



Safeguards against abuse and neglect in Victorian disability services

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What is a safeguard?

Verb To safeguard something or someone means to protect them from being harmed, lost or badly treated.

Noun A safeguard is a law, rule, or measure intended to prevent someone or something from being harmed.

Why do we need safeguards in Victoria?

- Reporting and investigation of allegations of abuse in the disability sector – Victorian Ombudsman
- Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings – Community Affairs Reference Committee
- Victorian Parliamentary Inquiry into Abuse in Disability Services – Family and Community Development Committee

Other work informing safeguards: The National Disability Strategy, the Victorian Disability Abuse Prevention Strategy, Absolutely Everyone: Victorian State Disability Plan, Royal Commission into Family Violence, Ending Family Violence: Victoria's Plan for Change, Safe and Strong: A Victorian Gender Equality Strategy, National Plan to Reduce Violence against Women and their Children, Change the Story: A Shared Framework for the Primary Prevention of Violence against Women and their Children in Australia , Royal Commission into Institutional Responses to Child Sexual Abuse

What did the Victorian Parliamentary Inquiry into Abuse in Disability Services find?

- Abuse takes many forms
- Abuse occurs in a range of settings
- Increased risk for some cohorts
- Gendered nature of abuse
- Links between neglect and unexplained deaths

Experiences of abuse, neglect and violence in disability services

- physical, emotional abuse and/or neglect;
- financial abuse;
- sexual abuse offences, such as rape or indecent assault under the *Crimes Act 1958* (Vic);
- an incident that has resulted in a serious outcome, such as a client death or severe trauma;
- forced treatments and interventions; and violations of privacy and wilful deprivation.

Disability Services Commissioner findings

In 2015-16:

348 incident reports reviewed

- Allegation of physical assault by staff **71%**
- Allegation of sexual assault by staff **16%**
- Unexplained injury **13%**

(expanded to all client assault, injury 1 July 2016)

**22 investigations of complaints about allegations of
abuse and neglect**

Themes from incident report reviews, complaints and investigations

1. Failure to identify and respond appropriately
2. Communication barriers
3. Organisation culture and staffing capacity
4. Inappropriate use of restrictive practice
5. Health procedures not managed

Disability Amendment Act 2017

1. Own initiated investigations - individual or systemic
2. Investigate matters referred by the Minister or the Secretary
3. Inspect certain premises of disability services without a warrant
4. Notice to take action – follow up investigations
5. Education and information – prevent/respond to abuse

Accountability investigations

	Investigations from complaints	Commissioner initiated Investigations	Referral Investigations
Request information	Existing	New	Existing
Compel documents and attendance	Existing	New	New
Inspection powers	New	New	New
Seek a warrant	Existing	New	New

Inspection Powers



Inspection Powers

DSC Authorised Officers are able to:

- Inspect Victorian disability services
- Make enquiries in relation to relevant persons with a disability
- Obtain access to relevant documents to examine, copy, and remove them
- See and interview a person with a disability, their relatives, support persons, staff and volunteers.

Notice to Take Action



Prevention



Safeguarding the rights of people with a disability

- Respected, valued and connected
- Have a voice and service providers listen and act
- Strong and committed networks – paid and unpaid
- Trained staff to deliver active support and recognise health needs
- Resources, attention & energy put into prevention

Ref. Enabling and Protecting – Issues Paper, written by S.Robinson, Southern Cross University, for Children and Young People with Disability Australia

Any questions?

- Visit www.sli.do.
- Enter code **DSC**.
- Submit your question

DSC staff members are here to help if needed

On site counsellor sessions can be organised at registration table

Additional and relevant contact details available at registration table