A Submission Paper
In Response to the
Inquiry into Supported Accommodation
for Victorians with a Disability or Mental Illness

Title: Exposing the House of Straw

"I will huff and I'll puff and I'll blow your house down" – said the wolf. "That is unless it has solid foundation" – he added.

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Overview

The Approach - While the writer acknowledges the Terms of Reference established for this inquiry and respects the guidance questions framed by the Committee, he has sought to strengthen this framework. This decision was not taken out of a belligerence towards the Committee or any inference the Terms of Reference and guidance questions do not provide a set of important parameters to assess the current circumstances. Instead, it was taken because the writer contends neither address what he argues are the core issues. That is, the issues that must be addressed before even beginning to consider the structure, strengths, deficits and operation of the current approach to supported accommodation.

To only consider the current situation in the context of the Terms of Reference in the writer’s view neglects the five critical issues of:

- **Individual needs** - as both a here and now consideration as well as an ongoing issues for the future
- **Entitlement** - as underpinning the notion of rights for people with a disability
- **Families** - as by far and away the most significant current providers of supported accommodation both in percentage terms and financial contribution
- **Community** - as a platform for providing a comparative and contrasting base as to the range of accommodation available to the broader community
- **Policy** - Its philosophical underpinnings, its drivers and the implication for service users and their families

First Order Issues - These five critical issues are defined as the First Order issues. Therefore, awareness of them must be brought to the attention of the Committee. However, unless it is acknowledged they do represent the fundamental platform on which supported accommodation must be built, and unless they are addressed by the committee and
ultimately the Government, the vagaries of the current approach to supported accommodation will ever increasingly be directed to families.

By highlighting these five first order issues, the writer contends that this paper does not simply expose the limitations of the current approach, but exposes it as a sham. He argues the current approach cannot be deemed to be a service system given it is increasingly directed towards families through the pretence of support packages. He further contends that supporters of the current approach continue to try and hide the deficits behind a set of outdated arguments couched in language that is frequently meaningless and glib.

The writer has in excess of forty years active participation as a teacher, senior manager, advocate and consultant in the disability sector, and is still active in working in a professional capacity with families and non-government sector agencies. Although he submits that many of the issues contained in the paper, and particularly the first order issues as identified above, are equally applicable to the mental health sector, the focus of this paper specifically relates to the disability sector.

**A Challenge -**

This submission argues that the power brokers - the politicians, senior bureaucrats, the academics and those paid advocacy organisations that spout the sentiments of government policy must be challenged.

They must be challenged to explain why:

- The sentiments as expressed in the Disability State Plan (p18) where the Government expresses the belief that "... people with a disability should be able to choose where they live, with whom and in what type of housing - just like most other member of the Victorian community", are not supported through policy, funding and articulated support?

- It is considered acceptable that while others in the community have a broader range of accommodation options, the provision of supported accommodation to those with a disability requiring such support is restricted to an ever increasing limited number of options?

- On the one hand it is considered acceptable to relocate younger people from nursing homes into
multi-bed hostel type accommodation, but for other people with a disability any form of congregate supported accommodation is dismissed as constituting an institution.

- The much applauded Community Residential Unit (CRU) model promoted through the 1970, 80' and 90's is no longer being offered as an option?

- Families of a person with a disability should be required to commit their life time to caring for, supporting and accommodating their family member with a disability.

If these questions are not addressed by the Committee, and if the outcomes of the Committee's deliberation do not demand that people with a disability are provided with the same range of options available to the broader community – Then, the provision of supported accommodation will continue to be provided through a hotchpotch of inadequate and ever changing funding models, where the pressure for families to provide the actual accommodation becomes the only option.

A Matter of Definition - The writer notes the Committee's acceptance that the term - Supported Accommodation - can encompass a broad range of service types or models. While the writer fully supports this position, this submission will argue one of the major current problems in meeting the needs of those seeking such a service is the rejection by the power brokers and decision makers, of the broadest range of options. This submission argues the necessity of promoting through policy, and providing through funding a full range of options that relates to the accommodation option as being the actual service.

Analysing the Terms - Following on from the comment immediately above, and while acknowledging and agreeing with the Committee's requirement to inquire into the broad range of accommodation, the writer nonetheless submits that the term supported accommodation seems to be currently defined by type. That being as in the individual service types currently available. This submission argues that such an approach is restrictive in that it fails to separate those service types that are designed in the first instance and principally to meet special circumstances such as for example where security is a principal objective, or health care, or behavioural management. The writer submits that
supported accommodation must therefore be considered and defined as that where the principal purpose is the provision of accommodation, and where the supports provided are those necessary to meet the individual service user’s daily living needs.

