

7 September 2012

Dear management

I thought long and hard about exposing the “silent abuse’ towards those in care that is widespread that occurs at Government run Services and in the private sector. Once I made that decision to become the voice of the disabled in October 2009 I became the victim of bullying and harrassment by staff, management and union representatives.

As a condition of employment by law I was required to follow the “Disibility Standards of Australia’. In October 2009 I applied standard 12 and verbally reported staff abusing clients. Management asked me if I could put my claims in writing with the dates, times and people involved. I had done so and presented my report to management in early December 2009.

When returning from annual leave in late December 2009 I immediately became the victim of bullying and harrssment by fellow staff. Those staff made counter claims againts me and they where investigated and dismissed. Management had requested a meeting as secondary claims where made after the first where dismissed. At this meeting , senior management office of and acting network manager and Union Representative had applied Policy . Their reason for doing so went as follows “ **you and I know what they are like, they won’t stop if you stay there. It is in your best interest and ours if we move you to another house. You know what they are like, they won’t stop bullying you. If you stay there they will continue to bully you**”. The decision to wrongly apply Policy in my opinion was the catylist for rumours to circulate that I was a paedohpile as Policy quotes “**All reasonable steps are taken to ensure that the client is protected from further harm by preventing contact with the alledged offender.**” This was evident as when I reported to Management in Mid 2010 that I had been publicly labeled as such in 2 group homes no disciplinary action was taken against those employees. In fact 2 of the employees who facilitated the rumor where promoted to House Managers during the recent restructuring phase. This decision is contradictory to Policy and a clear indication that my reports of 2009 and 2010 were not brought to the attention of Ethics and Proffessional Standards Unit .

Management had been aware for several years that the staff in question had been bullying/abusing clients and staff. This was evident as the house in question was appointed a house

manager in October 2010 which was 1 year prior to the role out of house managers throughout all group homes.

The question that I ask, were the persons in question asked to put their counter claims against me in writing? I have the right to know what the second counter claims were that lead to my removal from the the group home!

**Duty of Care is “The requirement a disability service has to take reasonable care to avoid foreseeable harm to a client.”**

## **POLICY**

### **Preventing abuse**

“The \_\_\_\_\_ acknowledges that prevention is the best protection from abuse. Service providers have a duty of care to implement prevention strategies that include suitable recruitment screening processes and protocols for identifying the risk indicators of abuse. Prevention strategies should provide for the employment of skilled staff who respect the rights of clients, who are aware of current policies and legislation pertaining to abuse, and who will support clients and their families or guardians to access complaint mechanisms and raise any concerns they have about services.

### **Purpose**

“If for any reason prevention strategies fail to afford protection, the Abuse and Neglect Policy aims to provide paid or unpaid workers of \_\_\_\_\_ operated and funded services, with the means to respond quickly and appropriately to allegations of abuse”.

## **PRINCIPALS**

### **Preventing abuse**

“Service providers take reasonable steps to ensure that all paid and unpaid workers understand and perform their roles in preventing abuse of clients by any person”.

### **Reporting abuse**

“The procedures for reporting allegations or suspicions of client abuse are clearly articulated and include the responsibilities of all parties involved in the process.

The culture of the organisation or service will encourage and support any person who has witnessed abuse of a client or clients, or suspects that abuse has occurred, to make a report of abuse and be confident of doing so without fear of retaliation and in a supportive environment”.

“All paid and unpaid workers are aware of their responsibility to report allegations of abuse in accordance with the service providers documented procedures”.

### **Responding to a report of abuse**

“Response is prompt, appropriate and in accordance with clearly documented procedures. The response should include appropriate reporting to the Police, and the provision of medical care, including transfer to hospital by an ambulance and referral to a Sexual Assault Service if the assault is of a sexual nature.”

“When the victim is unable to give consent, the family, guardian or other support person are notified of the incident as soon as possible.”

### **Responding to abuse of a client by a member of staff**

“All incidents and allegations of abuse are documented and reported to a manager.”

“All reasonable steps are taken to ensure that the client is protected from further harm by preventing contact with the alleged offender.”

“The rights of a worker and responsibilities of the employer are adhered to in accordance with the appropriate legislation”.

## **RESPONSE PROCEDURES FOR OPERATED SERVICES**

“Any cases of suspected abuse by a member of staff must be reported to the Ethics and Professional Standards Unit ”

“A member of staff who is reasonably suspected of abusing a client must not be permitted to have any unsupervised contact with the client, and may be immediately transferred to alternative duties following the allegation and until the matter is resolved”.

