Submission to Royal Commission into Violence, Abuse, Neglect, and the Exploitation of People with Disability

By John Armstrong

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About the author:

John Armstrong (Dip T., Grad Dip Special Education), has worked in human services for over 40 years including Aboriginal communities, education for children and adults, services for the deaf and for people with intellectual disability and autism. He has studied with and is an associate of the Training Institute for Human Service Leadership, Planning and Change Agentry, Syracuse University, USA.

Since 1983 the writer has assessed the quality of many human services to people with different identities and needs, in Australia, NZ, USA, Canada and Ireland, using comprehensive tools for assessing quality in quantitative terms, known as Pass 3 & PASSING[16; 17]. He was for 9 years a member of the Intellectual Disability Review Panel (IDRP), a statutory body under 1986 Victorian Legislation for adults with intellectual disabilities. He was also for 9 years a citizen advocate and guardian for a man with profound disabilities.

He is foundation member and Chair of Citizen Advocacy Australia, a national body supporting the efforts of Citizen Advocacy programmes across Australia. He is one of two Senior Social Role Valorisation and PASSING trainers in the Southern Hemisphere and in that role has evaluated over a hundred human services both for training purposes but also as official in-depth inquiries, including some related to abuse. Some of these reports are likely to be included in submissions from some agencies to the inquiry. He has written for journals and presented keynote addresses at international conferences addressing issues of quality, change, values in services and the prevalence of abuse in human services.

John has developed ten online programs, which are available under license to families and agencies for training staff, including a one-day workshop on preventing abuse, entitled "When policies are not enough". See https://:johnarmstrong.media

This submission has been organised into points to aid brevity and clarity. The following points are drawn from a probabilistic appreciation of the literature, empirical evidence and direct observation:

1   The relationship between service contexts and the potential for abuse

i.   A service consists of one or more people, doing something *beneficial*, for one or more people.

ii.   Formal service is intended to respond to those needs the person or their immediate social circumstances are not able to meet effectively.

iii.   Service should strengthen and not undermine the capacity to meet needs that recipients or their family can meet themselves.

iv.   Services are of higher quality when they use approaches that are consistent with how similar needs are met for valued people.

v.   Services tend to be of higher quality and safer when they are smaller rather than larger.

vi.   An agency is small when the leaders of the organisation know <u>every</u> person (and their family), who is served.

vii.   People are *safer* when being supported to utilise facilities/supports and services that valued people use.

viii. The more separate service recipients are from valued people, valued places and valued activities, the more compromised and unsafe their situation becomes.

ix.   The more similar a service model is to its valued counterpart for home, community participation, school, work etc the more likely citizens will identify with it and its goals and the people served.

x.   The mark of quality of a service rests with the character and tone of the interaction between a service recipient and a support worker.

xi.   Quality audits do not sufficiently examine that interaction nor its supports. Audits are too preoccupied with items that relate to administration, policy compliance and reporting requirements that reveals little association to factors that influence the actual quality of a service.

xii.   Services that have met audit requirements have been found abusing and neglecting people.

xiii. PASSING[17] evaluations regularly assess approved agencies with deeply negative scores indicating the significant degree to which such seemingly compliant services further devalue and harm the people they "serve".

xiv. Reporting requirements have reduced staff time with clients and have no shown a commensurate increase in the quality of the service provided.[11]

xv. The (unconscious) assumptions underpinning a serving effort coalesce into a service model. Models contain assumptions that are often unexplicated yet profoundly impact a service and all who are in it.

xvi. Services form cultures that can range from beneficial to toxic.

xvii. The nature of the culture will be influenced by the extent to which the needs of other parties vie for attention at the expense of those who are "served" and the extent of identification with those they serve.

xviii. Service models were once deeply affected by distorted perceptions of people as: objects of pity and charity, eternal children, sick or diseased organism, and menaces/objects of dread[15].

xix. Today, with the encouragement of government, business/corporate models can regard people as commodities and objects for profit making which compete with recipients' interests.

xx. Service as a business must invest in positive rhetoric (eg; being 'person centred') and other forms of image enhancement for the corporate entity which often disguise, deny and detoxify many realities for the people served.

xxi. Thus services have become more formalised and formalising, including in the impact upon families who self-manage.

xxii. Agencies (government and non-government) use the cloak of "privacy and confidentiality" to maintain secrecy about what has been happening. Anonymity never bestows dignity; it just hides the truth.

xxiii. Deception and violence tend to occur together.

xxiv. These features are unconscious to most people, including those most directly involved.

xxv. As such, most service models suffer major incoherencies that adversely affect service recipients, sometimes in devastating ways contributing to the rapid decline of people For example, the rapid changeover of staff and the dislocation of relationships, knowledge and trust that engenders.

xxvi. Constructing coherent human service models for people with considerable needs remains out of reach, with many boards relying on leadership from commercial and

financial backgrounds who remain singularly ill-equipped to provide competent direction in matters concerning the needs of people and how to arrange supports to be most effective.

