

A supplementary submission to the Family and Community Development Committee, Victorian Parliament

Inquiry into abuse in disability services

Submission to Stage 2

Submitted by Sandra Guy

Further to my previous submission to Stage 2 of this inquiry in relation to Yooralla's mental health research project, I attach correspondence from myself to the Yooralla CEO and board of November 11, 2015.

In this letter I raised concerns that it had not been made clear that the Mental Health Research Project may resurrect itself in some other form and exclusively under the umbrella of Yooralla.

I also raised concerns as to whether Yooralla's Independent Advocacy Advisory Committee (IAAC) and the Yooralla Community Partnership and Advisory Committee (YCPAC) "established to demonstrate customer engagement" were engaged in establishing the Mental Health Research Project in the first instance.

Further, I noted that Yooralla has a policy associated with the Management of Human Rights and Ethical Issues which is the responsibility of the organisation's Chief Practitioner, who chairs the Management of Human Rights and Ethical Issues Committee.

Given my reasonable assumption that the originally proposed Mental Health Research Project escaped the scrutiny of both the IAAC and YCPAC committees, and was not established in accordance with the policy for which the Chief Practitioner is responsible, as the parent of a Yooralla client I expressed my concern as to the possibility of further projects that are not in line with Yooralla's core business, and yet are touted as research projects, escaping the scrutiny of the structures and policies established by Yooralla.

I raised that the very nature of the Mental Research Project and the lack of scrutiny and ethics associated with it totally contradicted the human rights of my son and other people with disabilities who would have been subject to the project, as well as the human rights of their families.

The attached correspondence to me from the Yooralla CEO of November 14, 2015, confirms that neither the IAAC and YCPAC committees were involved in discussions about the Mental Health Project.

This confirms that Yooralla's IAAC and YCPAC committees do not, in spite of Yooralla's claims, “offer an advisory role and participate in the development of programs, policies and partnerships that uphold the rights of people with disability.”

I refer to Yooralla's brochure “How we're upholding safeguards”:

“Yooralla has established independent and client advisory committees to increase vigilance and transparency across our operations. These committees also offer an advisory role and participate in the development of programs, policies and partnerships that uphold the rights of people with disability.

“The Independent Advocacy Advisory Group (IAAG) comprises a cross section of customers, family members and independent advocates and advocacy agencies. The group provides feedback, recommendations and advice to the Yooralla Board Service Delivery and Quality Committee on issues that matter most to customers, such as particular policies, strategic initiatives, feedback, complaints and planning.”

According to Yooralla, the IAAC “provide systemic advocacy advice to senior management and the Service Delivery and Quality Committee (SDQC). The Chief Practitioner provides secretariat support to the Group”

According to Yooralla, “The Yooralla Community Partnership Advisory Committee (YCPAC) provides strategic advice from a customer and community perspective, to ensure Yooralla provides services that meet and respond to the differing needs of customers within the organisation and in the community.” “The YCPAC group “reports to the Board via the Chief Operating Officer.”

I add that a search of Yooralla's website on November 14 and 18, 2015, found no details of either the IAAC or YCPAC committees; no list of the people who are on these committees, no information in relation to when these committees meet, and no information on how one contacts either committee.

I submit to this inquiry that Yooralla's claim of having established “independent and client advisory committees to increase vigilance and transparency across our operations” to “offer an advisory role and participate in the development of programs, policies and partnerships that uphold the rights of people with disability” must be exposed for what it is.

Clearly Yooralla has sought to paint a picture of responsiveness and vigilance when it comes to upholding client rights. There can be no doubt that the Yooralla Board and management are seeking to convey a message that they have been responsive to the events that exposed the organisation's failures to protect those who had been placed in their care.

Yet despite the two committees as listed having apparently been in vogue now for several months, the evidence is clear. On the Chief Executive Officer's own admission the

committee's were not consulted on an ill-conceived mental health research project. Nowhere are the names and contact details of those appointed to these committees available to a parent such as myself. How then can the members of these committees represent their constituents?

