



Women living with Cognitive Disability and Domestic Violence.

(Including Intellectual Disability, Autism, Specific Learning Difficulties and Acquired Brain Injury)

**Submission to the Domestic Violence Prevention Strategy Implementation Council:
Review on the Impact of Domestic Violence on People Living with Disability.**



“The Women’s Shelter said they won’t take her because she has cognitive/intellectual disability. They said the risk that she will disclose the location of the shelter is too high, and they can’t put the other women and children at risk.”

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“My ex-partner never believed that I had an intellectual disability, he said I was just stupid” Mel, 40.

Executive Summary

The report *Not Now, Not Ever*, produced by the 2014-15 special Task Force on Domestic and Family Violence in Queensland, generated a number of important recommendations to support the Queensland Governments Domestic Violence Prevention Strategy.

Among these is recommendation #10 *That the Queensland Government commission a review to address the impact of domestic and family violence on people with disabilities and the specific challenges people who live with disabilities face in light of domestic and family violence.*

The Community Living Association Inc. requests that the Review specifically acknowledge and respond to the very real impacts of domestic and family violence on women living with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury).

These women are amongst the most vulnerable of all women living with a disability due to the context of their impairments. Furthermore, it can be argued that they are the least acknowledged and the least likely to access appropriate support and justice. It is unfortunate that often disability studies do not recognise the diversity of the disability population and the need for specific responses to address the particular needs of precise groups and individuals – such as the very specific needs of people with cognitive disabilities.

“He took my pension and he wouldn’t let me out, i couldn’t even see my kids. He kept me away from everyone. He said I was too silly to be let out and I needed to learn my lesson and that he had to teach me” Deb, 56.

The Domestic Violence Task Force correctly identified that people living with disabilities are particularly vulnerable to abuse. However, within the range of disabilities, it is people with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury), that form a significant part of this population¹ – Women in this category are the most vulnerable to abuse and violence due to the context of their impairments and yet they are chronically under acknowledged in the available literature regarding domestic violence².

What we know:

- **Women with cognitive impairment (intellectual disability, autism, specific learning difficulties and acquired brain injury) are 40%-70% more likely to experience domestic violence than other women in the population.**³
- **Domestic violence and abuse against women with a cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury) often goes unreported or is dismissed as not factual and not worth investigation.**⁴
- **Women with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury) often disclose incidents of domestic violence to mainstream services, friends or workers.**⁵ Both mainstream and disability services are not attuned to respond to the needs of women with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury).
- **Women with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury) most often experience domestic violence from people they know and often in their own homes including group homes, by paid or unpaid workers/carers**⁶.
- **DV Services including women's shelters are not necessarily able to respond and support women with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury) due to lack of specialist training and resources**⁷.
- **There is only one sexual violence prevention service that works with people with cognitive disability in Queensland. It is based in Brisbane and serves the entire state with only four workers – WWILD SVP.**

¹ ABS 2012, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4433.0.55.003main+features102012>, <http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4428.0Main%20Features32012?opendocument&tabname=Summary&prodno=4428.0&issue=2012&num=&view=>,

² Salthouse & Frohmander, 2007; Salthouse & Frohmander 2004
<http://wwda.org.au/issues/viol/viol2001/odds/>

³ Frawley, 2016 in Blatchford, A. (2016) ANROWS2016 accessed at <http://croakey.org/how-everyones-research-on-violence-against-women-should-intersect-wtih-disability/>

⁴ Reiter, Bryen and Shachar, 2007, p371.

⁵ WWILD SVP, Tucker 2015, p4.

⁶ Salthouse and Frohmander, 2004 accessed at <http://wwda.org.au/issues/viol/viol2001/odds/>

⁷ PWDA <http://www.pwd.org.au/training/domestic-violence-and-intellectual-disability.html>, Frohmander, 2007

Despite the *Disability Act of 2006*, the *Disability Discrimination Act 1992*, the *Domestic Violence Act of 2012* and the *UN Convention on the Rights of People with Disability* - women with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury) are not always afforded specific acknowledgement let alone access to appropriate support or justice by virtue of the nature of their impairments.

Due to lack of recognition of violence against people with cognitive disabilities (intellectual disability, autism, specific learning difficulties and acquired brain injury), these women are effectively invisible to service providers including the police and DV services despite their very real vulnerability to high levels of abuse as well as the impacts they experience from the scourge that is domestic, family and sexual violence.

It is imperative that the Review on the Impact of Domestic Violence on People Living with a Disability specifically address the issues that directly face women with a cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury). Furthermore, the Review must effect real mechanisms to provide appropriate support and access to justice for women with cognitive disability who experience domestic, family and sexual violence.

“He threatened to put photos of me on Facebook to show everyone what a stupid slut I was” Kaylah, 23.

CLA Inc. offer the following recommendations for the Review to consider in their deliberations on the impacts of domestic violence on people living with disabilities.

Recommendations for the Domestic Violence Prevention Implementation Strategy Council - The Review into the Impacts of Domestic Violence on People with Disabilities.

