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Ombudsman reports on the deaths of people with disabilities in care

The NSW Ombudsman, Bruce Barbour, today tabled in Parliament volume one of his report of reviewable deaths.

This volume concerns the deaths in 2007 of 98 people with disabilities who lived in the care of disability services or licensed boarding houses. They included:

- 31 people who lived in accommodation provided by the Department of Ageing, Disability and Home Care (DADHC)
- 52 people who lived in non-government accommodation funded by DADHC
- 15 people who lived in licensed boarding houses

The Ombudsman's fifth report details progress by DADHC and NSW Health towards implementing key recommendations to minimise risks associated with the deaths of people with disabilities in care.

"I am pleased to see progress towards addressing some long-standing concerns for people with disabilities, including critical cross-agency work to tackle issues involving mental health and therapy services," said Mr Barbour. **"However, there are three areas that require concerted attention to improve outcomes for people with disabilities in care and minimise preventable deaths."**

First aid requirements in non-government disability services

For the fourth consecutive year, the Ombudsman's reviews of the deaths of people with disabilities in care identified instances where first aid was either not provided, or was not effectively applied. There are currently no mandatory requirements for staff in non-government disability services to have first aid qualifications.

"My reports have consistently highlighted the vulnerability of people with disabilities who live in care to health emergencies, as well as continuing deficits in the provision of first aid," Mr Barbour said. **"There should be a mandatory requirement that at least one staff member on each shift has current first aid qualifications. This would be an**

important step toward preventing deaths in non-government disability services. Our recommendation should be implemented without delay.”

Review of the *Youth and Community Services Act 1973*

The report notes that, since at least 1999, there has been uncertainty about whether DADHC has the power to enforce many of the licence conditions that govern boarding houses. The continuing lack of clarity about the enforceability of licence conditions is of significant concern.

In tabling his report, Mr Barbour said: **“People with disabilities living in licensed boarding houses are not protected by policies or standards. Licence conditions, while not extensive, provide the only existing requirements regarding the health and welfare of residents. A review of the *Youth and Community Services Act*, which may provide the means to resolve the issue of enforceability, has been underway for six years. There is no timeframe for its completion. Improved outcomes for licensed boarding house residents depend upon the finalisation of this review and the establishment of safeguards.”**

Development of a health framework for people with an intellectual disability

The Ombudsman reports that improved coordination and provision of health services to people with an intellectual disability is necessary to improve their health outcomes. The development of a health framework to improve the health of people with disabilities has been endorsed in principle by NSW Health. However, progress towards finalising and implementing this framework has been slow, and there is no current timeframe for completing this work.

“On average, people with an intellectual disability have a much lower life expectancy than the general population. They require coordinated support to address complex health needs,” said Mr Barbour. **“The development and implementation of this framework is central to improving the health outcomes of people with disabilities. We strongly urge NSW Health to progress this work.”**

The Ombudsman has directed 10 recommendations to DADHC, and two recommendations to NSW Health.

Copies of the Ombudsman’s report are available at: www.ombo.nsw.gov.au