

Abuse by Carers ‘Covered-Up’

Probe into alleged assaults on intellectually disabled

By Richard Baker and Nick McKenzie
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More than 100 intellectually disabled people in state-funded care are alleged to have suffered sexual abuse and other harm at the hands of their carers, amid accusations that senior public servants are trying to cover up incidents.

The Department of Human Services recorded 112 cases of alleged "staff-to-client" abuse in 2011-12 in government and community managed housing for the intellectually disabled across Melbourne. Many of the alleged abuse cases are serious, with molestation, withholding food, inappropriate use of sedatives, verbal and physical assault detailed in internal incident reports.

A carer later promoted to management has also been accused by colleagues of feeding cat food in sandwiches to an intellectually impaired resident at a state-run facility in Melbourne's North.

The department has commissioned an external inquiry into how senior public servants responsible for managing disability accommodation in Melbourne's East responded to recent abuse allegations.

Department whistle-blowers have accused managers of trying to conceal the extent of recent alleged abuse cases by failing to properly log information, altering staff diary notes and not promptly alerting police to serious incidents. Staff, speaking on the condition of anonymity, claim they have been pressured not to send emails about abuse cases and to delete existing emails.

"Some of the things that have happened lately inside our accommodation service are just shocking, but not everything is being reported or documented as it should be," a department insider said.

The cover-up allegations come after *The Age* last month revealed a former worker at disability service Yooralla has been charged with dozens of sexual assaults on four disabled residents at a Melbourne home.

Parents of disabled children exposed to the alleged serial sex abuser condemned Yooralla for failing to inform them when the man was charged in March. Yooralla staff also say they have been directed not to speak to the media about the man's alleged sexual assault of four residents. Yooralla management declined to comment.

Data provided to *The Age* by the department shows 48 cases of alleged staff-to-client abuse in the Melbourne Eastern Region last financial year. The region has the highest number of disabled support beds.

The department says all 48 incidents were reported to police but is unable to elaborate on how long it took for police to be notified in some cases.

In 2011-12, the department held 22 disciplinary investigations of staff in its Melbourne East disability accommodation service. Five staff have resigned or been sacked. Fourteen cases are still under review.

The government and community-managed groups employ several thousand Victorians to care for the intellectually disabled. Their work is often difficult and the rate of staff being physically attacked by those under their care is far higher than cases of alleged staff-to-client abuse.

One of the most serious unresolved Melbourne East cases involves a male carer who has been the subject of several sexual assault and misconduct allegations. The department is believed to have failed to properly investigate initial complaints against the carer who has only recently been moved away from residents.

The man's colleagues have complained that he repeatedly pulled an intellectually disabled man's pants down in front of others and made contact with his penis.

The man has also been accused of putting money down the front of his own pants and requesting other staff remove it. Police are investigating.

The Age has also learnt that a close relative of a senior departmental disability services accommodation manager was accused of sexually assaulting a disabled resident. The relative is understood to have been transferred to another area but was not disciplined.

The department was criticised by Ombudsman George Brouwer last year for its handling of alleged abuse of disabled people. In a report to Parliament, Mr Brouwer said a senior public servant fabricated evidence to cover up an assault on an intellectually disabled man. The report triggered an overhaul of the department's response to incidents of alleged abuse.

In response to questions from *The Age*, a department spokesman said: "While we will not comment on any current police investigations, the Victorian government does not tolerate behaviour that jeopardises the health and safety of people in its care, or the care of funded agencies."

Victoria's Public Advocate, Colleen Pearce, said the department's response to alleged abuse cases had improved noticeably in the past year, but it was concerning that incidents continued to occur. "The numbers are really high ... the key thing is to find out why is this happening and what are we doing to stop it happening in the first place," she said.

Executive director of the Victorian Advocacy League for Individuals with Disability, Kevin Stone, commended the department for improvements in its handling of alleged abuse. But he said it was clear "a blind eye is still being turned" in some services to evidence of abuse.

