

# "DISADVANTAGED BY LAW"

*Disadvantaged by the very law intended to protect them!*

Residents of supported accommodation group homes for those with an intellectual or multiple disability throughout Victoria and New South Wales are disadvantaged by the very law intended to protect them.

Those with limited intellectual capacity are extremely vulnerable to abuse and neglect, often by the very people who are intended to care for them. One of the intended safeguards, is the Community Visitor Program.

The community visitor program was established under legislation to allow independent people from the community to officially visit and inspect the services and facilities in supported accommodation group homes.

The functions of a community visitor are, for example, to visit residential services (group homes) and inquire into the appropriateness and standard of premises, the adequacy of opportunities for inclusion and participation by residents in the community, any case of suspected abuse or neglect of a resident, any failure to comply with the provisions of the Act and any complaint made to a community visitor by a resident.

In practical terms, one would therefore see community visitors talking with both residents and service provider staff to ascertain the level and quality of care the residents are receiving.

This may be reasonable where the residents have at least some communications ability. But where residents have no meaningful communications, and are unable by reason of their disability to make reasonable judgements in respect of all or any matters concerning their personal circumstances and/or estate, these residents are not represented.

In these circumstances, it is a reasonable human right that community visitors contact the residents' family, guardian, advocate, friend, etc, to see if they have any concerns about the care being provided.

The response from the bureaucrats who run the community visitor programs in both Victoria and New South Wales, is that community visitors do not contact anyone to represent residents who have no meaningful communications. And,

they are not required to do so under the law. Yet it is reasonable common sense, and a reasonable human right to do so!

So we ask, "Why are seriously disadvantaged people in our community, further disadvantaged by the very law intended to protect them?" And, "Why is the same person responsible for both the service and the inspection?"

In Victoria, the Department of Human Service's direct service provision in their group homes, and the inspection of these services by Community Visitors are both within the portfolio of the Minister for Community Services.

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