1. The Review into the Impacts of Domestic Violence on People with Disabilities must give specific recognition and response to women with cognitive disabilities (intellectual disability, autism, specific learning difficulties and acquired brain injury) in its considerations and outcomes.
2. It is recommended that the Review refer to the *New South Wales Crimes (domestic and personal violence) Act 2007*⁸, Section 5, regarding the definition of relationships and domestic violence. This legislation includes 'domestic relationships' to include carers, paid and unpaid. To better reflect the experience of people living with disabilities who experience abuse and violence in their homes, including group homes.
3. A **Cognitive Disability Action Plan** to become part of the funding requirement for organisations (community, not for profit, private or charitable) that have service agreements and receive government funding for service provision to the community. The plan would include but not be limited to:
 - A guarantee that people with cognitive disabilities (intellectual disability, autism, specific learning difficulties and acquired brain injury) have full access to service provision.
 - Provide easy read fact sheets and adapted material for different learning needs.
 - Policy and Procedures regarding how to handle challenging behaviour.
 - Provide a specifically trained and identified disability liaison worker.
 - The Cognitive Disability Action Plan to be made a requirement linked to or monitored by the Human Services Quality Framework (HSQF).
4. It is advised that the Review examine the current legislation in Queensland regarding Domestic Violence, Sexual Assault and Justice. To determine whether the current legislation is in fact effective in supporting people with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury) to access justice or whether aspects of legislation from South Australia⁹ such as the *Disability Justice Plan* could be adapted and utilised in Queensland. This includes but is not limited to:

⁸ NSW (domestic and personal violence) Act 2007, <http://www.legislation.nsw.gov.au/inforcepdf/2007-80.pdf?id=a5381466-7b2a-4d15-dee4-f50eb61a222d>

⁹ Disability Justice Plan, South Australia
<http://www.agd.sa.gov.au/sites/agd.sa.gov.au/files/documents/Initiatives%20Announcements%20and%20News/DJP/Disability%20Justice%20Plan%20WEB.pdf>

- *The Domestic Violence Act 2012*¹⁰ specifically, Part 1, Division 3, Meaning of Relationships and Division 7 Relationship between Domestic Violence Orders and Family Law Orders. Part 4 Division 1 Investigation Functions by Police. Part 5 Division 2 Provisions Regarding Vulnerable Witnesses. To be amended to identify and reflect the relationships, status, and experience of women with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury).
 - *Evidence Act 1997*¹¹ – Division 1(a) Competency of Witnesses, Division 3 Examination and Cross Examination of witnesses; to include specific mention of people with cognitive disabilities.
 - *Victims of Crime Assistance Act 2009*¹², Chapter 2, Part 1 and Part 2, amend to include a specific reference to people with cognitive (intellectual disability, autism, specific learning difficulties and acquired brain injury) and physical disabilities.
5. The Review is advised to investigate procedures that currently exist in legislation and agreements to support vulnerable people but are underutilised unless specifically advocated for by specialist agencies. This includes but is not limited to:
- *The Queensland Government Interagency Guidelines on Responding to People who have Experienced Sexual Assault*¹³–Section 4, page 13, People with a Disability.
 - *The Police Referral System*¹⁴ - Specifically identifies disability services, however, WWILD SVP is not on the referral list despite repeated requests for inclusion.
6. The Review is requested to consider provision and resourcing of a **Specialised State Wide Model of Violence Prevention**, to better support people with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury) across Queensland, who have experienced domestic and sexual violence to access justice and appropriate supports. This model would incorporate:

¹⁰ Domestic Violence Act 2012, <https://www.legislation.qld.gov.au/LEGISLTN/ACTS/2012/12AC005.pdf>

¹¹ Evidence Act 1997, <https://www.legislation.qld.gov.au/legisltn/current/e/evidcea77.pdf>

¹² Victims of Crime Assistance Act 2009, <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/V/VictCrimAsA09.pdf>

¹³ The Queensland Government Interagency Guidelines on Responding to People who have Experienced Sexual Assault, <https://publications.qld.gov.au/storage/f/2014-09-12T03%3A43%3A29.165Z/qld-govt-guidelines-for-responding-to-sexual-assault.pdf>

¹⁴ The Police Referral System, <https://www.police.qld.gov.au/programs/police-referrals.htm>

- The model would be based on the practices of WWILD SVP based in Brisbane.
- The model could provide a regionally focussed response. Specially trained WWILD workers would be located at key regional sites across Qld.
- Workers could be trained by WWILD SVP to respond and support the needs of people with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury) who have experienced domestic or sexual violence in that locality.
- Workers would be employed directly within their local community, working alongside other practitioners, including DV Service workers to support the prevention of violence in their locality.
- These sites may be attached to existing services or organisations, such as DV services, community health spaces, community law centres, police stations or neighbourhood centres.
- The specially trained workers would provide counselling, education programs, information and training for other local workers.
- A 'HUB' for the prevention of violence against people with cognitive disabilities (intellectual disability, autism, specific learning difficulties and acquired brain injury) would result from the interagency collaboration to prevent domestic and sexual violence in any given location.
- The interface between domestic violence, intellectual disability and Child Safety needs to be acknowledged. The 'HUB' could be a medium to support women with intellectual disability who are experiencing domestic violence and are also having issues with Child Safety reach the best possible outcomes for their families.
- The Specialised State Wide Model of Violence Prevention would form an intrinsic part of the overall Queensland Domestic Violence Prevention Implementation Strategy.

