



**Royal Commission**  
into Violence, Abuse, Neglect and Exploitation  
of People with Disability

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# Issues Paper

## Group homes

November 2019

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Please be aware that some parts of this Issues paper may be distressing or raise issues of concern for some readers.

There are a range of services available if you require support after reading this paper. Contact details for these services are located at the end of this paper under the heading 'Support to respond to this Issues paper'.

## Introduction

The living arrangements of people with disability are a key area of inquiry for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission). People's homes or places of living are a setting where violence, abuse, neglect and exploitation may take place.

The Royal Commission wants to understand the experiences of people with disability, where they live, and who they live with. We recognise that the vast majority of people with disability live in their own homes, some with families and some on their own. However, about 17,000 people with disability live in group homes in Australia and around 30% of those residents have mild intellectual disability.<sup>1</sup>

This Issues paper focuses on 'group homes', which is a form of accommodation where services and supports are provided to four to six long-term residents with disability.<sup>2</sup> The Royal Commission is publishing this paper to invite further information and discussion on group homes from the public. We are interested in finding out about key issues that the Royal Commission should explore and examples of good practice in group homes.

The experiences of people with disability who live in other forms of accommodation will be addressed in future Issues papers.

A list of questions are included below to assist people and organisations who want to make contributions to the Royal Commission about group homes. The questions are simply a guide. You do not have to answer every question and your response does not have to address any of the questions. Please send in any information that will assist the Royal Commission. Our contact details are listed at the end of the paper.

## A Human rights-based approach

The Terms of Reference recognise that Australia has international obligations to take appropriate legislative, administrative and other measures to promote the human rights of people with disability. The right to independent living and inclusion in the community is well established in the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD).<sup>3</sup> Article 19 of the CRPD promotes and protects the equal rights of all persons with disabilities to live independently and be included in the community.

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The United Nations Committee on the Rights of Persons with Disability (the CRPD Committee) has said that, to live independently, people with disability must have ‘all necessary means to enable them to exercise choice and control over their own lives’, including in relation to ‘personal lifestyle and daily activities’.<sup>4</sup> The CRPD Committee defined living independently in the community as living in settings ‘outside residential institutions of all kinds’.<sup>5</sup> In short, article 19 emphasises the right to exercise choice and control by the person with disability.

The Terms of Reference also require the Royal Commission to consider the multi-layered experiences of people with disability of different age, sex, gender identity, sexual orientation and race. In particular, the Royal Commission will look at the experience of First Nations people with disability and culturally and linguistically diverse people with disability, as well as the experience of women and children with disability.

## What are group homes?

Generally, ‘group homes’ refers to accommodation where services and supports (both within the home and the community) are provided to four to six long-term residents with disability.<sup>6</sup> Group homes may include 24-hour on-site staff support.

Group homes are defined in the National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2016 as ‘houses that are enrolled (or will be enrolled) to house four or five long-term residents... typically classified as Building Class 1(b)(i) or 3 under the Building Code of Australia.’<sup>7</sup>

All building work must comply with the requirements of the Building Code of Australia which provides the minimum requirements for safety, health, amenity and sustainability in the design and construction of new buildings (and new building work in existing buildings).<sup>8</sup>

A group home must meet the National Disability Insurance Scheme (NDIS) criteria to be eligible for Specialist Disability Accommodation (SDA) funding.<sup>9</sup> However, some group homes are run privately without SDA funding. Those homes may not comply with the Building Code requirements, and may accommodate slightly fewer, or slightly more than, four to five residents. This means that there is no official definition which covers all group homes in Australia.

Until recently group homes were regulated and monitored by State agencies such as Community Visitors and Disability Commissioners. However, following the establishment of the National Disability Insurance Scheme (NDIS), the roles and responsibilities of some of these groups have been progressively transferred to the NDIS Quality and Safeguards Commission.<sup>10</sup>

Independently of the NDIS, there are many Commonwealth and State laws that apply to group homes. These include legislation relating to workplace health and safety; planning and environmental protection; and the regulation of the charities which operate some group homes.

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# Why is the Royal Commission looking at group homes?