**Refining the Definition** - As such, this submission defines supported accommodations as -

| Residential accommodation provided outside the person’s family home where the accommodation is provided exclusively as the person’s place of living, and where the support provided is to enable the person’s daily living and associated needs to be met. |

Given the above, the writer therefore submits that this should include:

- Community Residential Units
- Cluster housing
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- Hostels
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But, that it should not include service types such as for example; secure units, challenging behaviour or medical care.
The Submission

First Order Issues -

The principles of effective review and analysis suggest it essential to determine whether the subject of the review and analysis does in fact encompass the core issues necessary for it to meet it objectives. In the context of this submission, these critical or core issues as mentioned above are described as - First Order Issues. And, while the Terms of Reference for this review articulates ten aspects of enquiry into supported accommodation, the writer argues that they will only become fully relevant if the enquiry also address the First Order Issues. These are argued by the writer to provide the essential platform from which an efficient, effective and responsive supported accommodation service must be built.

The writer does however note that Term of Reference number ten addresses the matter of identifying alternative approaches to meeting unmet need. Although an essential question, it is nonetheless one that will only bear fruit if the First Order Issues as articulated below are raised, addressed and become the basis on which supported accommodation is crafted. Not to address them will only consign any identified alternative options to the unacceptable category in the eyes of those who have been granted the power to influence and determine policy.

Given this emphasis on First Order Issues as defined by the five elements as listed below, it might be asked - Why are the five elements that have been identified as comprising the First Order Issues so important? Why not four, or six, or indeed none? And, how do they give greater strength to the inquiry? The writer’s response - The answer is not only simple but also logical. He argues that the five elements not only form the essential basis for the provision of supported accommodation, but by their interconnectedness demonstrate how the individual’s needs within the target service group must be reflected in legislation, family relationships, community norms and policy.
A Graphic Illustration

The diagram above provides a graphic illustration of this, where the core represents the person requiring supported accommodation as central to how the service system should be developed. It conveys the intent that the system must cater for the needs and preferences of each person with a disability, as an individual. Currently, it often appears as though the policy makers only consider those individuals who might be described as representing the tip of the iceberg; as in those who can contribute significantly to articulating their needs and desires; as representing the needs of all people with a disability. It seems as though policy makers and advocates frequently ignore, or fail to understand the impact those individuals who present as requiring life-long care, have on the family environment.

The diagram also reflects the concept of entitlement as critical to activating a needs based driven service system. Entitlement is of course one that has for long been
accepted as central to aged care, pensions, education and other areas. However, in Victoria, the Disability Act 2006 totally ignored this concept. The diagram therefore represents the view that without making supported accommodation a legal entitlement, then regardless of the system or service types that are promoted, access will continue to be rationed. Waiting lists, in whatever form or under what label will continue to exist. The limited access will therefore continue not to be based on need, but the ‘luck of the draw’, and as such the so-called system will fail to deliver on meeting the needs of all those who seek supported accommodation.

The third sector of the diagram represents the family, as in parents, siblings and other key relatives who provide support to the person seeking the service. The writer includes this as a First Order Issue on the basis that unless the needs of such people are also recognised, acknowledged and considered, then the current trend of relying more and more on such people to provide the bricks and mortar and the actual ongoing day-to-day support, will become the norm in any future supported accommodation provision.

Community inclusion has been a much flaunted word in the recent lexicon of disability and therefore must be included as a priority element. The writer argues that whatever definition is attached to this term, in the context of the provision of supported accommodation it cannot and should not exclude the notion of ensuring that what is available to the broader community should also be available to persons with a disability. Not to ensure such provision, as is currently the case, must be deemed to be discriminatory and indeed contrary to the ideal of such people not only accessing the community but being embraced and accepted by it.

The fifth element of the interconnected circles is that of policy. Next to legislation, ultimately it is policy that directs the type and direction of service provision, and the amount and application of funding as allocated by the government of the day. As will be shown further below, current services are driven by what can only be described as restrictive policy where a whole set of supported accommodation types is rejected.
The House of Straw

writer’s contention that despite the apparent range of supported accommodation currently available, and as detailed in Term of Reference 2, the changed attitude towards such service provision over the last quarter of a century has seen the options ever decreasing. Therefore, rather than seeing a consolidation of the service, it is actually beginning to collapse like a house of straw. It is a fact that the waiting list for CRUs has continued to expand since their introduction in the early 1980’s. It is a fact that mums and dads who are in their sixties, seventies and even eighties are still required to continue to struggle to support their disabled family member in the family home. These two facts provide indisputable and unambiguous evidence of the failure of the system to meet the ever increasing need. This evidence also provides a clear indication that the legislation established in 1986 and the more recent Disability Act 2000 have failed to address what might be argued to be the most basic of rights - the right to accommodation and support.

Along, firstly with the strident rejection of intuitions even in the form of small modern well equipped facilities, the total dismissal of a cluster housing model, and the subsequent rejection of CRUs, the options have dwindled to become largely retention in the family home. Power brokers such as a former Public Advocate and advocates and academics cocooned in the safe haven of their funded positions reject all forms of congregate care. The closure of institutions by successive governments has not been met with an expansion of the CRUs beyond those made available for the clients who have been relocated from the institutions. No new funding for CRUs since 2002 beyond those established to replace intuitional places means there has not been any addition to the actual number of community residential places. This means that this service type in particular and the system overall currently has no potential to provide this option to people on the waiting list that is, unless there is a death or a person leaves the state.

