

Searching for honest answers!

“Why did government agencies allow Jack Sullivan to be placed in a respite facility - where he later died - which they knew had a questionable history?”

by Sue O'Reilly, The Canberra Times, September 15, 2012 ([LINK](#))

In early 2008, when Esther Woodbury waved goodbye to her disabled teenage son as he was driven from their Ainslie home for one of his occasional weekends of government-funded respite care in Queanbeyan, she had no idea childcare and disability agencies in NSW and the ACT had recorded numerous allegations of physical, sexual and emotional abuse against the respite facility.

If anyone in authority had bothered to alert her, Woodbury says, she would immediately have withdrawn her 18-year-old son, Jack Sullivan, who as a result of severe autism and epilepsy was particularly vulnerable. But nobody in authority did bother to alert her - and that weekend, in respite care funded by the ACT government agency Disability ACT, Jack Sullivan drowned while having a bath.

The teenager was pronounced dead in Canberra Hospital on February 18, 2008, some 24 hours after he was discovered by a respite worker submerged and unconscious in the bathtub, apparently after suffering an epileptic seizure.

At the hospital, Woodbury recounts, she and Jack's devoted younger sister, Rebecca, "sat with Jack all night, knowing he was gone, trying to come to terms with the shocking and pointless loss of someone we loved so much".

"I had to leave him there and go back to a life with no point of reference any more," says Woodbury, who was widowed in 2002, leaving her to raise Jack and Rebecca alone. "Because his disabilities made him so dependent on me, my life completely revolved around Jack."

With Jack always at risk of a sudden epileptic seizure, it was mandatory that anyone caring for him ensure he was never left alone in a bath, even for a few seconds, because of the very real danger he could drown. At home, it was usually Rebecca who sat close by while her brother was having his evening bath, doing her homework on a laptop while their mother cooked dinner.

After Jack's death, the carer told police she had left him alone for a few minutes to go to the toilet, but kept him in her line of sight. In October 2010, however, when the NSW deputy coroner conducting an inquest into the events of that February evening visited the house with a posse of lawyers to check this claim out for himself, it was discovered that the bath was not visible from the toilet.

A mass of government records, documents and emails subpoenaed before the inquest revealed that the carer's record and history over a number of years had led NSW government agencies and Queanbeyan Council to shun the Queanbeyan facility well

In an email which only came to light at the 2010 inquest, a Community Connections staffer warned DACT: "I believe we have to make a choice about the level of risk involved in utilising a service which I have been informed is questionable. From an organisational and personal point of view, I would argue that placing any child or adolescent in a situation we knew to be questionable leaves us all open to litigation, if in fact an incident occurs."

For reasons that remain unexplained, DACT took no conclusive action in response to this email, or to a further alarm bell rung three months later by another ACT government agency, the Care and Protection Services branch of the Office of Children, Youth and Family Services, or OCYFS. Instead, via Community Connections, DACT continued to fund respite services in the Queanbeyan house for Jack, while Care and Protection Services continued to send child protection clients there even after Jack's death, and despite its own senior staffers ordering it no longer be used.

In the lead-up to the 2010 inquest, and then at the hearing itself, a great deal of disturbing evidence emerged about the Queanbeyan respite worker's history with government childcare and disability departments in the ACT and NSW. The government documents and records subpoenaed revealed that for a number of years before Jack Sullivan's death, the respite worker failed repeatedly to meet the standards required by various childcare and disability agencies, and that after a number of complaints NSW's Community Services Department declined from 2006 onwards to use the centre.

The inquest heard that Queanbeyan Council terminated the worker's employment around the same time and had also decided not to use this respite service any longer, even if no other respite places were available. In the ACT meanwhile, OCYFS withdrew the worker's licence to provide childcare services in early 2006 - yet continued to send child protection clients there for a further two years.

In September 2007, OCHFS's Child and Protection Services branch sent an email to all staff stating: "It is important we do not use [the Queanbeyan service] under any circumstances. Please do not refer or direct any member of the public to use this service. Doing so may imply an endorsement of the service they provide." Yet its staff continued to do just that, well into 2008. Two days after the 2007 email was sent, it was forwarded to a senior DACT officer who passed it on to staff with the comment: "Until we have established that appropriate standards are in place, we should follow this arrangement."

Exception - brokered care from this service may be requested in writing by families with whom we are working and then funded from [Individual Support Package] funding."

