



Victorian Ombudsman
Level 1, North Tower
459 Collins Street
Melbourne 3000

16 February 2015

To the Victorian Ombudsman

Re: investigation into how allegations of abuse in the disability sector are reported and investigated

I am writing to you as the Manager of the Youth Disability Advocacy Service (YDAS) regarding your investigation into how allegations of abuse in the disability sector are reported and investigated.

YDAS is a Victorian advocacy service that works alongside young people with disabilities between the ages of 12 and 25 to raise awareness of their rights and to support them to achieve what they want. YDAS is a service of the Youth Affairs Council of Victoria (YACVic). We are funded by the Office for Disability.

YDAS provides one-on-one support through our individual advocacy service and we also work on broader policy issues affecting young people with disabilities through our systemic advocacy. This broader work is directed by the YDAS steering committee whose membership is made up of young people with a range of disabilities from across Victoria.

We appreciate the opportunity to make this submission to the Victorian Ombudsman. We understand that this 1st phase of submissions is focused on establishing the scope of the investigation and therefore I will outline the areas that we believe that your investigation should focus.

Young people with disabilities are vulnerable to abuse and neglect as many depend on others for care and basic supports. We know that young people with disabilities are less likely to complain and when they do, their complaints are less likely to be taken seriously. Some experience difficulties communicating because of their

disability and they need additional support to express their concerns. This support is lacking and as a result, they are silenced and their vulnerability is intensified. We also know that communication impairment is not the only barrier that young people with disabilities face in making complaints. For example, many do not know who to complain to or how to make a complaint. They may also be afraid of speaking up, fearing that they will be punished or that essential supports will be taken away.

We believe that the Victorian Ombudsman should investigate how people with disabilities are currently supported to make complaints and report that they are being abused and/or neglected. In our experience there are many questions that need to be answered in relation to this including:

- How are children supported to report abuse and neglect at school, and what avenues can be pursued if teachers and principals do not take appropriate action?
- What is the role of individual advocacy services and how can these services be enabled to undertake the necessary outreach support that is needed to reach those who are most vulnerable and least able to complain without advocacy assistance?
- What safeguards are in place to support the person with a disability when they are making a complaint and how can we ensure that people are not victimised as a result of making a complaint? Furthermore, how can we ensure that people do not fear victimisation and instead feel confident to make complaints.
- How do organisations such as the Victoria police, DHS, Child First, the Office of the Child Safety Commissioner, the Commissioner for Children and Young People and the Office of the Public Advocate support people with disabilities to report abuse and neglect?
- How are people with communication impairments supported to communicate and express their concerns and wishes? We believe that there is a duty of care owed by government and service providers to support their communication which is currently largely being ignored.

The investigation should also consider how the DHS Standards of empowerment, access and engagement, participation and well-being are currently being monitored and if the current process of independent monitoring is working as well as it should. In our experience, services which are accredited under the DHS standards are often failing to meet the basic needs of people with disabilities to live positive, active and fulfilled lives. Many services continue to segregate, demoralise, disempower, abuse and neglect their service users while continuing to receive accreditation by independent monitors. Furthermore, their funding and service agreements with DHS

continue without disruption despite widespread abuse and neglect. Yooralla is one example of this but we believe there are many more.

We also believe that your investigation should have a close look at the Office of the Disability Services Commissioner. In our experience, the outcome is often largely dependent on the skill and commitment of the appointed Resolutions Officer, with some of them providing a great service and others not taking the complainant seriously. We believe that the Office of the Disability Services Commissioner should be taking a stronger stand against abuse and neglect. The Office seems to focus too heavily on conciliation and mediation rather than undertaking serious investigations into misconduct, abuse and neglect. Even when investigations are conducted, the powers of the commission are limited to recommendations, resembling the proverbial “toothless tiger”.

I would like to commend the Victorian Ombudsman for undertaking this important investigation and would be happy to discuss this further, so please don't hesitate to contact me on (03) 9267 3755 or by email YDASmanager@yacvic.org.au

Yours Sincerely,

Dr George Taleporos

YDAS Manager