

Legal standards long overdue for boarding houses

A damning report by the NSW Ombudsman has revealed that the NSW Government has put disabled residents of boarding houses at risk through the failure to enforce minimum standards of care.

The Ombudsman's report was activated through a complaint by Sr Myree Harris, Convenor of the Coalition of Appropriate Supported Accommodation for People with Disabilities (CASA), concerning the department's capacity to monitor standards in boarding houses for people with disabilities. She cited problems at three specific boarding houses, the difficulties with receiving licensee cooperation and the department's tendency to capitulate.

The report claims the Government were given sound legal advice in February 1999 that it didn't have the legal power to force boarding house owners to provide reasonable care to residents. Despite recommendation for the need to change the Act governing boarding houses, the Department of Ageing Disability and Home Care (DADHC) had taken no action until 4 years later when it employed the Allen Consulting Group to review the Act.

The consultant's unpublished review was completed late last year and advocates the need for a new act that governs both standards of physical premises and the "health safety and basic freedoms of residents".

The Ombudsman's report acknowledged the vulnerability of residents who are often in boarding house because there is no alternative, resulting in the fear of victimisation if they were to complain.

While many boarding houses workers provide dedicated care, the report was adamant that "appropriate standards are set governing the care provided and that those standards are monitored and enforced effectively."

MHCC recognises the successful provision of boarding house accommodation does not stop with the enforcement of standards. Considerable concessions have been made to enable the viability of boarding houses to date. They are excluded from adhering to the Disability Services Act and regulations, as it was felt that adherence may force many boarding houses to close. Demands on proprietors has meant many have withdrawn from the boarding house business and now cater for students and backpackers, thus putting people with a disability at increased risk of homelessness and disruption of treatment and support networks. As recommended in MHCC's Boarding House Review submission in July 2003 (*viewable on MHCC website*), the conditions for proprietors also need to be improved in order to encourage them to continue providing boarding house accommodation as well as improve levels of safety and service to residents which can then be assessed to ensure appropriate standards.