People with Disabilities WA

individual & systemic advocacy

**Submission**

**Joint Standing Committee on the National Disability Insurance Scheme**

**Inquiry into accommodation for people with disabilities and the NDIS**

People with Disabilities (WA) Inc. (PWdWA) would like to thank the Joint Standing Committee on the National Disability Insurance Scheme for the opportunity to provide comment on the Inquiry into accommodation for people with disabilities and the NDIS

PWdWA is the peak disability consumer organisation representing the rights, needs and equity of all Western Australians with disabilities via individual and systemic advocacy.

PWdWA is run BY and FOR people with disabilities and, as such, strives to be the voice for all people with disabilities in Western Australia.

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### People with disabilities WA (PWdWA)

Since 1981 PWdWA has been the peak disability consumer organisation representing the rights, needs, and equity of all Western Australians with a physical, intellectual, neurological, psychosocial, or sensory disability via individual and systemic advocacy. We provide access to information, and independent individual and systemic advocacy with a focus on those who are most vulnerable.

PWdWA is run by and for people with disabilities and aims to empower the voices of all people with disabilities in Western Australia.

**Introduction**

PWdWA welcomes the opportunity to comment on the official committee transcript of the inquiry into accommodation for people with disabilities and the National Disability Insurance Scheme (NDIS). Accommodation issues are an extremely important aspect of PWdWA’s advocacy work at both a systemic and individual level. As the peak consumer voice for people with disability in Western Australia (WA), our submission is compiled on the experiences of people with disability, their families and cares. We have provided case studies where appropriate to furnish our statement.

Accommodation covers a whole plethora of issues which are by nature, complex. Having read the transcript, we have focused on four key issues. These are:

* Segregation
* Homelessness
* Finance
* Best practice

PWdWA strongly agree with the opening remarks of the transcript by Ms Bronwyn Morkham that endorse the need for people with disability to be part of the process. People with disability should be integral to the decision making body; right down to the grassroots of engagement. Although this was stressed in the Roundtable discussion it was very disappointing to see that there did not seem to be any participants in the roundtable who were people with disabilities, or representative bodies of people with disability. We hope to see this change.

A main policy driver for connection at the grassroots has to be the Information, Linkages and Capacity Building (ILC) policy framework and in particular the stream around capacity building for mainstream services and the interface with housing services. The ILC is one of the ways that the National Disability Strategy is being put into practice. It will also provide a role for determining alternatives and different options at an individual level for people moving away from group and congregate living through the activity stream of information, linkages and referrals.

PWdWA supports housing infrastructure and policy that is flexible and allows for choice and control by people with disabilities. This is essential as our commitment to implement the United Nations Conventions on the Rights of People with Disability (UNCRPD) includes Article 19 Living independently and being included in the community. The policy decisions made now about housing will inform the built structures that will be with us for years so we cannot build in congregate models of housing that limit choice.

PWdWA endorses the committee’s recognition about the need for a systemic approach to issues and solutions. It supports the notion that the Commonwealth can be a facilitator for bringing together local government, state housing authorities, financiers and disability service providers to achieve this change. A primary relationship is that between housing and disability sectors and existing relationships at state level need to be acknowledged and fostered. Better collaboration at a ministerial level both vertically (federal and state) and laterally (state Minister to Minister) needs to be established to ensure a consistent and focused approach. Western Australia is a good example of how Disability and Housing have worked together quite well, though there is room for a lot of improvement.

PWdWA consider the links with Local Government is particularly important in relation to many of the issues illustrated in the paper. Elements such as better design, enforcement, cutting bureaucracy and leverage for finance are just a few of the housing issues local authorities can champion through effective partnership arrangements

PWdWA is also encouraged by the standing committee’s commitment to producing a work programme to take forward the issues discussed in the transcript. There has been discussion about many important issues around housing and the integrated nature of housing and disability services. Some of these issues will need further clarity, some will need further exploration and some may need changes in legislation to implement. The Joint Parliamentary Standing Committee is ideally suited to gather the evidence and engage with people with disability to work through these issues and make recommendations for change and implementation that are evidence and experience based.