Abuse Inquiry doomed to fail

Neil Brown

A royal commission is what is needed to look at allegations of child abuse.

Questions persist about what sort of inquiry into allegations of child abuse would be best. The state government seems adamant that a parliamentary committee is good enough. Others want a royal commission or a formal type of inquiry, perhaps conducted by a retired judge or QC.

This discussion is occurring in a vacuum, without any mention of what actually takes place in a parliamentary committee, on the one hand, or a royal commission on the other and which is better. Considering both, the merits clearly are on the side of the royal commission. A parliamentary committee inquiry emerges as the last and worst option.

Having observed the work of parliamentary committees over many years, I can tell you now, what the result will be. I used to like committee hearings since you could be as uppity as you liked and you were paid an extra allowance. But they had no real teeth and achieved little.

In this case, I could write the committee's report before it has heard any evidence and my report would be just as worthless as the real one when it comes. The committee will conclude that the abuse of children has been despicable and that it must never happen again. It will go on to say that the institutions under whose roof these crimes were perpetrated also did much charitable work that was well motivated. Moreover, it will be said, nothing would be achieved in looking backwards; however, "protocols" should be "put in place" to prevent a recurrence. All concerned will be as disappointed, on the one hand, or relieved, on the other, as they are now.

So a parliamentary committee will fail because parliamentary committees are unsuited to investigate such serious matters which are, in reality, crimes. They were never intended to do so and are not equipped to do it.

It must be remembered that parliamentary committees are made up of honest and decent toilers who have not been appointed as ministers. Appointments are usually made to committees simply to find a part-time job for the individuals concerned.

In contrast, with a royal commission or judicial inquiry, it is possible to appoint the very best from the ranks of those who know a lying witness when they see one and who will, with merciless persistence, unearth the details of the subject of their inquiry. Moreover, being a royal commissioner is a full-time job, not a cushy pastime to fit in between opening bazaars and making speeches. So, if you want a second-rate investigation, appoint a parliamentary committee. If you want a real inquiry, appoint a royal commission.

It is the nature of politics that MPs have to make friends and keep them. A royal commissioner, having already had a successful career and with the special skills needed to nail the perpetrators of crimes, has no need to curry favour or to pull punches.

Of course parliamentary committees have nominal powers, but they have no tradition of using them, no familiarity with uncovering crimes and no proven ability to ensnare those responsible. The power of the committee in the present case is merely "to send for persons, documents and other things." It is a power so vague it is virtually worthless. In contrast, a royal commission under Victorian law has real inquisitorial powers to search for and seize documents, enter premises, compel witnesses to tell the truth, prosecute them if they refuse and pursue the evidence trail until the perpetrators are cornered and nailed. This sounds severe. It is, and it is exactly what is required.

Already the committee has announced it is "required by law" to complete its two unfinished inquiries before it can commence its new inquiry. Such a leisurely start to an inquiry without them is not the way to approach a subject with a potential for horrendous findings. It is not too late to set up a real inquiry with real power and one that is enthusiastic about getting on with the job.

Should the DHS be investigated for covering up abuse of the disabled?
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LISA Comment: Abuse cases which manage to escape the department's covert defences, better than the green zone in Baghdad, are just the tip of the iceberg in respect to questionable care concerns swept under the carpet. The department's disability service reactive, rather than proactive management, fails to properly manage care services within the direction, intention and spirit of the departments care policies, standards and values.

All levels of management spend enormous resources seeking to avoid a problem, rather than fix it. So, it is not surprising that abuse exists when the department has little or no proper or effective management to properly manage the business of providing a proper level and quality of care.

It is not the residents/clients which are at the centre of service provision, but the management and staff. Most house supervisors say, "The residents are no problem, it is the staff who create all the problems". The department's reactive management is certainly a recipe for questionable, inconsistent and erratic care for the vulnerable people in our society.

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