2.   On the part values and attitudes play in matters of neglect and abuse

I.   Values and attitudes take shape from multiple sources within our upbringing.

II.   Values provide a lens for seeing and discerning the world.

III.   We each lean towards certain values over others.[8]

IV.   Our ability to live up to our values diminishes with any pressure placed on our comfort, wellbeing and sense of security: "even saints to turn into sinners when they miss their customary dinners".

V.   Some people and organisations emphasise just a few values: eg Care and fairness, while other people and organisations embrace a wider set of values: Care, Fairness, Loyalty, Authority, Sanctity[8].

VI.   In this pluralistic culture, no singular set of values predominate which clearly defines what beneficial should look like. Laws replace morality as definers of conduct, but cannot exist for every support contingency.

VII.   Confusion emerges, especially where individual workers lack good support and become confused about their purpose and what right and wrong actions look like [5,6].

VIII.   Organisations are no longer able to utilise agreed cultural and societal values and must now embark on values inventions of their own that are strongly associated with brand and image enhancement exercises *for the organisation*.

IX.   It is assumed that the values they select are already achieved and that the organisation epitomises the personification of those values (as discussed in 1.8 above). Example, "Integrity Care".

X.   Values therefore provide little direction because most assert to already live by them.

XI.   Different to values are virtues because they suggest a constant striving to achieve something difficult and not fully attained.

XII.   In a social constructionist world, each person becomes their own arbiter of right and wrong/appropriate and inappropriate that finds workers permitting themselves to

do remarkable and shocking things they do not seem know are wrong (a worker shaving the pubic region of a young non-verbal male adult; leaving someone in a wicker chair for a year).

XIII. It is the failure to know about and to be challenged by virtues, rather than "achieved values", that leads to abuse[14].

XIV. But workers need to have capacity for 'agency', whereas compliance to external rules does not induce the best actions from staff[7,9]; holding personal moral responsible for one's actions does.

3. The social standing of people with a disability that is often exacerbated by relentless service practices

I. The low status of recipients is poorly appreciated

II. Devalued status invites and legitimises bad treatment[2,3,12,15].

III. Services commonly add to recipients devalued status rather than counteracting it, through patterns of support; physical settings, groupings, the nature of activities, poor levels of individualisation, the imposition of devalued roles with the removal of valued roles, and additional negative imagery associated with settings, groupings, activities, language, appearance, etc.

IV. Services tend to remove valued roles (sister/daughter/friend/neighbour) and impose devalued ones (recipient, menace, object of pity/charity, sick)[15].

V. Over time, what has been imposed can get chosen by the person: role imposition can become role choice[15].

VI. People get treated badly defined by the negative role they have had imposed on them. The "eternal child" is prevented from occupying adult roles; the "sick & diseased organism" is kept dependent and helpless with low expectations, the "menace" is confined and limited in movement, interaction, and experience, etc[15]

VII. The person becomes what others think they are.

VIII. For many, as dependency on staff increases, so does the person's exposure to any negative dynamic they can be operating.

IX. Increasing independence curbs the extent to which people could otherwise be harmed.

X. Client behaviour cannot be pro-social when people's environments are antagonistic to people thriving.

XI. Client behaviour cannot be "normalised' if people are not experiencing the good things of life, especially security of relationships and abode and the ability to contribute[10].

XII. Most of the above occurs relentlessly without most staff being aware that it is happening. Thus, once again, unconsciousness is the enemy of devalued people.

XIII. Entering a human service is fraught with danger for people whose status is low. Rather than *counteracting* devaluing trends, their experience can be filled with mistakes, error, neglect, and harm, even unto death, adding to, rather than diminishing the degree of vulnerability (the ease to which one can be wounded).[17]

XIV. Wounding experiences impact people heavily and in ways that can lead to and inviting of further wounding.

XV. It is the impact of wounds that other observers, like agencies and workers, see the most, but do not comprehend the wounding events that generated them.

XVI. These impacts are often mistaken to be features of the person's disability and personality, rather than the impact of the way a human being has been treated within a service system.

4. The part image plays in affecting how people are seen and treated

I. The image of service recipients is more enhanced when a service approximates its valued cultural comparison, for example, when homes for people actually look like and conduct themselves as typical homes. Consequently, the image of service recipients tends to be more damaged whenever a service form departs from its valued cultural comparison/analogue.

