE

People with disability are disempowered in many ways: mostly through being part of a low socio-economic grouping where there is less participation in all areas - such as school, further education, and workforce participation - low income, low home ownership and lower weekly income than the rest of the Australian population¹. The disempowerment is heightened when the choice to live where and with whom one wishes is severely narrowed.

To most of us our home is our sanctuary where we have a sense of ownership, privacy, retreat, security and belonging. In 2007, CSC began a Campaign, called *My Life, My Home, My Solution*, with the launch of a booklet of the same name. The main message was:

When people with disability take control of their housing and their lives, just like everybody else, they create better solutions.

This Position Statement is the next step in the Campaign.

¹ Data Source: Australian Bureau of Statistics, Disability, Ageing and Carers; summary of findings, Australia, 2003

3. PURPOSE

The purpose of this document is to express concern about the growing practice of people with disability being put under pressure by current Government and non-government services to live in housing situations which are not appropriate to their needs or which they do not choose. The CSC is naming this practice 'forced co-tenancy'.

3.1 Forced Co-tenancy

Forced co-tenancy is where:

- A person is denied the fundamental right to choose where and with whom they live
- A vacancy in a group home is the only option
- A person's basic care needs will not be met unless they "agree" to another person with disability moving into their home so support can be shared
- Funding programs (block funding) are delivered in ways that force individuals to live in group situations, making them ineligible to access individual funding to move out of the group situation.

This practice is a direct contravention of Article 19(a) of the United Nations *Convention on the Human Rights of People with Disability*, which has been ratified by the Australian Government and states:

Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement.

It is only people with disability who are organised into group homes by funding bodies and service providers and who remain in such situations for life. The Department of Housing and Disability Services Queensland have developed a Memorandum of Understanding to facilitate shared tenancies for people with disability. **No other public housing tenants are required to reveal information about their support needs or asked to share with strangers.**

4. KEY CONCERNS

The negative impacts of forced co-tenancy on people with disability are manifold and significant, for example:

- People's individual needs are not met
- Tenants lose the right to make important lifestyle decisions. While this is often seen as a characteristic of large institutions, it can still occur in smaller group home situations where rigidity of routines and depersonalisation can be invidious and as history has shown us, is almost inevitable
- Psychological wellbeing is compromised and this can cause serious behavioural issues
- Quality of support is sacrificed for short-term cost-cutting; however, the cost to the individual and society outweighs the savings through increased hospital admissions, crisis interventions and specialist behavioural teams
- Past and current criminal investigations provide ample evidence that people with disability are more vulnerable to abuse including physical and sexual assault and neglect, when grouped together ²

² CJC Inquiry into Basil Stafford Centre 1995; Bribie Island Care Independent Living Association Court Case 2008/09; *Papering over the Cracks: The Veneer of Prevention*. QPPD Community Investigation into the Abuse, Assault and Neglect of people with a disability receiving services provided or funded by Disability Services Queensland (DSQ) 2005.

The Disability Service Standards are an attempt to prevent the above negative impacts. These Standards, particularly 2, 3, 4 and 9 - *Individual Needs, Decision-making and Choice, Privacy, Dignity and Confidentiality, and the Protection of Legal and Human Right and Freedom from Abuse, Assault, Neglect and Exploitation* - are not being applied to these tenancy arrangements.

In addition, Hon W.J. Carter stated in his Report, *Challenging Behaviour and Disability: A Targeted Response*, report to Hon W Pitt MP (Minister for Communities Disability Services and Seniors), July 2006, that:

...large or clustered accommodation facilities are more likely to be counter-productive in addressing behavioural issues ... (whereas)...an individualised and flexible approach which provides for and specifically addresses the person's specific needs and the circumstances of the individual case is the unequivocal key element in the proper care and support for the person...

5. OUTCOMES SOUGHT

We call on Disability Services Queensland to:

1. Adopt principles, policies and practices that prevent forced co-tenancy
2. Adopt principles, policies and practices that prevent people's private homes being seen as potential sources of 'beds'
3. Ensure that control over the living arrangements of people with disability return to the authority of people with disability and/or their families
4. Restore the policy and practice of authentic individualised funding arrangements
5. Fund an innovative pilot project based on self directed funding.

6. CONCLUSION

Despite the compelling history of congregate, segregate care in Queensland and its costly human and financial ramifications; despite all the research and new models of care available, both in Australia and overseas; despite the implementation of the Disability Service Standards, the Disability Sector Quality System, and Certification of funded services; and despite the voices of the people with disability and their families seeking an inclusive, purposeful and productive life, the 'system' rolls on over people.

It is time people with disability were heard and their rights, not just acknowledged, but implemented. It is time for action and commitment to change.

APPENDIX 1

Current Membership of Community Safeguards Coalition

AMPARO Advocacy Inc
Ph: (07) 3369 2500
amparo@amparo.org.au

Community Resource Unit Inc
Ph: (07) 3211 5700
cru@cru.org.au

Gold Coast Advocacy Inc
Ph: (07) 5564 0355
gca@gca.org.au

Mamre Association Inc
Ph: (07) 3857 5133
mamre@mamre.org.au

Queensland Advocacy Incorporated
Ph: (07) 3236 1122
gai@gai.org.au

Queensland Parents for People with a Disability Inc
Ph: (07) 3875 2101
Free Call: 1800 805 184
qppd@qppd.org

Queenslanders with Disability Network Inc
Ph: (07) 3252 8566
qdn@qdn.org.au

Speaking Up For You (SUFY) Inc
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