Despite lauding the establishing of a Chief Practitioner role, and the appointment of an Adjunct Professor to this position, and this person being directly responsible for the Management of Human Rights and Ethical Issues Committee, the proposed mental health research project clearly ignored the ethical issues associated with the project and the human rights of people in care at Yooralla.

For too long reviews, inquiries and investigations have resulted in service providers and bureaucrats professing that a change agenda will be established. Yet in 2015 the reason why this Parliamentary Committee, along with the Ombudsman's investigation and the Senate Committee, have been established is because of the failure of entities such as Yooralla to put into practice their high-sounding words.

This Parliamentary Committee will do little to overcome the failures of past reviews and inquiries unless it stands up for the rights of people with disabilities and their families and calls to account the blatant disregard that is shown by organisations and bureaucrats for the legislation, the principles associated with rights, and speaks the truth.

The self-protectionism that abounds in Victoria's disability sector must be stripped bare. The charlatans of change must be flushed out and in their place not only should a new system be invoked but also a new batch of people be employed who are willing and capable to uphold the legislation and do their job in accordance with the law.

Enough is enough. The committee must be to the forefront of stopping the rot that abounds, and challenge the unholy spin of well-paid bureaucrats and funded sector officials.

11 November 2015

Dr Sherene Devanesen
CEO
Yooralla
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Dear Dr Devanesen

Re: Yooralla Mental Health Research Project

I write in reference to the Mental Health Research project which I understand is now not proceeding. Notwithstanding this, however, I have been informed by the advocates who support me, Margaret Ryan and Max Jackson, that in response to a query they put to you, it would appear as though the question of whether or not the project may resurrect itself in some other form and exclusively under the umbrella of Yooralla is not clear.

I note with interest the creation of the Independent Advocacy Advisory Committee (IAAC) and the Yooralla Community Partnership and Advisory Committee. Given the functional descriptions associated with each of these committees, I seek your advice as to whether or not either or both were engaged in establishing the Mental Health Research Project in the first instance. Further, I also note that there is a policy associated with the Management of Human Rights and Ethical Issues which is the responsibility of the Chief Practitioner, who chairs the Management of Human Rights and Ethical Issues Committee.

Given the reasonable assumption that the originally proposed Mental Health Research Project escaped the scrutiny of each of the Committees as listed and was not established in accordance with the policy for which the Chief Practitioner is responsible, as the parent of a Yooralla client I must express my concern as to the possibility of further projects that are not in line with Yooralla's core business, and yet are touted as research projects, escaping the scrutiny of the structures and policies established by Yooralla.

As such, I therefore ask whether or not the originally proposed Mental Health Research Project will not be resurrected in some other guise, even if established in concert with a tertiary institution. It is concerning for me as the mother of a Yooralla client who has limited expressive language capacity, that the Senior Practitioner's role and his responsibility for the Management of Human Rights and Ethical Issues policy could well operate in isolation from the very committees that Yooralla established as a result of the abuse which occurred in its services.

Indeed, I suggest to you that the very nature of the Mental Research Project and the lack of scrutiny and ethics associated with it totally contradicted the human rights of my son and other people with disabilities who would have been subject to the project, as well as the human rights of their families.

As you will know, when I first became aware of the Mental Health Research Project, I chose on behalf of my son to not consent to his participation. However, regardless of the option of choosing to participate or not to participate, or to opt in or opt out, of themselves these

options cannot be deemed to justify the project and to in some way promote it as being based on ethics and human rights.

While I am pleased to learn from Margaret and Max that in your letter to them of 9 November 2015 you advise the Mental Health and Disability blog has been removed from Yooralla's website, nonetheless I must express my concern as to what controls are placed over the publishing of blogs on the website, particularly given that the blog in question was apparently placed there for "Mental Health Week" albeit that the timing was "prior to the decision to not go ahead with the project". If it is that almost anyone at Yooralla can place a blog on the website, regardless of whether or not the subject of the blog has been approved by Yooralla management and board, then from my perspective this is a serious deficit and one that I believe if not already addressed must be rectified.

I await your earliest advice.

Yours sincerely

Sandy Guy

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