II. When the image of people is damaged (via deterioration in appearance, hygiene, setting, congregation, isolation, inactivity) it invites and legitimises neglect and harm without the perpetrator being conscious of their harmful actions.

III. Enhanced imagery for service recipients is a major means for protecting the moment by moment treatment of people

IV. The value of a person is communicated via approaches that speak to their valued status.

V. When (new) service workers are with recipients who are presented *by the service* in demeaning ways, most workers tend to respond with reinforcing actions consistent with those negative messages.

VI. Because unconsciousness is the enemy of the people served any effort that builds consciousness/awareness tends to impact well on service recipients but must occur simultaneously with actual improvements in the service context.

5.   Factors affecting worker performance:

I. Support workers need a range of talents to fulfil their role

II. A talent is defined by Buckingham and Coffman[5] as:

"…a recurring pattern of thought, feeling, or behaviour that can be productively applied. Talents are the behaviours people do *often*."

III. Many workers are being employed who do not have the required talent for their role.

IV. Inviting untalented people to support those they cannot identify with puts service recipients at considerable risk of neglect, injury and harm.

V. Training cannot fix a worker's lack of talent, nor can more regulations and policies.

VI. "Training cannot put in what isn't there". Training can only sharpen talent that already exists[5].

VII. Training that is largely related to mandated requirements tends to safeguard the organisation, not service recipient.

VIII. Perhaps out of desperation, some managers select workers without any clear criteria in mind; so that "any warm body will do". This produces vast amounts of churning and crisis in which recipients are particularly at risk.

IX.   Managers assume that sufficient weight of regulation will force workers to do a good job and the right thing. There is little evidence that this is the case[11].

X.   Good practices emerge from internalised values, not from mandated ones forced through compliance[7,9,11].

XI.   Most abuse occurs in secret when no one is looking.

XII.   As abuse continues, perpetrators become less sensitivity to their actions decreases and resistance collapses, acts of abuse escalate[3,4].

XIII.   Workers need internalised values they respond to when supporting people alone.

XIV.   Most support today is provided away from the glare of other people.

XV.   It is difficult to substantiate allegations made against workers as it is one word against another.

XVI.   Vexatious allegations also confuse the picture.

XVII.   Talented people do the right thing irrespective of external forces because their motivation derives from what is internalised.

XVIII.   Compliance saps the energy, motivation and initiative of a workforce [7;9].

XIX.   Additional laws, regulations and policies cannot provide the protections needed against the human potential for neglect, harm and abuse.

XX.   Workers are at their best when they have a clear purpose, that purpose is good, and they have a degree of discretion[1].

6.   About Rights and whether Rights Protect People?

I.   The issue of rights is an ideological discussion.

II.   Rights emerged from an appreciation that people were made in the image of God and therefore they had intrinsic worth that brought with it "inalienable rights", responsibilities and obligations.

III.   Nations now rely on the UN, and other formal institutions such as the courts, to affirm rights. Rights are typically discussed without examination of the related responsibilities.

IV.   People once carried rights coupled with responsibilities (with needed competencies), else they potentially lose them, for instance, the right to drive or be a fit parent.

V.   Rights are now strongly associated with entitlements where responsibilities are more likely to be placed upon other parties.

VI.   The radical application of such proposals tends to separate people from each other, rather than bring them together.

VII.   The exercise of a right often means the diminishment of someone else's right(s).

VIII.   *Not* enacting a right may therefore benefit other parties (as when a diplomat or royalty chooses not to exercise their immunity).

IX.   **Rights can only be exercised in the context of a role. If the party has no/few roles, there is no/little potential for a Rights true exercise. A "Right" without a role is hollow and of no effect.** For example, the rights of a tenant can only be exercised if one *is* a tenant. Without a role, there is no right.

X.   Certain groups have had to fight for the right to hold certain roles, e.g., women, the "untouchables" in India etc. But it is the role that makes the life changing difference, not the right to hold it.

XI.   There are presently no rights that are withheld from people with disability in this country, conditional upon their competency to exercise the right, for example, the right to drive.

XII.   The promotion of Rights as *the* vehicle for protection for people is without empirical foundation as it is driven more as an ideological/political imperative.

XIII.   Political and legal approaches utilise "rights" because they attempt to dictate what others must do.

XIV.   Rights implemented to their fullest capacity would only ever deliver basic needs to a party.

XV.   An actual right is legally defensible, the discussion of rights implies a threat-to other parties.

XVI.   The good treatment of people cannot be coerced; like love and concern, those things can only be given voluntarily.