Hence the title the House of Straw, where the concept of supported accommodation is simply illusionary and there seems little hope for the future. As long as the current attitude of philosophical purity, double-speak policy and funding are all aimed at promoting the individual being accommodated in the family home, the so-called accommodation service system will exist in name only.
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That is, unless the First Order issues as detailed in this paper are put up in lights by the Committee and pursued with vigour with the Government. For, it will only be by addressing these issues that there will be a solid foundation for the provision of a range of supported accommodation types, and legitimacy given to referring to supported accommodation as a service system.

Element 1 –

Ever since the spread of enlightened thinking in relation to people Individual Needs with a disability, which started to gain prominence in the 1970's concepts such as normalization, rights and other terms have influenced service thinking. The concept of services is one such positive development and the has been promoted through strategies such as Individual Plans and Person Centred Planning. The principles of choice have underpinned the planning of services, individual needs has been enshrined in the Disability Act Act).

The current Victorian State Disability Plan 2002-2012 highlights the new approach of supporting people with a disability as being one of flexibility based on ‘individual needs’ p. 14. The needs of an individual with a disability are many and varied, but each is individual. The Act recognises the importance of individuality by its reference to planning being ‘individualised’ and ‘directed by the person with a disability’ p. 61. The Act also on page 61 requires service planning to, “facilitate tailored and flexible responses to the individual goals and needs of the person with a disability.”

This submission therefore argues given there is a planning, philosophical and legislative basis for requiring services to be provided on an individual needs basis, the policy makers have a responsibility to ensure this happens. As the funding source, the Government also has an obligation to ensure that funds are allocated to ensure its implementation.

What then are the implications for supported accommodation? The implications are two-fold. Firstly, it means that services must not only meet the here-and-now needs of the individual, but secondly they must be planned to ensure optional access and choice in the future. The current provision of supported accommodation fails to meet each of these requirements. In the first instance the available service through the CRU model and last remaining institutions fail by at least 1,300 places to
meet the needs as articulated by this number of people with a disability seeking a long-term residential service. In the second instance the bureaucracy and the Government have failed not only to articulate how the backlog will be addressed, but how the future needs will be met.

Adults with a disability should not be forced to rely on their families to provide their accommodation needs. Concepts such as rights, dignity, inclusion and responsiveness as articulated in the Principles section of the Act become meaningless platitudes unless they are actioned through real individual service provision. And, the concept of Person Centred Planning makes a mockery of individual needs unless the individual’s needs, including the provision of supported accommodation when sought, is available in the type preferred and not dictated by the limited view of others.

Element 2 -

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Despite the fanfare given to promoting rights and the by the advocates who purport to be the disability, the reality is when it came to the new Disability legislation, all were silent when it question of entitlement. To the writer’s knowledge only a submissions in relation to the proposed legislation, including pursued the issue of entitlement.

Many of course argue that it is neither possible nor practical to legislate for an entitlement. While the writer acknowledges how the government of the day may reject the inclusion of entitlement, if for no other reason than because they do not wish to commit to future funding, how those who argue for the cause of those with a disability do not pursue this with vigour is beyond the writer’s comprehension. He contends that without the provision of an entitlement in legislation there is no compulsion on the government of the day, the bureaucrats, the planners and the service providers to pursue as service for all who seek it. Therefore, the provision of services, including that of supported accommodation, simply becomes a lottery for the person seeking the service and each is entitled to ask - When will my number come up -will it be five, ten or twenty or more years?

In terms of supported accommodation this of course is not a statement made for effect. It does reflect the reality of
many who have had their names on the Waiting List for long-term supported accommodation for years. Although it may be argued by the bureaucrats that no such list exists, the reality is that despite the manipulations and changes of title aimed at deflecting attention, hundreds and hundreds of people with a disability are waiting to be provided with supported accommodation other than the family home.

Entitlement does of course exits in other service arenas including for example pensions and education. Therefore, why not in disability? It does need to be noted that the number of people requiring or seeking supported accommodation is not in the tens of thousands and that, entitlement does not stand alone from entry conditions. Thus, the fear of a government being over-run hardly seems sustainable. Therefore, given this, the question must be asked why an entitlement to service for people with a disability was not included in the Disability Act 2006.

The writer argues that in terms of supported accommodation, unless the Disability Act 2006 is amended to include an entitlement to such a service for those who qualify, then not all of those individuals with a disability who articulate it as a need will ever receive it. Entitlement must be promoted and then enacted as a right.

Element 3 – the families

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The Disability Act 2006 acknowledges the important role of people with a disability can play in supporting their member. Families of course were often the only option for before the establishment of day services in the middle part twentieth century. And, other than the accommodation provided through institutions for approximately three or four thousand people, families were the main providers of accommodation. Although the establishment of CRUs 1980’s eased the burden for some families and provided some people with a disability, the reality today is that the mainstay of the provision of accommodation and

As indicated further above, recent years have seen a gradual ceasing of funding for new CRUs other than for those people who have been relocated from institutions. The result has been that since 2002 there has been no increase in the number of long-term accommodation and support places available to people with a disability in
Victoria, this being despite the fact that many have indicated this as their primary need.