**Recommendations**

In general, PWdWA supports the discussion detailed in the Committee’s Hansard and welcome the committee’s determination to pull together the issues and find mechanisms and collaboration to achieve solutions. As an advocacy organisation PWdWA support people with a disability on their rights as an individual and have provided a number of recommendations with a specific focus on accommodation issues and the NDIS which will help ensure this happens.

**Recommendation 1**

It is a basic human right for people to choose their accommodation needs as detailed in the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) and we recommend that any new or revised legislation and policy statements that relate to housing and NDIS include the principles of UNCRPD with specific reference to article 19

**Recommendation 2**

Disability is diverse and complex by nature. PWdWA recommends that this is considered in all facets of the decision making process. It is recommended therefore that people with disability, their families and carers and those consumer organisations that represent them are included at all levels of engagement from board/policy decisions through to the design and implementation of projects.

**Recommendation 3**

Housing infrastructure has a lifetime of 20 to 50 years and so the design and structure of housing will direct policy and options for people with disability. PWdWA recommends that there is a clear policy direction which does not allow congregate institutional living as housing for people with disabilities. Policy should also be evidence based and support housing models that ensure choice and integration of the non-disabled community in the way it is built and structured (examples below of cluster and shared housing which is not segregated or congregate).

**Recommendation 4**

The dissemination of relevant, timely and accessible information on the different housing options and relevant support services is paramount. It is recommended that people with disability are referred to the right organisations to provide their needs, including information and advocacy organisations, and that pathways to achieve this are clearly communicated. Linked to this, is the ability to promote good practice across the disability and housing sectors allowing people to choose the right service for them. Service and housing providers need to be supported in sharing good practice to people with disability.

**Recommendation 5**

There is a real need to engage providers of mental health, therapy and homelessness services as these providers have a huge effect and influence on housing choice and therefore need to be involved and treated as major stakeholders.

**Recommendation 6**

The interface between housing and disability services is fundamental and PWdWA recommends collaboration at Ministerial level to this effect to influence supply as demand increases, and ensure disability support is available as housing is supplied.

**Recommendation 7**

PWdWA recommend that the committee supports the need to separate housing needs from disability support needs, so that security of tenure is not connected to the service provider disability support. There are best practice models where this is being achieved; the benefit to the individual being a greater sense of security, feeling safe and an ability to complain when there are problems with either the tenancy or the support without fear of losing both.

**Recommendation 8**

Homelessness is a major concern for PWdWA and we advocate on behalf of people with disability at risk of becoming homeless. People with disability can face additional costs on top of their basic costs of living. These costs can range from modifications of existing housing (and lack of options in the housing market), the need to purchase personal care and accommodation support services and additional health care costs. It is recommended that the Committee discuss this issue further as it was not adequately covered in the transcript.

**Recommendation 9**

It is recommended that the committee lobby for changes in legislation to mandate for accessible design codes. This should relate to new build and renovation projects. It is important building new homes which are more accessible and easier to adapt to an individual’s specific needs. There also needs to be a focus on retrofitting existing houses to these same accessible standards.

**Segregation**

**Policy**

PWdWA operates under the articles as addressed in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) article 19 in all aspects of accommodation. The article states

‘*Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:*

*(a) 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;*

*(b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;*

*(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.’*

PWdWA strongly supports this detail and advocates for people with disability to have the same basic human rights and equity as other members of society in matters related to accommodation needs and provision.

PWdWA has adopted an Accommodation Policy Statement when advocating on behalf of people with disability that mirrors the principles of article 19. It is disappointing to note that this statement is not new, in fact, it was written almost twenty years ago and is still relevant into today’s discussion. Along with members of the joint standing committee who have expressed concern about the apathy which has surrounded accommodation issues for people with disability, PWdWA are frustrated that staff are still advocating on issues that are as pertinent today as they were twenty years ago.

PWdWA’s Accommodation Policy Statement is attached at Appendix 1.

The first principle advocates for ‘the right to choose the type of accommodation they wish to live in, where they live, and with whom they live.