XVII.   The good things of life cannot be coerced from people either, it is given freely and reciprocal. The good things of life are too valuable to be bought or demanded.

XVIII.   Therefore, the good things of life are a more exacting goal than rights, because it seeks to position people, with the necessary value to receive the good things of life from others. (Please refer to separate submission by Jane Sherwin.

XIX. The law can only punish. It can only separate people, it cannot bring them together.

7. What would help prevent and reduce the incidence of neglect and abuse:

I. It is within the capacity of human nature that we all possess the potential to harm each other (As Solzhenitsyn in the Gulag Archipelago informed us*…"the line dividing good and evil cuts through the heart of every human being. And who is willing to destroy a piece of his own heart?"*.

II. The claim/threat to have "zero tolerance" and more policies will not impact people who are drawn into acting badly as they do not recognise or appreciate that they are acting badly[13] and will tend to justify their behaviour.

III. Close identification is necessary to prevent abuse: people do not abuse people they identify with, only distance, separation and remote objectivity does that.

IV. For services to select people with the right talent and foster connection and identification with those they support.

V. For managers to foster close supportive relationships and mentor staff towards excellence rather than merely "administer" support arrangements.

VI. Staff do best with clear roles and purpose with a degree of discretion and the ability to grow and develop (and make mistakes they learn from) and receive opportunities for career advancement.

VII. There must be a clear and unambiguous response to any hint that harm or neglect is occurring by everyone associated with a support context.

VIII. Service model(s) must be closely aligned to their Culturally Valued Analogues, consistent with the culture of the people served.

IX. For the service and its clients to be engaged with the community at multiple levels, so that many members of the community may interact and participate with the people supported—and to see what is happening.

X. For freely given, non-controlled parties to have long-term and independent unpaid relationships with clients. ***This is the strongest single safeguard for protecting the life and well-being of an individual.***

XI. That is, extra structural approaches (outside the service system) must be present to ensure the safety of people living within structures.

XII.　One of the most effective means for recruiting, preparing and matching suitable citizens to people with disabilities on a one to one basis, is via the Citizen Advocacy model.

8.　Enabling the strongest safeguard for protecting people's very lives and acting as the bridge to the valued world

I.　Presently there are **only 6** dedicated Citizen Advocacy programmes in Australia where once there were **26 programmes**! These other programs ceased as they were shamefully coerced into adopting paid advocacy models.

II.　Citizen Advocacy is potent in protecting people because it is not part of the service system nor do advocates have ties that could compromise their capacity to speak on a person's behalf, monitor their situation and ensure that changes are made.

III.　People with disabilities often experience ups and downs through their life, from times of relative settlement to times of great crisis. Citizen advocates maintain their relationship through those highs and lows, rather than service system efforts that react after the fact.

IV.　The relationships themselves meet many needs that cannot be met through paid arrangements alone, including companionship, access to more valued roles and relationships with the advocates relationship circle.

V.　Programmes are assessed for quality against a well-tested evaluation tool: Citizen Advocacy Programme Evaluation (CAPE) which could act as a criterion for continued funding. CAPE sets out those standards that increase the likelihood that matches will be effective and long-lasting. (See www.citizenadvocacytrust.com.au for stories of what these relationships have achieved.

VI.　A multi-component approach is needed in advocacy. In addition to Citizen Advocacy, paid/direct advocacy and Guardianship provisions, a system of state funded Community Visitor programs are also warranted, for some where no other contacts are available and can act as an early warning system.

VII.　Three reasons for such additional advocacy support are:

a. The extent to which a person is societal devalued and the likelihood of that remaining a long-term and even lifelong situation;

b. The ability of a person to identify, comprehend and respond adaptively to problems that arise in their own life;

c. The extent or absence of any adaptive network of social and instrumental resources available to them via family, friends, and community.

VIII. People receiving support from their own home will likely require a community visitor program extended to them as well, perhaps through some subsidiary form of neighbourhood visitor program.

9. Conclusion

The spectre of abuse is every present whenever people are devalued and supported away from the gaze of valued society. A cross section of pre-emptive measures are necessary. Systems typically build reactive approaches, once abuse has already occurred.

This submission has attempted to briefly unpack some of the major contextual reasons for abuse and seeks to markedly reduce *the potential* for abuse via service arrangements that communicate value to the people served, provide appropriately workers with suitable talents, maintain contact with the valued community and facilitate "extra-structural supports" that arrange for and support the formation of freely given relationships for people.

Compliance based policies and reactive protocols will likely have little effect on the overall incidence of neglect and abuse unless serving contexts are also providing a foundation of worth and deep respect.

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