

COMMENT & DEBATE

THE  AGE
ESTABLISHED IN 1854

Abusers prey on Victoria's most vulnerable

What sort of system of care fails to tackle criminal acts?

PEOPLE whose disabilities force them to rely on state-run or private care suffer the curse of being out of sight and out of mind. Many Victorians prefer not to think about what it is like to be so reliant on others, let alone consider the potential for neglect and abuse that such vulnerability creates. Care standards are low on the list of political priorities come election time and the voices of people in care are rarely heard. That is why Victoria has the Public Advocate to protect the rights of people with a disability, but, as *The Age* has revealed, the extent of sexual assault and abuse of people in

care and the inadequacy of responses remain appalling.

In her report, which focuses on the past four years, Public Advocate Colleen Pearce documents 86 cases of abuse involving people with cognitive disabilities or mental illness. A third involved sexual assault, but few resulted in police intervention and only one led to the prosecution and jailing of an offender. Last year, the Office of the Public Advocate helped 272 disabled or mentally ill people make criminal complaints to the police sexual abuse unit, which is twice as many as a decade ago. While reporting rates may have risen, Victoria's capacity to ensure justice for people who suffer abuse in care has clearly not improved.

No government can claim ignorance of the problem. In 2009, the Public Advocate told *The Age* that health authorities had been notified of almost 900

allegations of abuse and neglect in state-monitored residential services. *The Age* reported that people were being raped or performing sexual favours to obtain cigarettes, drugs, alcohol or basic necessities from their carers. Ms Pearce described the conditions of some people in care as shameful and said the government had for years ignored reports about the plight of women, in particular, in residential care. In three-quarters of the cases in the latest OPA report, *Violence against People with Cognitive Impairments*, the victims were women and 30 of the allegations of assault were against a carer. Despite ordering a review in 2007, the responses of the community services minister and her department two years ago were patently inadequate, a view confirmed by the Ombudsman's 2009 finding that the department had repeatedly

failed to respond to specific, serious complaints.

Today, a new minister, Mary Wooldridge, is responsible. She welcomed the OPA report and condemned her Labor predecessors. However, Ms Pearce says similar reports dating back to 1988 went to both Coalition and Labor governments, "and it is an indictment on the community that we have not been able to find better ways of dealing with this issue". Ms Wooldridge identifies some of the problems. Responses to abuse claims are too slow and poorly co-ordinated between services. The abysmal rate of successful prosecutions shows the justice system struggles with such cases.

Carers' recruitment and training also demand scrutiny. Ms Pearce said staff often lacked the skills to deal with abuse allegations and ensure these were pursued. Police needed training to make sure

complainants were treated seriously and fairly and that evidence was collected to the best of everyone's ability. When the victims are so vulnerable, that creates a duty to investigate properly in spite of any obstacles, just as crimes against young children are not discounted because their evidence may be seen as less reliable.

The government must also look to its own funding responsibilities. Too many vulnerable people end up in inappropriate facilities in which they are exposed to harm and then lack alternative accommodation if they make allegations against a carer or fellow resident. Effective reform will cost money, but people in care pay a terrible price for the public reluctance to properly fund support services. All Victorians should be dismayed that the serious abuse of our society's most vulnerable members has continued for so many years.