PWdWA welcomes the detail of the transcript which indicates a consensus away from group homes and cluster living. It is essential that the NDIS provides the necessary mechanisms for independent living arrangements and associated support requirements for this to be achieved when a person wants it. It is hugely important to ensure that housing providers are partnered with community support agencies to develop inclusive communities, the range and breath of the variety of stakeholders who should be engaged to make this happen should not be underestimated and will require significant capacity building.

In the article, Facilitators and Barriers in Australian Disability Housing Support Policies: Using a Human Rights Framework. The research provides insight into the right of people with disabilities to housing support in a changing policy context and it identifies seven key facilitators and barriers to fulfilling the right to disability housing support: (1) legislation, agreements and regulations; (2) funding and demand management; (3) interagency coordination; (4) range, flexibility and choice of housing support; (5) staffing quality; (6) informal carers; and (7) discrimination. <http://dsq-sds.org/article/view/1283/1310and>

Similarly, literature about dispersed or clustered housing for adults with intellectual disability suggests that dispersed housing appears to be superior to clustered housing on the majority of quality indicators studied. The only exception to this is that village communities for people with less severe disabilities have some benefits; this is not, however, a model which can be feasibly provided for everyone. Clustered housing is usually less expensive than dispersed housing but this is because it provides fewer staff hours per person. There is no evidence that clustered housing can deliver the same quality of life as dispersed housing at a lower cost.

Supporting people with intellectual disabilities – no matter how severe or what other problems they have – to live among the rest of us in small ordinary houses dispersed in the community is important for two reasons. First, it’s better for the people concerned. In well-organised community services, people can lead lives that are richer, more varied and more stimulating. They can experience more independence, more choice and more contact with family, friends and neighbours. Living within the community also offers the best protection for disabled people and their families in the long run. If we separate people with intellectual disability into clusters of housing away from the community, community attitudes will not change, and may even become less accepting over time. People with intellectual disabilities living in the community are more visible, more included and connected, and their rights are better protected. <https://theconversation.com/lets-wise-up-on-housing-options-for-people-with-intellectual-disabilities-1022>

PWdWA also recognises the diversity and complex nature of disability. It is important therefore (as is the mantra of NDIS) that each plan really is individual and that the different options available are articulated to that person, their families and carers so that an informed decision can be made about living arrangements. Providing accessible, accurate and timely information is paramount in achieving this.

Currently in WA there is concern by people with disability, their families and carers of the distinct lack of quality and relevant information about the NDIS, the process and relevant services. This requires immediate attention, a lock of coherent information disadvantages a person with disability and is in breach of the UNCRPD.

PWdWA advocates for the right accommodation based on individual needs in terms of physical access, proximity to support services and transport and financial circumstances. PWdWA welcomes the committee’s consensus to mandate for accessible housing design. Leaving accessible housing design as a voluntary process has not worked, it is not cost effective for developers and they won’t do it until it is legislated. Mandatory housing design has two elements:

* Building new homes which are more accessible and easier to adapt to an individual’s specific needs
* A focus on retrofitting existing houses to the same accessible standards as well as customising properties to increase functional independence and enabling the safe and effective delivery of support services

PWdWA strongly supports a mandate for compulsory housing design whilst also recognising the need that housing is to well-located to ensure the quality of life for people with disability is improved through community involvement and connectivity

Helping people to stay in their own homes or find homes that allow them to live independently in the community has been shown to have many public and individual benefits. People who live at home are generally more productive, happier, and maintain contact with others than those living in institutions. Household accidents impose big medical costs, much of which are paid for by state and federal funds. Inadequate housing is also a main reason for moving to assisted living or care facilities, a cost that is also largely borne by the government. It is well documented that integrated living solutions are much less expensive, in many respects, than more institutional settings.

A further principle that requires exploration is ‘the right to a choice of support services which maximise their independence, and are administered and/or funded separately from landlords.’

PWdWA strongly advocates for separate tenancy to support arrangements. Ensuring accommodation is separate from support is paramount in creating a safe and secure environment for a person. PWdWA often advocates for people whose housing and support are serviced by the same provider. When this relationship breaks down it leaves the person in a very precarious and vulnerable position sometimes even facing eviction and with no means of obtaining their support requirements.