Housing people with disability in residential institutions (often referred to as institutionalisation) in Australia can be traced back to the late 1800s.<sup>11</sup> Typically institutions accommodated large numbers of people with disability in conditions that were often extremely harsh. Many people with disability living in institutions were denied basic human rights and had little or no access to the wider community.<sup>12</sup> This left residents isolated and at risk of violence, abuse, exploitation and neglect.<sup>13</sup>

In the mid-to-late 20th century, community attitudes about people with disability and institutions began to shift.<sup>14</sup> From the 1970s, the disability rights movement advocated for an end to institutionalisation.<sup>15</sup> The United Nations proclaimed 1981 to be the 'International Year of Disabled Persons', and emphasised the importance of full participation and equality for people with disability.<sup>16</sup> Disability advocates called on governments to legislate to prevent discrimination against people with disability and to promote the inclusion of people with disability within the Australian community. The Commonwealth Parliament responded to the arguments of the disability community by enacting:

- The *Disability Services Act 1986* (Cth) which provides a comprehensive framework for the funding and provision of support services so as to enable persons with disability to work towards full participation as members of the community; and
- The *Disability Discrimination Act 1992* (Cth) which aims to eliminate discrimination against people with disabilities, ensure equality before the law and promote acceptance within the community of the fundamental rights of people with disabilities.

These developments encouraged the closure of large institutions and the relocation of people with disability to alternative forms of accommodation. Despite the marked shift away from relying on institutions, concerns regarding the living arrangements for people with disability continue to be raised. Many advocates claim that people with disability continue to experience exclusion and isolation in group homes.

Over time, group homes have become a common form of accommodation for people with disability who were moved out of institutional care. The group home model was intended to provide people with disability with more independence and meaningful life choices. Many people think that group homes do not achieve these benefits. Disability advocates point to research highlighting that segregated environments such as group homes increase the risk of violence, abuse, neglect and exploitation for people with disability.<sup>17</sup> Concerns have also been raised about the use of restrictive practices in group homes. Restrictive practices are actions that restrict the rights or freedom of movement of a person with disability; some examples are using medication, locking a person in a room or tying them to a bed.

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# Questions

Please answer as many of these questions as you wish. You do not need to answer them all and your response does not have to address any of the questions. If you want to tell us about violence, abuse, neglect or exploitation that was experienced by you or another person with cognitive disability when accessing or receiving health care we encourage you to make a submission via the Royal Commission's website.

**Question 1:** Have you, any member of your family, or anyone you care for, lived in group homes? Are you willing to share your experiences or those of another person with the Royal Commission?

**Question 2:** What is your opinion of the quality of life for people with disability in a group home?

**Question 3:** Are you aware of any violence, abuse, neglect or exploitation of people with disability in group homes? Are you willing to share your knowledge with the Royal Commission?

**Question 4:** When violence, abuse, neglect and exploitation occurs in group homes, what do you think are the causes? What can be done to prevent violence, abuse, neglect or exploitation in group homes?

**Question 5:** Do you consider the experiences of violence, abuse, neglect and exploitation in group homes different for particular groups of people with disability? For example, how does a person's gender, age, or cultural or sexual identity impact on their experiences? What are the experiences of First Nations people in relation to group homes?

**Question 6:** Is there a continuing role for group homes in providing accommodation for people with disability? If so, what is the role? If not, what are the alternatives?

**Question 7:** Are you aware of the use of restrictive practices in group homes that you can share with the Royal Commission? If so, what needs to change or happen to eliminate the use of restrictive practices in group homes?

**Question 8:** What barriers or obstacles exist for people with disability identifying, disclosing or reporting incidents of violence, abuse, neglect or exploitation? What should be done to encourage investigating and reporting of violence, abuse, neglect or exploitation in group homes when it occurs?

**Question 9:** Should anything be done to improve or change staffing in group homes to better support the choices and potential of people with disability?

**Question 10:** What else should we know? Have we missed anything?

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# Responses to this Issues paper

Responses to this Issues paper can be provided:

- by email to [DRCEnquiries@royalcommission.gov.au](mailto:DRCEnquiries@royalcommission.gov.au)
- by letter to GPO Box 1422, Brisbane, Qld 4001, or
- by phone on 1800 517 199 or +61 7 3734 1900 (between 9:00am to 6:00pm AEDT Monday to Friday).

If possible, please provide your responses by **28 February 2020**. Responses will also be accepted after this date.

## Support to respond to our questions

Blue Knot Foundation offers specialist counselling support and a referral service for anyone affected by the Disability Royal Commission.

For support please call their national hotline on **1800 421 468** (9am to 6pm AEST Monday to Friday, 9am to 5pm AEST Saturday, Sunday and public holidays).

In addition to the Blue Knot Foundation, the Australian Government provides support to assist people to engage with the Royal Commission. This support includes:

- free legal advisory services provided by National Legal Aid and the National Aboriginal and Torres Strait Islander Legal Services through the Your Story Disability Legal Service
- advocacy support services provided under the National Disability Advocacy Program

Further information about these supports, including how to access them, is available on the [counselling and support](#) section of our website.

