



Office of the Public Advocate

MEDIA RELEASE

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DAMNING OMBUDSMAN'S REPORT

The report tabled in State Parliament today by the Ombudsman of his investigation of an assault of a disability services client by the Department of Human Services (DHS) staff is an indictment of both the department and its processes.

The report outlines a cover-up by senior DHS staff of a violent incident in which a 39-year-old man with an intellectual disability who could not speak was dragged along a carpet, sustaining second-degree burns, left untreated for 24 hours.

OPA'S volunteer Community Visitors made their usual quarterly visit to his DHS-run home in Clayton soon after the incident and reported on it to DHS but, despite the persistence of Community Visitors, no action was taken of any moment for two years.

OPA ultimately referred the matter to the Ombudsman.

“This report highlights a number of very concerning problems with the system of care for vulnerable Victorians,” Public Advocate Colleen Pearce said.

“While inadequate, DHS's policies and procedures existed to properly manage this incident and obtain care for the person but they were not implemented leaving the resident traumatised, untreated and vulnerable to further violence.”

OPA supports all the Ombudsman's recommendations and notes that DHS has accepted them all but calls for a public timetable of their implementation.

In instances where residents have been victims of violence or abuse, where they have disclosed such incidents or where allegations have been made, OPA expects the following:

- assurance of the person's immediate and ongoing safety
- notification to the police
- an independent investigation
- where staff are suspected of being the perpetrators, their removal from the facility pending the police and/or independent investigation
- notification to the family of the victim
- transparent preparation of an incident report

In addition, the person needs to be supported to provide evidence.

“The report highlights the critical role of Community Visitors in protecting the rights of people with a disability in care,” Ms Pearce said.

“Community Visitors have fought for over 20 years to be taken seriously in their work and, hopefully, this is a vindication of that sustained, voluntary effort on behalf of the Victorian community.”

Community Visitors are appointed by the Governor in Council to visit facilities for people with a disability and a mental illness that provide 24-hour care.

Last year, 335 Community Visitors made 5069 visits to 1448 facilities for people with a disability or a mental illness.

They diligently prepare a report of their findings and a copy is provided to the professional in charge of their house or facility with the expectation that problems will be solved. Ultimately, their findings inform their annual report to Parliament.

“The incident outlined in the report is also an example of the Community Visitors’ persistence in getting an incident of violence dealt with, the lengths they sometimes have to go to get justice, and the difficulties of getting justice for people with a disability,” Ms Pearce said.

“People with disabilities can be victims of violence in their private home as well as in state-run and privately-operated facilities by care-givers as well as by family and strangers.

“This report relates to victims of violence in state-run and staffed care and deserves our fullest attention and action.”

MEDIA ENQUIRIES: Sally Gibson, (03) 9603 9582 or mobile 0409 197 717