**Practice**

PWdWA is an issues based advocacy organisation. People contact us a range of issues that relate to accommodation. For example,

*Louise has an Acquired Brain Injury and Post Traumatic Stress Disorder- she is awaiting eviction from her residence and has nowhere to go and will lose her support services when she is evicted as the disability provider owns the housing. She is being evicted because the service provider believe they are no longer able to provide her support needs.*

**Homelessness**

People with a disability are often vulnerable of becoming homeless because many have low incomes, may have limited engagement with the labour market, and limited housing options. While much research focus has been given to the relationship between poor mental health and homelessness, people with other types of disability—physical, sensory, intellectual—are also at risk. The reasons for homelessness risks confronting people with a disability are complicated and little consideration has been given to this cohort of people and more importantly how best to meet their demands.

In addition to research showing that people with disability are more likely to be at risk of homelessness, research has found that more than one in four Australians with a disability live below the poverty line. 27.4% of people with disability are currently living below the conservative, internationally accepted poverty line. The research found that overall, 12.8% of Australians were living in poverty. This suggests that people with disability are more than twice as likely to live in poverty as other Australians. While there is an urgent need to reduce poverty amongst all groups in Australia it does not reflect well upon us as a nation that such high rates of people with disability are living in poverty. Improving the supply of affordable housing that is accessible and conforms to the principles of universal housing design would be a significant positive step towards reducing rates of poverty and providing increased opportunities for economic and social inclusion by people with disability. <http://www.homelessnessaustralia.org.au/images/publications/Fact_Sheets/Homelessness%20and%20disability.pdf>

The is little reference to homelessness in the Committee transcript paper, PWdWA would encourage the standing committee to strongly consider this issue when it forms a working party and include agencies who can bring experience and knowledge to this group. At a minimum, improving housing services for this group needs to include, an understanding of referral pathways through services; preventing homelessness through early intervention; and identifying and promoting protective factors to minimise abuse and neglect.

As the transcript identifies, advocacy organisations are involved with people to assist them in obtaining access to mainstream housing services. Social housing is difficult to access and availability of affordable housing is shrinking. Access to the private sector is difficult, highly competitive and many people do not have the skills to access and compete for affordable private sector. For people who are homeless accessing these services is virtually impossible as they have no right of abode.

*Shaun has schizophrenia plus other comorbid diagnoses. He was evicted from Coogee Caravan Park for disruptive behaviour relating to his disability. There was nowhere for him to go other than his sister’s house. With the support of advocacy some temporary accommodation was found in a Psych hostel. Advocacy supported his application and Shaun is now on a wait list for Access housing/community living.*

*Paul who has severe autism, was placed in emergency accommodation for 6 weeks. 18 months later, he was still living in this accommodation. An individual advocate was able to help Paul and his parents write a letter detailing the situation to the Ministers for Housing and the Minister for Disability. A Ministerial was passed to ensure the issues was dealt with within 24 hours and that Paul was placed on the top of the housing waitlist.*

**Finance**

**Policy**

PWdWA shares the concerns of the committee in the suitability of the housing stock to support the different policy initiatives over the next fifty years. Part of the Commonwealths remit will be to influence policy which allows the financing of projects to be achieved in a more efficient and effective way.

PWdWA welcomes the committee’s acknowledgement that further clarity is sought on a number of issues namely:

* COAG Disability Reform Council announced that funding would be provided for NDIS disability housing pilots – but to date no action.
* NDIS indicate $700 million available to stimulate new housing production. There has been no announcement as to how this will be allocated.
* Framework for funding NDIS participants for specialist disability housing – where is the consultation? Where is the framework?

There is a real need for Government to produce policy which facilitates a number of funding initiatives such as family equity, releasing and using philanthropic capital and using ‘lazy assets’. There needs to be data collection around market demand to help developers invest in the right projects in the right areas.

Equity from parents is a growing area and is often a lengthy and complex process. Best practice around this option exists but it is not uniformed. The necessary model and legal instruments to allow equity from parents to be used to a greater extent needs to be established. Shared equity is another important model. Enabling people with disability to have equity in their homes is fundamental, advocacy organisations can support people in homeownership for example supporting them to access home loans.

