

# **DISABILITY ROYAL COMMISSION NATIONAL TASK GROUP REPORT TO THE 17<sup>TH</sup> ASSEMBLY**

## **Introduction**

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission) was opened in September 2019. The Royal Commission was established by the Australian Government following repeated calls for a royal commission over many years. The key features of the Royal Commission's Terms of Reference include:

- the broad scope of the inquiry, which directs the Royal Commission to examine and expose violence against, and abuse, neglect and exploitation of, people with disability in all settings and contexts,
- the requirement the Royal Commission examine these issues through the sharing of individual experiences by people with disability, their families and carers,
- the explicit recognition that Australia has international obligations to promote the human rights of people with disability, including the protection of people with disability from all forms of exploitation, violence and abuse under the Convention on the Rights of Persons with Disabilities, and
- the acknowledgement that specific experiences of violence against, and abuse, neglect and exploitation of, people with disability are multi-layered and influenced by experiences associated with gender, gender identity, sexual orientation, intersex status, and ethnic origin or race, including the particular situation of First Nations people and culturally and linguistically diverse people with disability.

The voices and experiences of people with disability guided the Royal Commission's approach and subject matter, as well as informing the conclusions and recommendations in the final report. The final report of the Royal Commission was released in late September 2023, and contains a total of 222 recommendations, which reflects the many settings and contexts in which violence against, and abuse, neglect and exploitation of, people with disability take place. The recommendations are focused on preventing and responding to violence, abuse, neglect and exploitation and building a more inclusive society in which the rights of people with disability are respected, protected and fulfilled and respect for their inherent dignity and individual autonomy ensured. The Royal Commission identified numerous policy issues that must be addressed by governments, institutions and the community as a whole if people with disability are to be safe and included.

The Royal Commission found that people with disability continue to experience high rates of violence and abuse, multiple forms of neglect, and sexual and financial exploitation. Violence, abuse, neglect and exploitation are occurring across settings and contexts and throughout different stages of people's lives. Based on their disability, people with disability continue to be excluded from participating in many areas of life. The Royal Commission stated that significant change is required.

Across all age groups, people with disability experience considerably higher rates of violence than people without disability. People with disability also experience violence more frequently. Rates of violence are particularly high for: women with psychological or intellectual disability; First Nations women with disability; and young women with disability. Neglect of people with disability occurs in multiple forms and across different stages of their lives. The Royal Commission heard of many instances of people being deprived of necessities of life and assistance with daily activities, and also heard of systemic failures to provide an environment for each person to maximise their potential.

The Australian Government is primarily responsible for implementing the recommendations, along with state and territory governments. However, the Royal Commission stated in the final report that the responsibility for reforms is shared by the entire Australian community.

## **Disability Royal Commission National Task Group**

In November 2019, the Assembly Standing Committee approved the creation of a Disability Royal Commission National Task Group with members drawn from across the life of the Church and with the following purpose:

- provide leadership of whole of Church engagement with the Royal Commission, including direct engagement with the Royal Commission and communication into the Church
- document the Uniting Church's values in relation to people with a disability
- oversee development of whole of Church policy positions in response to the work of the Royal Commission
- monitor the work of the Royal Commission and oversee analysis of the work and learnings of the Royal Commission and its impact on the Church and the communities it serves and communicate the analysis across the Church
- harness the expertise within the life of the Church in relation to services to people with disabilities
- provide leadership into the Church in relation to the institutional safety of people with a disability
- provide leadership in the Church's response to people with a disability who have experienced violence, abuse, neglect and exploitation in the Church

The Task group has faithfully discharged these responsibilities, regularly reporting to the Assembly Standing Committee through and beyond the life of the Royal Commission itself.

The Task group draws attention to important resources which have been created for the life of the Church (Attachment 1 – Called to be a Church for All, Attachment 2 – Assembly Disability Access Guidelines). This report represents a final piece of work of the Task Group responding to key themes identified by the Royal Commission with a set of Overarching Principles for the life of the Church.

### **Developing the Overarching Principles**

The Uniting Church of Australia National Task Group (NTG) on the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission) was established in 2019 to guide the Church's contact with and response to the Disability Royal Commission. At its meeting on 8 February 2022, the NTG acknowledged the issues and themes coming out of the work of the Royal Commission and the resulting initiatives being put in place by governments through mechanisms such as Australia's Disability Strategy 2021-2031. As a result of this, the NTG recognised the need to be proactive to strengthen organisational safeguards to ensure people with disability feel safe and their rights are respected.

