

Article Information

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Sector: Health & Life Sciences, Not-for-Profit

What you need to know about the Interim Report: Disability Royal Commission

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Royal Commission) released its Interim Report on 30 October 2020. While the Interim Report makes a series of factual findings and gives direction to the further inquiries the Royal Commission intends to make based on the its work up to 31 July 2020, the Interim Report does not contain any recommendations.

The Chair of the Royal Commission, the Honourable Ronald Sackville AO QC, is expected to request a 17-month extension of time to present the Royal Commission's final report, to 29 September 2023. This is due to the breadth of the Terms of the Reference and the unforeseen impact of COVID-19, through which the Royal Commission lost five months of in-person hearing time.

This possible increased timeframe, together with there being no recommendations in the Interim Report, places greater uncertainty on disability service providers as to how they can be best placed to deliver services to their clients. The purpose of this article is to highlight the key takeaways from the Interim Report and identify areas that disability service providers can focus on addressing before the delivery of any final report from the Royal Commission.

Engagement

"What is happening to people is not okay and the stories need to be told"

At the outset, this opening remark in the Interim Report of Ms Sam Peterson, a person with disability, highlights the continued need for disability service providers to assist their clients and families with their engagement with the Royal Commission to ensure their stories are told.

Issues inquired in to

The Interim Report has focused on matters that were the subject of Public Hearings 1 to 4. The Royal Commission has heard from people with disability concerning their experiences with systems and services such as education, homes and living arrangements, health, the criminal justice system, and the National Disability Insurance Scheme. The Interim Report confirms people with disability are experiencing violence, abuse, neglect and exploitation across a range of settings and contexts.

Separate to the Interim Report, the Royal Commission has been publishing individual reports with respect to the public hearings. To date, the Royal Commission has prepared and published a detailed report in respect of Public Hearings 2, 3 and 4. We expect that the Royal Commission will continue to prepare detailed hearing reports, with a report on Public Hearing 5 (COVID-19) expected later this month.

Key factual findings and data

The Interim Report highlighted that there is currently 4.4 million people in Australia with disability. This statistic becomes troubling with the Royal Commission's findings that:

- more than half of all adults aged 18-64 with disability have experienced physical violence in their lifetime;
- approximately 15,100 First Nations adults with disability had experienced physical violence in the previous 12 months (with less than half of First Nations people with disability reporting the violence to police); and
- women aged 18-64 with disability are twice as likely to experience sexual violence in a 12 month period than women without disability in the same age group.

While there is good data concerning the number of people with disability, the Interim Report stated that there is little available information concerning the experience and extent of violence, abuse neglect and exploitation of people with disability in Australia. The Royal Commission noted there is even less data concerning those who have suffered from such violence in particular groups, such as First Nations people with disability, those from culturally and linguistically diverse communities, and people with disability living in a closed or segregated environment.

In its Interim Report, the Royal Commission identified that this lack of data hinders the development of evidence based policy and practice. Accordingly, and in respect to data, the Royal Commission intends to inquire into the plans of governments, service providers and others for publishing data in a way that shows results separately for people with and without disability and, where possible, separately for First Nations people with disability and non-Indigenous people with disability.

Despite this being an area of future inquiry, the Royal Commission notes that

*"Governments and organisations **should not wait** for the Royal Commission's final report and recommendations to begin addressing data gaps."*

Other emerging trends

In addition to its concerns relating to data, the Royal Commission has identified a number of other emerging trends, including:

1. choice and control;
2. attitudes towards disability;
3. segregation and exclusion;
4. restrictive practices;
5. access to services and supports;
6. advocacy and representation;
7. oversight and complaints; and
8. Disability service providers can expect that the identified emerging trends will be a continued focus of the Royal Commission in future hearings.

Further, the Royal Commission stated that people with disability face challenges when trying to report instances of violence, abuse, neglect and exploitation, with their complaints often being minimised, ignored or unreported.

Future direction and hearings

In respect of each of the public hearings addressed in the Interim Report, the Royal Commission identified areas for further inquiry. These further areas of inquiry identified in the Interim Report, together with the emerging trends identified above, are able to assist disability service providers to gauge the future focus of the Royal Commission.

For example, in relation to Public Hearing 3, the Royal Commission has indicated that further areas of inquiry on will focus on, amongst other things, examining the culture of providers of accommodation and disability services, as well as investigating possibilities for redress for people with disability who experience violence, abuse, neglect or exploitation while living in a group home.

Since publishing the Interim Report, the Royal Commission has identified the following further hearings:

- Public Hearing 8: The experiences of First Nations people with disability and their families in contact with child protection systems (23-27 November 2020)
- Public Hearing 9: Pathways and barriers to open employment for people with disability (week of 7 December 2020)
- Public Hearing 10: Health care professionals – education and training (week of 14 December 2020)
- Public Hearing 11: Justice (16-24 February 2021)
- Public Hearing 12: NDIS and service providers (week of 19 April 2021)
- Public Hearing 13: NDIS and service providers (week of 17 May 2021)

- Public Hearing 14: First Nations and out-of-home care (week of 7 June 2021)
- Public Hearing 15: Restraints in education (week of 26 July 2021)
- Public Hearing 16: The health and safety of women and girls with disability (week of 16 August 2021)
- Public Hearing 17: Employment (week of 27 September 2021)
- Public Hearing 18: To be advised (week of 1 November 2021)
- Public Hearing 19: Disability support workforce issues (week of 6 December 2021).

Impact of COVID-19

In August 2020, the Royal Commission held a public hearing exploring the impact of the ongoing COVID-19 pandemic on people with disability.

While the Interim Report did not address the Royal Commission's findings and recommendations concerning the Commonwealth's response to the COVID-19 pandemic, it is expected that this detailed hearing report will be released later this month.

In the meantime, for further information on the COVID-19 Hearing, please see our earlier article [here](#).

Key takeaways for Disability Service Providers

In summary, disability service providers should:

- continue to assist clients and families with their engagement with the Royal Commission;
- take steps to address, where possible, the recommendations and findings made by the Royal Commission in its COVID-19 Hearing Report to be released later this month, particularly in light of the recent outbreak of COVID-19 cases in South Australia;
- consider and review its available data and identify where further steps can be taken to address any gaps in data that the Royal Commission has identified as necessary for organisations to cover;
- continue to monitor the hearing reports and research papers published by the Royal Commission for any findings or recommendations; and
- review its current internal policies and procedures relevant to the reporting by clients of violence, abuse, neglect and exploitation.

Our experienced team is available to assist with any queries providers may have in respect of the matters addressed in the Interim Report, or otherwise.