The Committee has indicated that there is $10 billion of philanthropic capital available and that a small share has started to be lent to social projects for below market rates of return. Super-funds investment such as Christian Super include a measurement and a recognition of the social returns that their investments are getting. Better access and use of these types of financing need to be exploited to improve the housing stock in terms of design, location and affordability.

PWdWA considers Local Authorities to be a major stakeholder in the financing element of the housing stock. The reduction of bureaucracy and reducing the financial cost to developers in social housing projects can be alleviated by better partnership working. For example, the committee expressed that building a home typically amounts to $22 – $25,000 (known as ‘headworks’). payable to the local authority even if they are providing the funding for the project. This often makes the building no longer viable to build. Many local authorities have buildings or pockets of land which have no determined use, better known as ‘Lazy assets’. There is great scope to using these existing assets in a more productive manner. Local authorities are also in a position to use leverage to generate more housing opportunities. There is the capacity for housing associations to take either ownership or long term lease from Government to make leverage easier.

**Best practice**

The fundamental principle that PWdWA works to is that ‘people with disability have the same basic human rights and need for equity as other members of society in matters related to accommodation needs.’

Integral to this is the move away from segregation to a situation where people feel empowered and in control of their individual accommodation needs. There are lots of best practice examples internationally, nationally and state-wide that can be drawn upon when addressing this issue.

PWdWA considers that by focusing on these examples and expanding their remit across NDIS will in part ensure the right for people to choose the type of accommodation they live in is upheld.

**Some of the examples in Australia include:**

**Summer foundation** – people have the opportunity to live with their partner or children and have neighbours but still have access to 24-hour on call support. <https://www.summerfoundation.org.au/what-we-do/about-us/>

**My Place WA -**   supports around 300 people with disability to live in their own homes, or remain in their family home, and become valued and contributing members of their community. My Place does not provide any group home, day centre or other congregate care services. <http://www.myplace.org.au/>

**Lifestyle options Queensland -** to provide opportunities for people with a disability to live their lives away from institutionalised systems. <http://www.lifestyleoptionsinc.org/>

**Homeswest West Queensland –** works with families to support people with disability to establish and live in a home of their own and to be included as active and valued members in their local community. <http://www.homeswest.org.au/>

**Future Living Trust WA -** supporting and upholding the rights and interests of people with when their parents are no longer able to do so. It assists West Australian families in creating a long-term plan for a family member with a **developmental disability**. <http://www.futureliving.org.au/>

**Questus -**  generates funds from a range of investment sources, works with Government to deliver affordable housing projects, and manages an asset base of several thousand dwellings throughout Australia. <http://www.questus.com.au/>

**Some examples of international best practice**

**Onondaga community living, New York -** residential support services are based on personalized attention and one to one staff support. Each home and living arrangement is set up differently based upon the wishes and desires of the person who comes to us. <http://oclinc.org/supports-service/residential>

**Total living concept, Washington -** offers support and resources that enable individuals to live in their own homes or apartments in the community. Each person receives individualized services tailored to meet their specific needs and desires. As a result, each living situation is unique and is based on what that individual request. <http://www.totallivingconcept.org/index.php/services>

**References**

**Crossing the Threshold: Problems and Prospects for Accessible Housing Design**

[**http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/w13-5\_liebermann.pdf**](http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/w13-5_liebermann.pdf)

**Housing and support for younger people with disabilities transitioning to independent living:**

[**http://www.ydas.org.au/**](http://www.ydas.org.au/)

**United Nations convention on the Rights of Persons with Disabilities**

<http://www.un.org/disabilities/default.asp?id=150>

**Facilitators and Barriers in Australian Disability Housing Support Policies: Using a Human Rights Framework**.

<http://dsq-sds.org/article/view/1283/1310and>

**wise up on housing options for people with intellectual disability**

<https://theconversation.com/lets-wise-up-on-housing-options-for-people-with-intellectual-disabilities-1022>

**Dispersed or clustered housing for adults with intellectual disability:**

**A systematic review**

**Christine Bigby 2008**