The Government’s response to the ceiling has itself placed on the number of available places and options, has been through the Department of Human Services to establish the concept of funded support packages. The packages of course vary in amount, must be applied for by the person with a disability or his or her family, and are questionable in terms of being sufficient to meet the full range of needs presented by the person with the disability. They are also time limited and offer very little in the way of certainty for the future or flexibility to meet changing needs.

There are of course real problems with the funded support model. Firstly, it limits choice and excludes the option of out-of-home accommodation, secondly it is stop-gap approach that fails to provide real relief for over-burdened families, and thirdly and most critical is it condemns the family to a life-time of providing the bulk of the support and the total of the accommodation for their family member with a disability. This being regardless of the age of the parents, the impact on siblings and negating of choice available to the person with the disability where he or she perhaps wants to live independent from his or her family.

The increasing reliance on, and expectation placed on families in expecting them to continue to provide the accommodation and support for their family member, is an indictment that must be rectified both for older parents as well as those in their forties and fifties.

A system that relies almost entirely on families cannot be called a service system. A system that condemns families to a life of unpaid care is an uncaring and irresponsible system.

Element 4 - Community

The word community is one that over recent years has been much heralded by government and promoted as the core of our concept of community. The inclusion as promoted by academics, policy advocates. Indeed the Disability Act 2006 also makes it by stating that disability services should, “advance the community of persons with a disability”. The writer unreservedly accepts the importance of community and unreservedly supports the objective of individuals with a achieving their aspiration, being provided with maximum
choice, and where the community is flexible and needs responsive.

In the context of supported accommodation how might this then be achieved and what might be the drivers facilitating its achievement? The Victorian State Disability Plan 2002–2002 gives us the strongest pointer possible. This document lists four guiding principles, that in the opinion of the writer are unchallengeable –

- The Principle of Equality
- The Principle of Dignity and Self Determination (Choice)
- The Principle of Diversity
- The Principle of Non-Discrimination

These principles suggest that people with a disability should have the same opportunity to access the same range of accommodation options as all other cohorts in the community. They suggest the option of choosing between several accommodation types should be made available. They suggest the choices that are made available need to reflect the diversity available to the broader community. And, most significant of all, they suggest that any failure of the Government or bureaucrats to meet these principles must be condemned as discriminatory. Yet, despite the clarity of these principles and the fact they have been articulated in a Government document, the reality is that equality, choice, diversity and non-discrimination do not underpin the current supported accommodations system.

What has been seen in recent years is an expression by many of those who either make or influence government policy now condemning the CRU model as inappropriate, arguing it constitutes another form of congregate care. The gazetting of part of Plenty Residential Services as an institution, despite the fact that it mirrors residential development for others sectors of the community, and the Disability Act 2006 leaving the way open for CRUs to also be gazetted as institutions in the future, presents as a worrying option, that could see even this form of accommodation and support phased out. This paper argues that community, in the context of supported accommodation means the supported accommodation system must reflect what is available in the broader community.
Element 5 - Policy

Who makes policy? The short answer is of course government. The more important question however is – Who influences the development of policy? This question is critical to both the current and future directions of supported accommodation for people with a disability in this state. The current policy is clearly one where the philosophical underpinnings and budget drivers combine to reject all but a support package approach. Clearly, this approach is aimed at containing those people with a disability who seek alternative arrangements, to accommodation and support in the family home.

The current philosophy seems to be a combination of an almost obsession driven preoccupation of condemnation of the older style outdated institutions despite this debate having long past. This condemnation is then translated into rejecting any form of accommodation that even hints at people with a disability living together, side by side or even within any degree of geographic proximity to each other. Thus, the condemnation and rejection of the CRU model, hostels, small modern institutions, cluster type housing as is the norm in many community residential developments, or co-joint units. Left with no other options, the philosophy then translates into advocating the support package model and the continued reliance on families to provide both the actual housing and most of the support.

Given the above, the writer contends the policy influencers and policy makers are failing on five fronts. They are:

- Ignoring the principle that policy should be driven by need and not obsession.
- Ignoring Government’s commitment to choice and person centred planning for people with a disability.
- Ignoring Government’s commitment to diversity and belief that people with a disability should be able to choose where they live, with whom and in what type of housing.
- Ignoring the reality families cannot forever maintain their family member with a disability.
- Ignoring Government’s commitment to equality and anti-discrimination by debarring people with a disability having access to the same range of housing options available to other community cohorts.

The current policy of effectively reducing accommodation choice to one only - the family home, ignores the rights of people with a disability. It ignores the impact on families
and it suggests the chosen few are the best people to contribute to policy development. The writer therefore argues an immediate overhaul of the current restrictive, short-sighted and discriminatory policy must be undertaken. He respectfully submits the Committee has an obligation to challenge the inappropriateness of the current policy parameters, and also recommend a more enlightened policy that is needs driven.

