

# Disability crisis: why won't anything change?



Despite rapes, deaths and neglect in care, the disability sector is obsessed with self-protection.

MAX JACKSON ....( [Link](#) )

**T**he Age has recently detailed horrendous events that occurred in a disability house in the 1980s and 1990s. The question that cannot be avoided is: what has changed?

Despite the proliferation of policies, procedures and rhetoric about rights and protection, it would be wrong to conclude all is well. The systemic issues of powerlessness of people with disabilities and their families, pressure on the staff and whistleblowers to remain quiet, cover up by senior bureaucrats, secrecy and lack of transparency, allegations of rapes and the high number of deaths in care continue to the present day.

Protective mechanisms in place for years are being hog-tied by the very people responsible for their application. Successive public advocates since the inception of that position in 1986, although self-satisfied in reporting on abuse in disability care, have not been proactive.

Families who have sought to represent their sons and daughters to com-

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munity visitors, because their family members do not have the necessary communication skills to represent themselves, have often hit a brick wall. Client rights to be heard are being compromised.

Despite there being a Disability Services Commissioner, with legislative authority to investigate complaints, since 2007, there were only six investigations in the first two years and not one since 2010. Has the government ever asked why this is so? No.

People with disabilities are being denied the right to have complaints investigated, despite the Commissioner's 2014 annual report including an analysis on whether rights were being upheld.

Conciliation is not the answer to every complaint. When a client has been abused or neglected, this is not a matter for conciliation. It is not about seeking an agreed outcome. Instead, the complaint must be investigated and consequences imposed on the perpetrator.

Despite about five deaths occurring in disability care facilities on average every week, the Department of Health

and Human Services (DHHS) refuses to make public the total numbers and the reasons for the deaths.

These are residential facilities. They are not nursing homes or hospitals or palliative care facilities; they are homes where people with disabilities live. If it were death in custody or child protection, it would be front-page news.

Why have successive DHHS secretaries failed to take to task managers and staff in departmental managed facilities? Why have boards and chief executives of funded agencies failed to take to task managers and staff who have failed to do their jobs?

The protection of staff and refusal to discipline or relocate staff who continue to fail clients is ongoing. Will the current investigation being undertaken by the Ombudsman reveal the failures of the public advocate, the Disability Services Commissioner and the secretary of DHHS? Will the Ombudsman's investigation name and shame offending agencies?

Will the Ombudsman call for the sacking of the Yooralla board after it failed clients under its governance for years? My bet is - not likely.

The self-protection that pervades the so-called protective mechanisms will continue to override their individual responsibilities to protect, and lay bare abuse and neglect.

Although the federal Senate has been quick to enact its inquiry, where is the state parliamentary inquiry into

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disability so readily promised before last year's election? Five months into the new government and the Minister for Housing, Disability and Ageing, Martin Foley, remains silent.

Reports in The Age have highlighted abuse and neglect that occurred in the past. They have raised concerns about bureaucratic self-protectionism.

The reports showed how the department responsible for disability is more concerned about its own protection and how the public advocate and Disability Services Commissioner have lacked effectiveness.

But most of all, given the recent rapes in Yooralla facilities, and the reported abuse in departmental facilities and the Senate inquiry and the Ombudsman's investigation and the yet-to-be-activated parliamentary inquiry in Victoria, we know just how little has changed.

Self-protection and the clubby atmosphere is alive and well in the disability sector. The intransigence of successive ministers continues. The Victorian government demonstrates how disability is the poor relation when it comes to child protection, abuse in the greyhound industry and the lost dogs home.

Let us hope we see some real action now and not just more rhetoric from those in power.

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