“Any allegations of abuse by a member of staff towards a client will be the subject of internal investigation within , as well as any action taken by the Police”.

“If it is found that a member of staff has abused a client, the matter may warrant dismissal of the staff member by , as well as any action taken by the Police”.

I had discussed my concerns with management many occasions where I was often advised that I should “move on”.

As I could see no end to the bullying and harassment I transferred to another region. Three months later the bullying and harassment to that region.

Due to a long campaign of bullying, harassment, discrimination and sexual misconduct that were perpetrated against me by fellow staff my doctor put me on stress leave in February 2011. As I was on stress leave senior management from head office became involved. I provided them with another report. As a result of my second report an external investigation was conducted by an external body. The investigation took 6 months to complete which resulted in sackings, disciplines and training.

When at a conference with senior management \_\_\_\_\_, my GP \_\_\_\_\_, rehab provider \_\_\_\_\_ and my psychologist \_\_\_\_\_ it was said by \_\_\_\_\_ that **“due to the nature of the industry and how people gossip and spread rumors it is important that we look at the option of supporting \_\_\_\_\_ to seek other employment if he can not return to his pre injury duties”**.

As I wanted to return to \_\_\_\_\_ I met with the injury management officer as to discuss which group homes I could work at once I received a full clearance to return to work. Senior management had reported to her **due to an existing back injury and the risk of further bullying harassment I could only work in 4 group homes from a total of 16**. I was familiar with those group homes as I had requested inductions in the past in which I was informed that they had enough casuals on their books. I knew that there was little to no chance of gaining a shift. To make matters worse as my contract had run out whilst on stress leave which meant I would be placed on the casual pool. I asked them why my previous back injury was not an issue but now it is. They provided no answers. When being successful in gaining employment management sent the following letter;

*"Dear*

*Thank you for a medical certificate from your doctor certifying your fitness to be employed with the  
as a residential worker.*

*If you experience difficulty carrying out your duties in the future it is your responsibility to immediately inform your Network Manager. Your Manager will discuss the options available to you and may also contact  
for further advice.*

*Yours Sincerely*

*Senior Resources Officer*

*02 April 2009''.*

As I had named others who were also directly affected by the abuse that I had witnessed they were interviewed by the external investigator. Two of those who had been interviewed also had to seek work in another district but the work was short lived as four of us either have lost our contracts, our contracts were not renewed or were no longer called to work in group homes and when questioning management about this was blamed on the recent restructuring.

Due to the restrictions that had placed on me I sought other employment in which I gained employment in another disability service and started on the 4<sup>th</sup> November of 2011. My psychologist and doctor were very concerned about my intention to return to work especially at 35 hours a week as they believed that it would be too much for me taking into consideration the psychological injury I had suffered. They were right in their assessment as I slowly began to reduce my hours, have days off and finally had another breakdown. Even though I was with a new employer I still had to face those who abused clients and who bullied me as they would drop off clients at the centre where I gained employment. My doctor has recently recorded on my **FINAL** Workcover Certificate that I am can no longer to work in the care industry. This meant that I had to resign from my new employer. Where does that put me? Unemployable at 49 and a career that is over. Due to the **FINAL** work cover restriction and the herniated disk, that prevents me working in heavy industry, the job pool is greatly reduced.

As I was a government employee at the time of my injury I am not covered under the **Fair Workers Act** which seems hardly fair. This leaves the door open for government workers to be victimised if they speak out. If I had been bullied, harassed and sexually assaulted by staff in a private sector I would have been covered under the "Fair Workers Act". As I am not covered under the **Fair Workers Act** legal firms that I have met with only represent me in relation to Workcover Compensation. It seems hardly fair that I can not sue for sexual misconduct/assault against me. I wanted to take my matter to the highest level of court as this would have exposed the culture that exists in the care industry being the bullying, harassment and victimisation of clients and fellow staff.

As my income has halved I am unable to support my new wife and her son in which my wife migrated to Australia in April 2011 and her son is to arrive on June 6<sup>th</sup> 2012.

I have many reports and emails that will send alarm bells once they are read by you. I have a Psychiatrist report that will also alarm you once it is read by you. One of those reports is an interview that was conducted by the investigator where it identifies who was spreading the rumour that I was a pedohpile.

**The sad things about all this is as clients and staff will continue to be abused as like past reports the recommendations that where made by the investigator will filed away and never to be acted upon.**

**Your Sincerely**