At this meeting, the NTG agreed to establish a People with Disability Overarching Principles Working Group (Working Group). The role of the Working Group was to develop overarching principles for the Church and its service network from the top three issues examined by the Royal Commission:

- governance and decision-making
- accessible and adequate complaints resolution processes and institutional safety
- awareness and use of supported decision-making and choice and control.

The Working Group was comprised of representatives from across the Church and its services with a broad range of skills, experience, and expertise and includes a number of people with disability. The Working Group's process was facilitated by Emeritus Professor Lesley Chenoweth AO from Griffith University, and who also sits on UnitingCare Queensland's Quality of Care Committee. Professor Chenoweth is an internationally recognised expert on care and support of people with disability.

A leadership group was established to have oversight of the workshops and plan the process with the facilitator. This group met prior to the workshop to finetune the process, undertake any preparation for participants and troubleshoot any issues that might arise. The leadership group consisted of: Jade Strongman (Uniting NSW.ACT), Fay Mound (UnitingCare Australia); John Cox (National Safe Church Unit); Natalie Clements (Uniting Church of Australia Queensland Synod); Beth Irvin (UnitingCare Australia), and Lesley Chenoweth (Griffith University and UnitingCare Queensland Quality of Care Committee).

An introductory workshop was conducted in July 2022 to provide an overview of the issues to be covered and the process for the following three workshops on the top three emerging issues.

Before each of the themed workshops held throughout the rest of 2022, members of the Working Group went sent Participant Packs which provided important resources for participants to read ahead of the workshop including:

- what the Royal Commission has said to date
- what Minter Ellison and National Disability Services has said to date
- examples of some relevant actions contained in Australia’s Disability Strategy
- resources related to the emerging issues, if necessary
- self-assessment questions to respond to, relevant to the particular theme of the workshop.

The overarching principles were developed for the relevant emerging issue after each workshop and circulated to members of the Working Group for feedback and approval. At the end of the workshop series, the leadership group developed two versions of the overarching principles. A long version and a shortened version of the overarching principles were developed, in order to provide flexibility for congregations and services for meeting the overarching principles. Both of these versions were presented to the NTG for approval in late 2022. The NTG approved the Overarching Principles in February 2024.

Subsequently, work/analysis was undertaken to map the overarching principles to examples of existing quality standards across the community sector, the Aged Care Quality Standards and the NDIS Practice Standards and quality indicators.

### The Overarching Principles

The following are a full version of the Principles and a shortened version of the Principles, both of which have been approved by the Assembly Standing Committee for dissemination and use throughout the life of the Church.

The full version of the Overarching Principles developed by the Working Group are in the table below.

<b>1. The voice, safety and wellbeing of people with disability is embedded in culture, governance and organisational leadership.</b>
1.1. Lived experience as an important and crucial skill for appointment to governance bodies is encouraged within the organisation.
1.2. Governance bodies to have effective oversight of service delivery.
1.3. Increasing the employment of people with disability in senior leadership and decision-making roles is encouraged within the organisation.
1.4. Increasing employment of people with disability in open employment and improving pathways for people with disability from closed to open employment, is encouraged within the organisation.
<b>2. Person-centred and accessible trauma-informed complaints processes.</b>
2.1. Each entity is encouraged to have an accessible, preferably trauma-informed, culturally appropriate and easy to understand complaint handling policy that clearly outlines the roles and responsibilities of leadership, staff, volunteers and the governance body; approaches to dealing with different types of complaints; breaches of relevant policies by staff and volunteers, including codes of conduct; and obligations to protect and report.