**Concluding Comment -** The trail of disability for over forty years has become littered with high sounding statements concerning principles and objectives, the ever present articulation of rights, an ever increasing pile of glossy documents, government publications and a multitude of reviews resulting in yet further changes to the system, so called. Along with these testaments to good intent there has also been a plethora of well intentioned people such as government funded advocates, bureaucrats, academics, some people with a disability who purport to speak on behalf of all, as well as parliamentarians of all persuasions.

Frequently missing in this jigsaw of good intent however has been the real involvement of the individuals with a disability and their families, and the real implementation of their needs, wishes and aspirations. Sure, there have been many pseudo consultative forums, submission opportunities and the, ‘We hear what you say’ offerings. Despite all of this however the one immutable fact still remains - Supported accommodation is a mess, there is an ever decreasing range of options, waiting lists continue to grow and still both younger and older parents alike have increasing pressure placed on them to retain their family member with disability in the family home.

| The current system of supported accommodation offerings can only be described as a house of straw; a house without a firm foundation. |
Recommendations

Based on the contents of this paper the following recommendations are provided:

That the Committee finds that:

Recommendation 1: The current provision of supported accommodation fails to reflect the principle of individual needs, and as such the Committee should recommend that a needs based approach underpins the provision of this service.

Recommendation 2: The Disability Act 2006 is deficient in that it fails to make the provision of supported accommodation for those people with a disability who seek this type of service an
entitlement. Therefore, the Committee should recommend an amendment to the Act for such inclusion.

Recommendation 3: The family home of a person with a disability being considered to constitute part of the supported accommodation system should be rejected. Therefore, the Committee should recommend that those families who seek relief from the burden of having to continue to provide supported accommodation for their family member with a disability should not have to do so where the family member if of an adult age.

Recommendation 4: The terms community and community inclusion in relation to supported accommodation for people with a disability should be defined as including all accommodation types as available to other people and groups in the broader community. Therefore, the Committee should recommend the provision of the broadest possible range of accommodation types.

Recommendation 5: Government policy in relation to supported accommodation for people with a disability should be clarified and broadened to ensure that the principles of Equality, Dignity and Self Determination (Choice), Diversity and Non- Discrimination as articulated in the Victorian Disability State Plan 2002-2012 are incorporated into the policy. Therefore, the Committee should recommend the Government’s policy in relation to supported accommodation is modified as noted above, and includes the requirement that the range of supported accommodation to be made available to people with a disability includes all those options available to the individual and various groups in the broader community.
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The principles of effective review and analysis suggest it essential to determine whether the subject of the review and analysis does in fact encompass the core issues necessary for it to meet it objectives. In the context of this submission, these critical or core issues as mentioned above are described as – First Order Issues. And, while the Terms of Reference for this review articulates ten aspects of enquiry into supported accommodation, the writer argues that they will only become fully relevant if the enquiry also address the First Order Issues. These are argued by the writer to provide the essential platform from which an efficient, effective and responsive supported accommodation service must be built.

The writer does however note that Term of Reference number ten addresses the matter of identifying alternative approaches to meeting unmet need. Although an essential question, it is nonetheless one that will only bear fruit if the First Order Issues as articulated below are raised, addressed and become the basis on which supported accommodation is crafted. Not to address them will only consign any identified alternative options to the unacceptable category in the eyes of those who have been granted the power to influence and determine policy.

Given this emphasis on First Order Issues as defined by the five elements as listed below, it might be asked – Why are the five elements that have been identified as comprising the First Order Issues so important? Why not four, or six, or indeed none? And, how do they give greater strength to the inquiry? The writer’s response – The answer is not only simple but also logical. He argues that the five elements not only form the essential basis for the provision of supported accommodation, but by their interconnectedness demonstrate how the individual’s needs within the target service group must be reflected in legislation, family relationships, community norms and policy.
The diagram above provides a graphic illustration of this, where the core represents the person requiring supported accommodation as central to how the service system should be developed. It conveys the intent that the system must cater for the needs and preferences of each person with a disability, as an individual. Currently, it often appears as though the policy makers only consider those individuals who might be described as representing the tip of the iceberg; as in those who can contribute significantly to articulating their needs and desires; as representing the needs of all people with a disability. It seems as though policy makers and advocates frequently ignore, or fail to understand the impact those individuals who present as requiring life-long care, have on the family environment.

The diagram also reflects the concept of entitlement as critical to activating a needs based driven service system. Entitlement is of course one that has for long been accepted as central to aged care, pensions, education and other areas. However, in Victoria, the Disability Act 2006 totally ignored this concept. The diagram therefore represents the view that without making supported accommodation a legal entitlement, then regardless of the system or service types that are promoted, access will continue to be rationed. Waiting lists, in whatever form or under what label will continue to exist. The limited access will therefore continue not to based on need, but the ‘luck of the draw’, and as such the so-called system will fail to deliver on meeting the needs of all those who seek supported accommodation.

