

State dealing with 300 cases of disabled abuse by carers

by Aisha Dow, The Age, April 2, 2014

*“Victoria's Public Advocate Colleen Pearce says
a zero tolerance to abuse, neglect and violence is needed”*

Hundreds of disabled Victorians have reportedly been abused by their carers, with allegations this year of serious sexual assault and chemical restraint of mental-health patients.

Leaked state government documents obtained by Fairfax Media have revealed there were more than 300 reports of disability services staff assaulting clients between July 2012 and December 2013.

Also in the past year the Office of the Public Advocate received hundreds of calls alleging abuse, neglect or violence against vulnerable people.

A staff member has been accused of slapping mental-health patients across the face and an autistic woman with anxiety has been allegedly sexually assaulted in a disability facility.

Twenty of the "most serious" cases were referred to Public Advocate Colleen Pearce, who said the organisation was beginning to see a better response from some services. "A zero tolerance to abuse, neglect and violence is needed," she said.

Disability Justice Advocacy executive officer Trevor Carroll said he feared the number of staff to client assaults within the disability sector could be significantly underestimated, because victims were too scared to come forward.

In one case reported to the advocacy group, a woman in her 50s was "digitally raped" by a staff member while showering in a government-owned group home.

Mr Carroll said an incident report was made after the woman told another worker what happened, but that report was later rewritten by a supervisor. He said the worker who allegedly raped the woman was then transferred to another home and the matter was not referred to police.

In 2012-13, the Department of Human Services received 1790 category one incident reports in disability services, up 5 per cent from the year before. New data from 2013 also shows the number of these serious incidents, which include death, serious injury and serious sexual or physical assault, are likely to rise again this year.

Minister for Community Services Mary Wooldridge said these increases could be attributed to a change in reporting.

"Following a March 2011 Ombudsman's report that highlighted Labor's failures in addressing the abuse of disability clients in state care, the Coalition government introduced a range of new measures," she said. "One of these measures was a significant strengthening of the incident reporting and accountability system. As a consequence, there has been an increase in the number of incident reports, with allegations that never would have come to light under Labor's inadequate system being reported and addressed."

The minister said any allegations of assault were referred to both police and the Disability Services Commissioner.

The Victorian Advocacy League for Individuals with Disability said they were not confident that DHS "has a strong handle on the level of staff to client abuse".

Opposition community services spokeswoman Jenny Mikakos said the push by Ms Wooldridge to have disability services run privately would only exacerbate problems.

Disability accommodation in crisis while Minister secures safe seat

by Max Jackson - Former CEO of the former Kew Cottages

The State dealing with 300 reports of disabled people assaulted by staff (The Age 2/4) [above] will come as no surprise to many families of people with disabilities and those who truly know how the disability system operates.

Yet, Minister Mary Wooldridge, the Minister responsible for disability services in Victoria, as well as those responsible for monitoring services provision and dealing with complaints, have acted as though the words from the old civil rights song – We will not be moved - is their anthem.

It is not good enough for the Minister to suggest the increase in reports of abuse can be attributed to a change in reporting. This is nonsense. Reporting of abuse in care has always been a mandated requirement either through Department of Human Services (DHS) Incident Reporting procedures or as a legislative requirement. It is time the Minister put as much effort into dealing with the crisis in disability accommodation as she has in seeking to secure a safe seat for her tilt at the November elections.

Putting up the shutters and protecting their staff is management's first action in many disability agencies and DHS, who also directly manages disability accommodation, when confronted with complaints. Complaints, including a failure of staff to meet their duty of care obligations and negligence claims. Dealing with complaints, including those of abuse, has become a case of studied neglect in this state.

Minister Woodridge ignores or simply refers, with little or no attempt to firstly clean up her own department. The department's senior managers do not want to get involved and instead lower level supervisors, such as house supervisors, often control the response, which is to ignore, rationalise or cast blame at families.

As for those funded to protect the rights of people with disability, it never ceases to surprise how when articles about abuse in care hit the headlines they come out like the proverbial old relative who always says, "I told you so". Like the Minister these people and entities have a responsibility to people with a disability and their families, they must be proactive and not simply make concerned statements.

The Victorian Advocacy League (VALID) has little to crow about when it suggests that they are not confident that DHS "has a strong handle on the level of staff to client abuse". If VALID does, then what have they done about it? The problem with both the Public Advocate and the Disability Services Commissioner (DSC) is that they tend to take a softly-softly approach to dealing with complaints. Sure it is true that neither has determinative or directive powers, but the question is - Do they maximise what powers they do have by exerting pressure on agencies and staff who transgress? The answer is no. The Public Advocate promotes more policies and procedures. The DSC prefers the talkfest approach and unending conciliation, or any anything to avoid investigating complaints. He has had no investigations in the last two years and very few in his seven years as Commissioner.

Abuse of people with disability in care is a systemic problem. It is not simply about the abusers, for they have been able to go about their abuse largely unhindered. It is about the failure of the Minister and her departmental officers; it is about the failure of service managers and supervisors. And, it is also about the failure of the so-called protective mechanisms.

There are significant core elements that underpin the abuse in care, abuse that is wide ranging in its type and severity, although it argued that any abuse should not go unpunished. The failure to stem the abuse is hidden by the illusion of care and protection and rights, and this illusion is underpinned by deception, power plays and control.

The institutional approach - as in the bureaucracies of government, government departments, and the management of agencies - is one of ambivalence and self-protection. It is one of protection of the system. It is the type of protection that operates at the expense of the individual and families.

It is one whereby what might be called the 'sentiments of concern', as expressed by the powerful, seek to deceive us into believing that duty of care is being practised and rights protected. Or, if not, justice will prevail and wrongs will be righted by the protectors of rights like VALID, the Public

Advocate and the DSC. Not so! The Age article highlights only the tip of the abuse iceberg.

What Minister Woodridge must now do is request Premier Napthine to immediately establish a judicial inquiry into the capacity of service providers in the disability accommodation system to meet their duty of care obligations to residents and their families; and the capacity of safeguards to uphold duty of care requirements. max@jacksonryan.com.au Mobile: 0412 409 610

LISA Comment: Proper and meaningful quality of life care for vulnerable people, those with intellectual or multiple disabilities, is extremely dependent on the level and quality of service provider management.

The Department of Human Services, Victoria, fails to provide a level, quality and consistency of service management necessary to ensure services consistently meet the department's extensive and comprehensive care policies, standards and values.

Most department services are left to be totally dependent on direct care staff integrity, as traditional public service culture is very much against management involvement with day to day service provision.

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