



Family and Community Development Committee  
Parliament House, Spring Street  
EAST MELBOURNE VIC 3002

15 June 2015

To the Family and Community Development Committee,

**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 Family and Community Development Committee. We understand that this 1<sup>st</sup> Stage of submissions is focused on the strengths and weaknesses of Victoria's regulation of the disability service system therefore I will outline some examples of where these systems fail young people with disabilities.

There are particular issues related to the experiences of young people with disabilities who are or have been abused and neglected which include:

- 1) Young people with disabilities are most likely to be abused and neglected by those who they rely on for support. This poses a major barrier to them reporting issues of abuse and neglect because of the resistance of service providers to admit failure in service provision. For example, a 22-year-old woman living in a Community Residential Unit has made multiple complaints to staff about the lack of female support workers. It is unacceptable to her, and an abuse of her right to

bodily autonomy, to be forced to have her personal care needs attended to by male staff. This has resulted in her foregoing showers and delaying bowel movements, leading to multiple and very serious health problems. She is very anxious about staff finding out that she is accessing advocacy services for fear of retaliation and further neglect but cannot attend meetings outside the Unit to discuss her case due to lack of support.

- 2) Young people with disabilities who report abuse and neglect to the Disability Services Commission (DSC) often see no improvement in their circumstances. There are many situations where conciliation, the primary method taken by the DSC to resolve complaints, is an inappropriate and unacceptable approach. For example, the legal guardian of a 13-year-old boy living in out-of-home care who was subjected to mechanical restraints by a service provider, made a complaint to the DSC and was only offered conciliation. The DSC should undertake investigations into misconduct, abuse and neglect that result in serious consequences for disability service providers and positive outcomes for service-users.
- 3) Young people with disabilities make complaints about a disability service provider but are disregarded or ignored. For example, we advocated for a 17-year-old male living in a Community Residential Unit who was sexually assaulted by a co-resident, who had a known history of sex offending, not long after he moved in to the Unit. The families of the existing residents made multiple complaints to the service provider and to the Department of Health and Human Services about the inappropriate placement multiple times, but were dismissed.
- 4) There are very limited options for young people with disabilities to achieve the result they are seeking by making a complaint. Many young people approach the Youth Disability Advocacy Service for assistance having already followed formal complaints processes of disability service providers, the Disability Services Commissioner and the Department of Health and Human Services, but continue to experience abuse and neglect. The Victorian Ombudsman is one of the only reliable complaints mechanisms that has achieved significant changes in the way services are provided to our clients. The Youth Disability Advocacy Service recommends that the processes used by the Victorian Ombudsman be replicated by other agencies, such as the Disability Services Commissioner, in order to ensure that these agencies have the powers necessary to hold disability service organisations to account for abuse and neglect.

I would like to commend the Family and Community Development Committee 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](mailto:YDASmanager@yacvic.org.au)

Yours Sincerely,

Dr George Taleporos  
YDAS Manager