The third sector of the diagram represents the family, as in parents, siblings and other key relatives who provide support to the person seeking the service. The writer includes this as as a First Order Issue on the basis that unless the needs of such people are also recognised,
acknowledged and considered, then the current trend of relying more and more on such people to provide the bricks and mortar and the actual ongoing day-to-day support, will become the norm in any future supported accommodation provision.

Community inclusion has been a much flaunted word in the recent lexicon of disability and therefore must be included as a priority element. The writer argues that whatever definition is attached to this term, in the context of the provision of supported accommodation it cannot and should not exclude the notion of ensuring that what is available to the broader community should also be available to persons with a disability. Not to ensure such provision, as is currently the case, must be deemed to be discriminatory and indeed contrary to the ideal of such people not only accessing the community but being embraced and accepted by it.

The fifth element of the interconnected circles is that of policy. Next to legislation, ultimately it is policy that directs the type and direction of service provision, and the amount and application of funding as allocated by the government of the day. As will be shown further below, current services are driven by what can only be described as restrictive policy where a whole set of supported accommodation types is rejected.

The Title - The House of Straw

The title of this submission is significant because it emphasises the writer's contention that despite the apparent range of supported accommodation currently available, and as detailed in Term of Reference 2, the changed attitude towards such service provision over the last quarter of a century has seen the options ever decreasing. Therefore, rather than seeing a consolidation of the service, it is actually beginning to collapse like a house of straw. It is a fact that the waiting list for CRUs has continued to expand since their introduction in the early 1980's. It is a fact that mums and dads who are in their sixties, seventies and even eighties are still required to continue to struggle to support their disabled family member in the family home. These two facts provide indisputable and unambiguous evidence of the failure of the system to meet the ever increasing need. This evidence also provides a clear indication that the legislation established in 1986 and the more recent Disability Act 2000 have failed to address what might be argued to be the most basic of rights - the right to accommodation and support.

Along, firstly with the strident rejection of intuitions even in the form of small modern well equipped facilities, the total dismissal of a cluster housing model, and the subsequent rejection of CRUs, the options have dwindled to become largely retention in the family home. Power brokers such as a former Public Advocate and advocates and academics cocooned in the safe haven of their funded positions reject all forms of congregate care. The closure of institutions by successive governments has not been met with an expansion of the CRUs beyond those made available for the clients who have been relocated from the institutions. No new funding for
CRUs since 2002 beyond those established to replace intuitional places means there has not been any addition to the actual number of community residential places. This means that this service type in particular and the system overall currently has no potential to provide this option to people on the waiting list that is, unless there is a death or a person leaves the state.

Hence the title the House of Straw, where the concept of supported accommodation is simply illusionary and there seems little hope for the future. As long as the current attitude of philosophical purity, double-speak policy and funding are all aimed at promoting the individual being accommodated in the family home, the so-called accommodation service system will exist in name only.

That is, unless the First Order Issues as detailed in this paper are put up in lights by the Committee and pursued with vigour with the Government. For, it will only be by addressing these issues that there will be a solid foundation for the provision of a range of supported accommodation types, and legitimacy given to referring to supported accommodation as a service system.

Element 1 – Individual Needs

Ever since the spread of enlightened thinking in relation to people with a disability, which started to gain prominence in the 1960's and 1970's concepts such as normalization, rights and other associated terms have influenced service thinking. The concept of needs based services is one such positive development and the application of this has been promoted through strategies such as Individual Program Plans and Person Centred Planning. The principles of rights and choice have underpinned the planning of services, and recognition of individual needs has been enshrined in the Disability Act 2006 (the Act).

The current Victorian State Disability Plan 2002-2012 highlights the new approach of supporting people with a disability as being one of flexibility based on ‘individual needs’. The needs of an individual with a disability are many and varied, but each is individual. The Act recognises the importance of individuality by its reference to planning being ‘individualised’ and ‘directed by the person with a disability’. The Act also on page 61 requires service planning to, ‘facilitate tailored and flexible responses to the individual goals and needs of the person with a disability.’

This submission therefore argues given there is a planning, philosophical and legislative basis for requiring services to be provided on an individual needs basis, the policy makers have a responsibility to ensure this happens. As the funding source, the Government also has an obligation to ensure that funds are allocated to ensure its implementation.

What then are the implications for supported accommodation? The implications are two-fold. Firstly, it means that services must not only meet the here-and-now needs of the individual, but secondly they must be planned to ensure optional access and choice in the future.
current provision of supported accommodation fails to meet each of these requirements. In the first instance the available service through the CRU model and last remaining institutions fail by at least 1,300 places to meet the needs as articulated by this number of people with a disability seeking a long-term residential service. In the second instance the bureaucracy and the Government have failed not only to articulate how the backlog will be addressed, but how the future needs will be met.

Adults with a disability should not be forced to rely on their families to provide their accommodation needs. Concepts such as rights, dignity, inclusion and responsiveness as articulated in the Principles section of the Act become meaningless platitudes unless they are actioned through real individual service provision. And, the concept of Person Centred Planning makes a mockery of individual needs unless the individual’s needs, including the provision of supported accommodation when sought, is available in the type preferred and not dictated by the limited view of others.