## Consenting to publication of your responses

All responses will inform the work of the Royal Commission but your response will not be made public if you do not wish it to be. Please indicate if you consent to your response being made public on the Royal Commission's website.

We also recognise group home living is only one of many issues for consideration by the Royal Commission and we invite your ideas on other matters we should be examining related to Homes and Living. Based on your feedback and our research, other accommodation-related issues will be addressed in Issues papers we will publish in 2020.

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# Endnotes

- 1 Peggy Giakoumelos, 'Some Families and Carers are Struggling to Find their Way through the Housing Maze and Get Support for those with Specialist Needs', *Specialist Broadcasting Services* (online, 19 June 2019) <<https://www.sbs.com.au/news/people-with-disabilities-in-australia-are-struggling-to-find-appropriate-housing>>
- 2 Tim Clement and Christine Bigby, *Group Homes for People with Intellectual Disabilities: Encouraging Inclusion and Participation* (Jessica Kingsley Publishers, 2010) 15.
- 3 *United Nations Convention on the Rights of Persons with Disabilities*, GA Res 61/106, UN Doc A/RES/61/106 (adopted 13 December 2006) <<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>>
- 4 United Nations Committee on the Rights of Persons with Disabilities, *General Comment No. 5 (2017) on Living Independently and Being Included in the Community* UN Doc CRPD/C/GC/5 (27 October 2017) [16(a)] <[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/5&Lang=en)>
- 5 United Nations Committee on the Rights of Persons with Disabilities, *General Comment No. 5 (2017) on Living Independently and Being Included in the Community* UN Doc CRPD/C/GC/5 (27 October 2017) [16(c)] <[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/5&Lang=en)>
- 6 Tim Clement and Christine Bigby, *Group Homes for People with Intellectual Disabilities: Encouraging Inclusion and Participation* (Jessica Kingsley Publishers, 2010) 15.
- 7 *National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2016* (Cth).
- 8 Housing Industry Association, *Building Code of Australia (BCA) and Australian Standards* (Web Page) <<https://hia.com.au/business-information/standards-regulations/building-standards>>
- 9 *National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2016* (Cth).
- 10 Commonwealth of Australia, *NDIS Quality and Safeguards Commission* <<https://www.ndiscommission.gov.au/>>
- 11 Margaret Verick, 'Australians with Disability: Changing Attitudes to their Rights, Abilities and Lifestyle', *Focus ACT* (Web Page, 2015) <<http://focusact.org/wp-content/uploads/2015/08/Attitudes-to-Disability-MVerick-2015.pdf>>
- 12 FXB Centre for Health and Human Rights, *Introduction to Disability and Human Rights* (Web Page, 2019) <<https://www.hhrguide.org/2014/03/21/disability-and-human-rights/>>
- 13 Senate Standing Committee on Community Affairs, 'Violence, Abuse and Neglect against People with Disability in Institutional and Residential Settings, Including the Gender and Age Related Dimensions, and the Particular Situation of Aboriginal and Torres Strait Islander People with Disability, and Culturally and Linguistically Diverse People with Disability' (Report, 25 November 2015) <[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Violence\\_abuse\\_neglect/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect/Report)>; UN Committee on the Rights of Persons with Disabilities, *Concluding Observations on the Initial Report of Australia*, UN Doc CRPD/C/AUS/CO/1 (21 October 2013) 5 <[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f1&Lang=en)>
- 14 Margaret Verick, 'Australians with Disability: Changing Attitudes to their Rights, Abilities and Lifestyle', *Focus ACT* (Web Page, 2015) <<http://focusact.org/wp-content/uploads/2015/08/Attitudes-to-Disability-MVerick-2015.pdf>>
- 15 People with Disability Australia, *History of Disability Rights Movement in Australia* (2018) <<https://pwd.org.au/about-us/our-history/history-of-disability-rights-movement-in-australia/>>
- 16 *International Day of Disabled Persons*, GA Res 31/123, UN Doc A/RES/31/123 (17 December 1976) <<https://www.un.org/development/desa/disabilities/the-international-year-of-disabled-persons-1981.html#star>>

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- 17 Senate Standing Committee on Community Affairs, 'Violence, Abuse and Neglect against People with Disability in Institutional and Residential Settings, Including the Gender and Age Related Dimensions, and the Particular Situation of Aboriginal and Torres Strait Islander People with Disability, and Culturally and Linguistically Diverse People with Disability' (Report, 25 November 2015) 48 <[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Violence\\_abuse\\_neglect/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect/Report)>; People With Disability Australia, 'Royal Commission to Bring Justice for People with Disability' (Media Release, 3 April 2019) <<http://wwda.org.au/royal-commission-bring-justice-people-disability/>>





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