7. It is recommended that the adequacy of existing domestic violence shelters and their suitability for women with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury) be investigated. The Review is asked to consider
- The possible development of alternate accommodation options for women with cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury), particularly in rural and regional areas.
 - Shelters, refuges and DV services recognise the possibility of accessing ¹⁵NDIS provision for victims that is specifically related to support for their disability/s. e.g. specialised worker or disability liaison officer.

¹⁵ NDIS provision in Tier 3 Individual Package or Tier 2 Community Connection.
<http://www.ndis.gov.au/community/ilc-home/ilc-policy-framework>

8. The Review is asked to consider and examine an appropriate response to perpetrators who have cognitive disability (intellectual disability, autism, specific learning difficulties and acquired brain injury). This would include the possible adaptation of mandated relationship education classes to adjust to the needs of people with intellectual and learning disabilities.

“I tried to tell the Service Manager that the worker who came to my home had abused me. The Manager didn’t believe me, she said I made it up. I got into trouble. They wouldn’t let me go to the police” Ellen, 38.

Appendix:

Case Studies highlighting service fragmentation, prejudice and lack of agency awareness of the impacts of domestic, family and sexual violence on women with intellectual disability. Source WWILD SVP and Arros at CLA Inc. Note: all case studies have been de-identified to protect the identity of the victims.

Case Study 1

Sarah was referred by a DV service to WWILD SVP as the DV service felt that they couldn't help her as she wasn't ready to leave the relationship and they didn't know what else they could do. The DV service did not have the time or capacity to assist someone like Sarah who has a cognitive disability and earning difficulty.

Sarah was experiencing on-going threats of violence and harassment from her partner. Her partner would bombard her with threatening phone calls and text messages. If Sarah did not respond and acquiesce to his requests, her partner would threaten to: harm her and her children; harm himself; and share sexually explicit images of her with her friends and family and over internet. Sarah was frightened and confused, she knew what her partner was doing was wrong, but she was also frightened to leave because she wanted to have a relationship 'just like everyone else'. The original DV Service had provided Sarah with a support group, however Sarah found it embarrassing to attend because of her intellectual disability, she felt 'out of it' and often couldn't grasp what the group were talking about. No attempt was made to adapt the material in the group to accommodate Sarah's intellectual disability. Sarah had to wait three months before she could access appropriate counselling and group support through WWILD which assisted her after 12 months of support to leave her partner safely and start a new life. Sarah still attends WWILD Women's group.

Case Study 2

Lily's mother contacted WWILD SVP for help after a very unsuccessful attempt to get Lily access to her local police station to make a statement about sexual abuse she had experienced by a paid worker who came to her home to assist Lily with her personal care. Lily, a 21-year-old woman with an intellectual disability, is also mute and uses a wheelchair. Lily communicates using an electronic device and sign language. Using these means Lily told her mother, after the worker had left one day, that the worker had touched her private parts and played with them and this had happened before. Lily's Mum immediately contacted the disability service provider who employed the worker to lodge a formal complaint. The service responded with 'that's unlikely' and when they 'investigated' said that the worker had said Lily had pointed to her vagina indicating she had a period. Lily did not have a period that day. Lily's Mum contacted the police and an officer from the local Child Protection and Investigation Unit (the unit always deployed to work with people with intellectual disability in these matters) interviewed Lily and also interviewed the alleged abuser. The police officer had immense difficulty communicating with Lily as because her mother was effectively a witness she was not allowed to be an interpreter; no other interpreter was accessed to assist, as a result the police officer was unable to get a coherent statement. When interviewing the alleged perpetrator, the

police officer concluded that he could not have abused Lily because the officer said 'he didn't have the vibe of an offender'. The matter was considered at that point to be inconclusive and would not be pursued further, until WWILD was called into advocate on behalf of Lily. The matter was eventually reviewed after much advocating and formal intervention from Victims of Crime Queensland. Finally, a different officer was appointed to investigate the case from scratch. This process to have the matter dealt with seriously took over six weeks.

Case Study 3

Judy has a cognitive disability and has also experienced homelessness due to domestic violence. Judy tried to access a mainstream refuge for domestic violence victims, however, it was discovered by a support worker that **"The Women's Shelter won't take her because she has cognitive disability. They say the risk that she will disclose the location of the shelter is too high, and they can't put the other women and children at risk."**

As a result, Judy was left without a safe haven and returned to her violent partner. After more episodes of abuse Judy fled from her violent partner and ended up homeless and sleeping rough on the streets where she experienced violence and assault from various men. Judy was eventually supported to find temporary accommodation through ARROS at the Community Living Association Inc.

"He laughed at me while he did it, he called me a whore and a slag and that I deserved it because I'm worthless and no one gives s* about retards like me"**
Jade, 19.

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