Element 2 – Entitlement

Despite the fanfare given to promoting rights and the chest beating by the advocates who purport to be the defenders of people with a disability, the reality is when it came to commenting on the draft for the new Disability legislation, all were silent when it came to the question of entitlement. To the writer’s knowledge only a handful of submissions in relation to the proposed legislation, including his own pursued the issue of entitlement.

Many of course argue that it is neither possible nor practical to legislate for an entitlement. While the writer acknowledges how the government of the day may reject the inclusion of entitlement, if for no other reason than because they do not wish to commit to future funding, how those who argue for the cause of those with a disability do not pursue this with vigour is beyond the writer’s comprehension. He contends that without the provision of an entitlement in legislation there is no compulsion on the government of the day, the bureaucrats, the planners and the service providers to pursue for all who seek it. Therefore, the provision of services, including that of supported accommodation, simply becomes a lottery for the person seeking the service and each is entitled to ask - When will my number come up - will it be five, ten or twenty or more years?

In terms of supported accommodation this of course is not a statement made for effect. It does reflect the reality of many who have had their names on the Waiting List for long-term supported accommodation for years. Although it may be argued by the bureaucrats that no such list exists, the reality is that despite the manipulations and changes of title aimed at deflecting attention, hundreds and hundreds of people with a disability are waiting to be provided with supported accommodation other than the family home.

Entitlement does of course exits in other service arenas including for example pensions and education. Therefore, why not in disability?
does need to be noted that the number of people requiring or seeking supported accommodation is not in the tens of thousands and that, entitlement does not stand alone from entry conditions. Thus, the fear of a government being over-run hardly seems sustainable. Therefore, given this, the question must be asked why an entitlement to service for people with a disability was not included in the Disability Act 2006.

The writer argues that in terms of supported accommodation, unless the Disability Act 2006 is amended to include an entitlement to such a service for those who qualify, then not all of those individuals with a disability who articulate it as a need will ever receive it. Entitlement must be promoted and then enacted as a right.

Element 3 – Family Support

The Disability Act 2006 acknowledges the important role the families of people with a disability can play in supporting their family member. Families of course were often the only option for support before the establishment of day services in the middle part of the twentieth century. And, other than the accommodation and support provided through institutions for approximately three or four thousand people, families were the main providers of accommodation. Although the establishment of CRUs from the mid 1980’s eased the burden for some families and provided choice for some people with a disability, the reality today is that families still are the mainstay of the provision of accommodation and support.

As indicated further above, recent years have seen a gradual ceasing of funding for new CRUs other than for those people who have been relocated from institutions. The result has been that since 2002 there has been no increase in the number of long-term accommodation and support places available to people with a disability in Victoria, this being despite the fact that many have indicated this as their primary need.

The Government’s response to the ceiling has itself placed on the number of available places and options, has been through the Department of Human Services to establish the concept of funded support packages. The packages of course vary in amount, must be applied for by the person with a disability or his or her family, and are questionable in terms of being sufficient to meet the full range of needs presented by the person with the disability. They are also time limited and offer very little in the way of certainty for the future or flexibility to meet changing needs.

There are of course real problems with the funded support model. Firstly, it limits choice and excludes the option of out-of home accommodation, secondly it is stop-gap approach that fails to provide real relief for over-burdened families, and thirdly and most critical is it condemns the family to a life-time of providing the bulk of the support and the total of the accommodation for their family member with a disability. This being regardless of the age of the parents, the impact on siblings and negating of choice available to the person with the
disability where he or she perhaps wants to live independent from his or her family.

The increasing reliance on, and expectation placed on families in expecting them to continue to provide the accommodation and support for their family member, is an indictment that must be rectified both for older parents as well as those in their forties and fifties.

A system that relies almost entirely on families cannot be called a service system. A system that condemns families to a life of unpaid care is an uncaring and irresponsible system.

Element 4 – Community
Disability field has seen an iteration of this in the concept of 'Community inclusion as promoted by academics, policy makers and advocates. Indeed the Disability Act 2006 also makes it by stating that disability services should, 'advance the inclusion in the community of persons with a disability'. The writer totally and unreservedly accepts the importance of community and totally and unreservedly supports the objective of individuals with a disability achieving their aspiration, being provided with maximum choice, and where the community is flexible and needs responsive.

In the context of supported accommodation how might this then be achieved and what might be the drivers facilitating its achievement? The Victorian State Disability Plan 2002–2002 gives us the strongest pointer possible. This document lists four guiding principles, that in the opinion of the writer are unchallengeable –

- The Principle of Equality
- The Principle of Dignity and Self Determination (Choice)
- The Principle of Diversity
- The Principle of Non-Discrimination

These principles suggest that people with a disability should have the same opportunity to access the same range of accommodation options as all other cohorts in the community. They suggest the option of choosing between several accommodation types should be made available. They suggest the choices that are made available need to reflect the diversity available in the broader community. And, most significant of all, they suggest that any failure of the Government or bureaucrats to meet these principles must be condemned as discriminatory. Yet, despite the clarity of these principles and the fact they have been articulated in a Government document, the reality is that equality, choice, diversity and non-discrimination do not underpin the current supported accommodations system.