2.2. Complaints are viewed as opportunities for feedback and part of the continuous improvement framework.
2.3. The processes for making and resolving complaints are clear and easy to understand.
2.4. There are multiple avenues by which to make a complaint, for example over the telephone, in-person and via letter, email or text.
2.5. Complainants are treated with respect and offered support, for example interpreting service, Auslan, referrals to independent advocacy services and to counselling services. People with disability need a safe space to give feedback without fearing adverse consequences.
2.6. The complaints process is culturally sensitive to and culturally safe for First Nations people and people with a CALD background.
2.7. The culture is one where complaints are considered part of the continuous improvement process; are taken seriously; acted upon promptly and thoroughly; and appropriate steps are immediately taken to assess and minimise any further risk of harm.
2.8. Leaders, staff and volunteers feel supported to raise concerns about safety.
2.9. People with disability feel empowered to raise concerns about themselves and their friends and they know who to talk to if they are feeling unsafe.
2.10. Leaders (including the governance body), staff and volunteers are well informed about their roles, responsibilities and obligations under the complaint handling policy and any relevant legislation.
2.11 Leaders, staff and volunteers are encouraged to have a good knowledge of the many different ways people with disability express concerns or distress and disclose harm.
2.12 Appropriate records of every complaint are kept and actively monitored by the senior management team and the governance body.
<b>3. People with disability are safe from abuse, violence, neglect and exploitation, including physically, culturally and psychologically, and institutional safety responsibilities and measures are well understood and embedded in all levels.</b>
3.1. Each entity is encourage to have a suite of accessible, trauma-informed, culturally appropriate and easy to understand policies and procedures that safeguard people with disability. The policies and procedures clearly outline the roles and responsibility of leadership (including the governance body), staff and volunteers; have an emphasis on prevention; and include codes of conduct, indicators of harm and obligations to protect and report.
3.2. Each entity has a risk management framework where risks to the safety of people with disability have been identified and mitigated while facilitating their right to privacy, access to information, social connections and learning and employment opportunities.
3.3. The governance body clearly understands its collective and individual obligations to ensure that people with disability are safe and the likely consequences if adequate steps are not taken to meet these obligations.
3.4. Leaders (including the governance body), staff and volunteers are well informed about their roles, responsibilities and obligations under the institutional safety policies and procedures and any relevant legislation.
3.5. The culture is one where people with disability are treated with respect and their safety is paramount; communication channels are clear; there is ongoing learning and improvement; and anyone who witnesses unsafe behaviour understands that it is not OK to ignore the behaviour and knows what to do about it.
3.6. Staff and volunteers receive appropriate induction and other training, for example, trauma-informed care; identification and mitigation of risks; indicators of harm; the many different ways people with disability express concerns or distress and disclose harm; and cultural sensitivities for First Nations and people with a CALD background.
<b>4. Supported decision making and choice and control are encouraged in all levels of an entity.</b>
4.1 Supported decision making and choice and control are encouraged in policies and practices that are accessible and include information about conflicts of interest, when to use supported decision making and safe choice and control.
4.2 Organisations are encouraged to provide staff with guidance on best practice in supported decision making and choice and control and are made aware of the relevant policies and procedures.

The shortened version of the Overarching Principles developed by the Working Group are in the table below.

<b>Principles for a disability inclusive Church</b>
<b>1. Governance and decision making</b> <i>We should actively include everyone within our institutions.</i>

- Organisations should focus on embedding the voice, safety, and wellbeing of people with disability.
- Organisations are encouraged to increase rates of employment of people with disability, including in senior leadership and decision-making roles.
- Governance bodies should have effective oversight of service delivery.
- Lived experience is encouraged to be valued as an important and crucial skill, including for appointment to governance bodies.

## **2. Access to adequate complaints resolution process and institutional safety**

### *Good complaint processes are essential.*

- Everyone should feel supported to raise complaints.
- Everyone should understand their responsibilities in receiving and hearing complaints.
- Complainants should be treated with respect and offered support.
- Complaining should be easy and the process should be easy to understand.
- Complaints should be received through multiple channels like email or over the phone.
- Organisations are encouraged to have person-centred, accessible, and trauma-informed processes.
- Organisations should view complaints as opportunities for feedback.
- Clear records of complaints should be made and stored securely.

### *Institutions need to be focused on people's safety.*

- All people in all institutions should be safe from abuse, violence, neglect, and exploitation.
- Safety includes but is not limited to physical, cultural, and psychological safety.
- Organisations are encouraged to have accessible, trauma-informed, culturally appropriate, and easy to understand policies and procedures that safeguard people with disability, including a risk management framework.
- Organisations and individuals should promote a culture where people with disability are treated with respect and their safety is paramount.
- Responsibilities relating to institutional safety should be well understood and embedded.
- Everyone should receive appropriate induction and other training.
- Policies and procedures should have a focus on prevention.
- Policies and procedures should clearly outline the roles and responsibilities of everyone in the organisation.

## **3. Awareness and use of supported decision-making and choice and control**

- *We should encourage supported decision making and choice and control at every level of our organisations.*

- Organisations are encouraged to include the use of supported decision making in policies and practices.
- Organisations should include providing choice and control in policies and practices.
- All policies and practice guides should be accessible.
- Policies and practice guides should cover conflicts of interest.
- Organisations are encouraged to provide their staff with training on dealing with conflicts of interest, the use of supported decision making, and providing choice and control.

## **Proposals:**

That the Assembly resolve:

1. To give thanks for the work of the Disability Royal Commission National Task Group and receive the report.