In a written submission to the inquest, the DACT officer said she met Woodbury a few weeks after that email exchange to advise her DACT could no longer directly

fund respite services at the Queanbeyan house. "I told E about the issues I was aware of relating to [the Queanbeyan service]. At no stage did E query what the issues DACT had with contracting [these] services," the officer wrote. "Rather, she reiterated the value and worth of this service." But according to Woodbury, she was told nothing whatsoever at that or any other meeting about any "issues" with the care provider, and that if properly alerted, would immediately have withdrawn Jack.

Giving evidence under oath at the inquest itself, the DACT officer initially denied any awareness whatsoever of the respite worker's history. Confronted with the June 2007 email from Community Connections, the DACT officer then burst into tears.

Approached by *The Canberra Times* for a response to Woodbury's comments, a spokesman for Joy Burch said last week it was "important that as a government and community we learn from experiences such as this". But the spokesman categorically rejected any suggestion the teenager's death was a reflection of systemic failings in ACT child protection and disability support services, pointing to the NSW coroner's conclusion that communication issues - since resolved - were to blame.

"Following Jack's death, a number of changes occurred to address some of the communication shortcomings raised at the inquest, notwithstanding that the coroner made no recommendations or findings in this respect," the spokesman said.

"The coroner in his closing comments stated he specifically considered whether any systemic issues within the government had contributed to Jack's death, and in this respect made no adverse comments and findings. The coroner accepted there were shortcomings in internal communication between agencies, but he also accepted that these were complex circumstances. He also described the government officials as 'impressive' witnesses and praised their frank evidence.

"A number of reforms have occurred since. In particular, the main internal communication issue that was raised during the inquest was the failure or inability by Care and Protection Services to pass on information about the service provider to Disability ACT, due to secrecy provisions that existed in the legislation at the time, [an] issue resolved prior to the inquest through legislative changes.

"As the coroner was told, the respite care arrangement with the service provider did not require DACT to vet or license providers, and ... the coroner accepted it was best not to make recommendations in this area."

But to Woodbury, this response is just more grist for a very depressing mill. "ACT authorities just don't seem to care seriously enough about how vulnerable children and people with severe disabilities are treated, because there are just no consequences -even when a child dies," she says.

"The ACT government and its departments take no responsibility for my son's death, but they should, and I have tried everything I know to make them.

"After Jack's death, I pleaded with the Human Rights Commissioner for Young People and Disability, Linda Crebbin, to investigate the systemic problems with ACT disability services that led to Jack being placed in an environment known to be dangerous. She refused, but did ask the Auditor-General to investigate the running of respite centres and that subsequent report, released in 2009, was damning. But Jack's death wasn't mentioned because DACT provided no information on this 'incident' to investigators.

"An ACT parliamentary committee then looked into respite issues, but Jack's death and the fact the ACT government knowingly put children and young people at risk by continuing to fund the Queanbeyan worker for so long was never mentioned.

"With the NSW DPP declining to bring any charges, all that's left to me is to try to ensure my community hears this story. It should be told publicly; let the people judge their government."

Sue O'Reilly is a journalist who is writing a book about her personal experiences of the ACT disability support system, as the mother of a disabled son herself. She first met Esther Woodbury in 2010.

LISA Comment: Most services starting-up in the market place, open their doors very wide to welcome and retain customers.

In total contrast, government services, captive market services, start-up with their doors closed, and they keep them that way.

Those seeking their services must fight for these, feel eternally grateful for what ever they may eventually get, and never, ever, complain.

So called "Independent Statutory Bodies" (pseudo government departments), set up to monitor government departments, do not. All have a code of practice, that the word of government departments is beyond reproach, and consumers are always wrong in comparison.

Extra 1: Hansard (Vic), 11 September 2012, pages 48 & 49 carries concern from the Victorian Parliament regarding an amendment bill in relation to a church body ([LINK](#))

"We are debating a bill which reinforces that this Parliament is amending legislation which relates to a church property trust legislation which has been used by some churches to avoid legal responsibility in relation to the most pernicious of acts, namely, the sexual abuse of children and the harbouring of those who perpetrated it.

All members know that I have for some time called for an independent statutory inquiry into the internal processes of the Catholic Church in regard to clergy sexual abuse. In calling for this inquiry, I have consistently stated that state law, policy and practice have precedence over any internal processes of any organisation in Victoria. If state law is upheld in relation to organisations following our laws in regard to the reporting and alleged abuse of children and vulnerable adults, it follows that the appropriate state authorities can investigate those allegations of crime and obviously, if evidence can be provided, prosecution will follow."

Extra 2: There will be comment shortly on the two recent TV programs about disability - SBS 'Insight' and ABC 'Lateline'... If you have views on these two programs, we would like to hear these.

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