What has been seen in recent years is an expression by many of those who either make or influence government policy now condemning the CRU model as inappropriate, arguing it constitutes another form of congregate care. The gazetting of part of Plenty Residential Services as an institution, despite the fact that it mirrors residential development
for others sectors of the community, and the Disability Act 2006 leaving the way open for CRUs to also be gazetted as institutions in the future, presents as a worrying option, that could see even this form of accommodation and support phased out. This paper argues that community, in the context of supported accommodation means the supported accommodation system must reflect what is available in the broader community.

Element 5 – Policy

Who makes policy? The short answer is of course government. The more important question however is – Who influences the development of policy? This question is critical to both the current and future directions of supported accommodation for people with a disability in this state. The current policy is clearly one where the philosophical underpinnings and budget drivers combine to reject all but a support package approach. Clearly, this approach is aimed at containing those people with a disability who seek alternative arrangements, to accommodation and support in the family home.

The current philosophy seems to be a combination of an almost obsession driven preoccupation of condemnation of the older style outdated institutions despite this debate having long past. This condemnation is then translated into rejecting any form of accommodation that even hints at people with a disability living together, side by side or even within any degree of geographic proximity to each other. Thus, the condemnation and rejection of the CRU model, hostels, small modern institutions, cluster type housing as is the norm in many community residential developments, or co-joint units. Left with no other options, the philosophy then translates into advocating the support package model and the continued reliance on families to provide both the actual housing and most of the support.

Given the above, the writer contends the policy influencers and policy makers are failing on five fronts. They are:

- Ignoring the principle that policy should be driven by need and not obsession.
- Ignoring Government’s commitment to choice and person centred planning for people with a disability.
- Ignoring Government’s commitment to diversity and belief that people with a disability should be able to choose where they live, with whom and in what type of housing.
- Ignoring the reality families cannot forever maintain their family member with a disability.
- Ignoring Government’s commitment to equality and anti-discrimination by debarring people with a disability having access to the same range of housing options available to other community cohorts.

The current policy of effectively reducing accommodation choice to one only - the family home, ignores the rights of people with a disability. It ignores the impact on families and it suggests the chosen few are the best people to contribute to policy development. The writer
therefore argues an immediate overhaul of the current restrictive, short-sighted and discriminatory policy must be undertaken. He respectfully submits the Committee has an obligation to challenge the inappropriateness of the current policy parameters, and also recommend a more enlightened policy that is needs driven.

Concluding Comment - The trail of disability for over forty years has become littered with high sounding statements concerning principles and objectives, the ever present articulation of rights, an ever increasing pile of glossy documents, government publications and a multitude of reviews resulting in yet further changes to the system, so called. Along with these testaments to good intent there has also been a plethora of well intentioned people such as government funded advocates, bureaucrats, academics, some people with a disability who purport to speak on behalf of all, as well as parliamentarians of all persuasions.

Frequently missing in this jig-saw of good intent however has been the real involvement of the individuals with a disability and their families, and the real implementation of their needs, wishes and aspirations. Sure, there have been many pseudo consultative forums, submission opportunities and the, ‘We hear what you say’ offerings. Despite all of this however the one immutable fact still remains – Supported accommodation is a mess, there is an ever decreasing range of options, waiting lists continue to grow and still both younger and older parents alike have increasing pressure placed on them to retain their family member with disability in the family home.

The current system of supported accommodation offerings can only be described as a house of straw; a house without a firm foundation.
Recommendations

**Recommendation 1:** The current provision of supported accommodation fails to reflect the principle of individual needs, and as such the Committee should recommend that a needs based approach underpins the provision of this service.

**Recommendation 2:** The Disability Act 2006 is deficient in that it fails to make the provision of supported accommodation for those people with a disability who seek this type of service an entitlement. Therefore, the Committee should recommend an amendment to the Act for such inclusion.

**Recommendation 3:** The family home of a person with a disability being considered to constitute part of the supported accommodation system should be rejected. Therefore, the Committee should recommend that those families who seek relief from the burden of having to continue to provide supported accommodation for their family member with a disability should not have to do so where the family member is of an adult age.

**Recommendation 4:** The terms community and community inclusion in relation to supported accommodation for people with a disability should be defined as including all accommodation types as available to other people and groups in the broader community. Therefore, the
Committee should recommend the provision of the broadest possible range of accommodation types.

**Recommendation 5:** Government policy in relation to supported accommodation for people with a disability should be clarified and broadened to ensure that the principles of *Equality, Dignity and Self Determination (Choice), Diversity and Non-Discrimination* as articulated in the Victorian Disability State Plan 2002-2012 are incorporated into the policy. Therefore, the Committee should recommend the Government’s policy in relation to supported accommodation is modified as noted above, and includes the requirement that the range of supported accommodation to be made available to people with a disability includes all those options available to the individual and various groups in the broader community.