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Mother branded mentally ill after complaint

By Louise Hall

A mother who raised serious concerns about the care of her intellectually disabled daughter at a group home was taken to the Guardianship Tribunal where the state government tried to strip her parental rights.

Documents obtained under freedom of information show disability bureaucrats tried to portray the mother as mentally ill and unfit to make decisions about her daughter, then 19.

The mother said: Staff at her daughter's special school and her psychiatrist had made complaints that Lifestyle Solutions, the government-funded non-profit organisation that ran the Sutherland Shire group home, was failing to follow treatment plans, had untrained and inexperienced staff, and used psychotropic medication on residents without consent.

"As a parent you're fearful of making complaints and you can see what happened to me once I did," the mother said. "I was viewed as a nuisance and troublemaker because I asked questions about my daughter's care."

On several occasions her daughter, who has a moderate intellectual disability, extreme anxiety disorder and autistic tendencies, was given such high doses of sedatives that she had difficulty speaking, standing or staying awake.

A psychiatrist, Bruce Chenoweth, reported that she had been "over-sedated" and told her caseworkers a calm environment, stable routine and increased staffing - not antipsychotic drugs - would help reduce her challenging behaviours.

The head of disability programs at St George and Sutherland Community College, Cathy Lovelock, told the Department of Ageing, Disability and Home Care she found the home's care "inappropriate and unprofessional", adding that, in her 15 years of experience in the sector, she had "never experienced a service like it".

After continuing disputes over the best way to manage the girl's behaviour, the department, supported by Lifestyle Solutions, filed an urgent application to the Guardianship Tribunal in March last year, alleging the mother was unfit to make decisions regarding her daughter's medical treatment.

Internal emails show a new behaviour support plan, which included daily doses of sedatives, sleeping medication and banning telephone calls, was commissioned despite caseworkers knowing the mother would not agree to it. Dr Chenoweth was told he could legally increase her dosage once "a guardian is appointed".

The tribunal unanimously rejected the application and criticised the department for making "an unnecessary and probably counter-productive intrusion".

Following months of lobbying by the opposition spokesman for disability services, Andrew Constance, the chief executive of the department, Jim Moore, has given the family an unreserved apology for the "actions taken by staff" from the department.

"Families such as this have lost all confidence in dealing with the current NSW government because of the 'us versus them' mentality that is part of the existing culture," Mr Constance said.

The NSW Ombudsman found Lifestyle Solutions, which has received \$72 million in state government funding since 2002, had failed to train its staff, who in apparent "confusion" began following the unauthorised behaviour support plan.

The family is still to reach agreement with the department about what services will be provided in the future, although the mother will have more say in how any funding will be spent.

The chief executive of Lifestyle Solutions, David Hogg, said the family had received a verbal apology and the group home had been shut down.

He said the organisation had supported the application for a public guardian because of "the ongoing difficulty in obtaining consent from [the mother]. 'Within the context of a complex and difficult environment, Lifestyle Solutions believes that they provided an appropriate level of care with the resources available.'"

The mother said her daughter, who has been living at home for the past 18 months, is stable and happy, although she still refers to the "nightmare house".

"I fear for people with disabilities living in supported accommodation who don't have family to keep watch," she said.

The mother and daughter in this story want to be identified but the *Herald* is prohibited from publishing their names or photographs under the Guardianship Act.

The legislation applies despite the fact that their names and an account of their ordeal have been published on the NSW Parliament's website for weeks and, this morning, the mother will give evidence at a parliamentary inquiry into services funded by the Department of Ageing, Disability and Home Care at Parliament House.

"It is in the public interest that [my daughter's] plight be told because it will hopefully assist other families of people with disabilities in NSW who may be faced with a similar desperate situation," the mother said.

LISA Comment: It is fairly standard practice in Victoria for service providers, especially the Department of Human Services, to seek to block those families who have a member in their supported accommodation group home out of their family members life for daring to question service level and quality.

Where the parents/family have no guardianship or legal right to represent their family member, the service provider will seek guardianship to ensure the parents/family really have no rights.

Where parents/families seek guardianship, the service provider will attempt to block their application at the VCAT hearing.

Where the parents/family have guardianship, the service provider will seek a VCAT hearing, in an attempt to have their guardianship powers revoked

Actions of this nature are in contrast to the service provider man-managing consumer concerns properly, and seeking to use complaints as tools to service improvement.

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