

NATIONAL VICTORIA

Former Yooralla worker Vinod Kumar jailed for attacking vulnerable women in his care

By **Mark Russell**

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A former casual worker at Yooralla, Victoria's largest non-government disability service, who sexually abused three profoundly disabled women in his care has been jailed for 18 years.

County Court judge Felicity Hampel said Vinod Johnny Kumar, 31, had shamelessly preyed on the women, who were all in wheelchairs, had cerebral palsy and required around-the-clock care.

Two of the women were aged 40 and the third victim was 38.

"This is offending of the greatest order," the judge told Kumar, who arrived in Australia from India on a student visa in 2007, on Wednesday.

"It was a gross breach of trust.

"You were employed as a carer for these people whose vulnerability was increased because of the physical and intellectual disabilities they suffered.

"They were powerless to defend themselves or to physically remonstrate with you."

Judge Hampel said Kumar's offending had not been opportunistic or spontaneous because he was careful to choose the time and place when committing the offences. He made sure he was the only person on duty and that the three women were at their most vulnerable.

"The offending against them occurred in the bathroom where the victims were dependent upon you for toileting, or at least for assistance on to and off the toilet, or in their bedrooms where again they were dependent upon you because they could not move without assistance," Judge Hampel said.

"The objective gravity of your offending is very high. The language you used to all three female victims as you sexually assaulted them was disparaging, degrading and belittling, and indicates a serious disrespect for their dignity, their rights and their autonomy."

Judge Hampel said Kumar had even threatened to put one of the women's pet birds on the barbecue.

The judge said one of Kumar's victims had wanted to swear at him and tell him to "f--- off" but it was "a measure of her level of cognitive functioning that she felt unable to say that because there is a rule against swearing in the residence".

Kumar, believing there was a risk the woman would complain, left a note for the team leader at the residence who was due on duty the following morning.

In the note, Kumar admitted he had said something rude to the woman and had apologised to her, but she had sworn at him which had so upset him that he was unable to concentrate at work.

"The team leader appeared to accept your story and immediately went and remonstrated with [the woman] for swearing in breach of the house rules," Judge Hampel said.

"[The woman] was crying when she went into her room, but the team leader did not ask why before she remonstrated with her, telling her her behaviour was inappropriate with the staff member.

"Unfortunately for [the woman] the Yooralla response was less than adequate."

No-one from Yooralla was in court for Kumar's sentencing.

"No civilised community can countenance such abuse of the disabled for whom the whole community has a responsibility to care," the judge said.

"They are entitled to have their dignity respected, and to feel safe in their homes, and safe with those who are entrusted with their care.

"The people who have had to take responsibility for making the decisions to place them in care, or to assist the disabled people to make such a decision, should be able to trust that they will be safe.

"Their parents, families and friends should be able to feel they are safe and will be treated at all times with dignity and respect.

"Those who breach that trust in the manner that you have must understand that their conduct will be condemned, and they will be sternly punished."

A fourth victim, a 27-year-old man with cerebral palsy who walks with the aid of a walking frame, was humiliated when Kumar repeatedly pulled his pants down in front of other residents.

Kumar, who pleaded guilty to eight counts of rape, two counts of sexual penetration, one count of committing an indecent act relating to a person with a cognitive impairment committed by a worker at a facility designed to meet her

needs, and one charge of indecent assault between October 2011 and January last year, was jailed for 18 years with a non-parole period of 15 years.

He showed no remorse as he was sentenced.

One of his female victims asked for her wheelchair to be turned around in court so she could see Kumar as the judge handed down her sentence. She was in tears.

Outside court, Peter Cross, convenor of the independent not-for-profit disability advocacy group United Voices for People with Disability, said this had been a landmark case but was not something to celebrate.

“This is rampant, this is systemic,” Mr Cross said.

“Yooralla’s response to this has been abysmal.

“Not only did they not take the matter seriously, they have done everything they possibly can to cover it up.

“They’ve been aided and abetted by the Department of Human Services, who supposedly conducted an independent investigation into Yooralla’s handling of the incident. The investigation didn’t even interview the victims referred to by Judge Hampel.

“It is an absolute disgrace.

“Yooralla management are absolutely incompetent. They need to be sacked and the Yooralla board needs to be dismissed and an independent administrator immediately appointed to run that organisation to prevent what has gone on here.

“This is not a one-off case.”

Mr Cross said a clear message had to be sent to the disability sector that this type of behaviour would not be tolerated.

Judge Hampel said Kumar began working on a casual basis at Yooralla in March 2009 as a disability support worker and was counselled in August 2011 after two reported instances of inappropriate behaviour, with one involving Kumar twisting the nipple of a male resident.

Kumar applied for a permanent job at Yooralla only months after being counselled and was unsuccessful because of rumours of inappropriate behaviour with residents and staff.

“Despite that, it [Yooralla] continued to engage you on a part time basis, but you were working practically full time hours, and were often rostered on at times when you would be the only support worker at a residence,” the judge told Kumar.

Mr Cross said Kumar’s offending could have been prevented if Yooralla had acted earlier.

“Their argument is that their residents come first but it’s not true, it is their reputation that they’re there to protect.”

Yooralla chief executive officer Sanjib Roy said it was pleasing to see justice done for the victims of “these horrendous crimes”.

“I am sorry for what the survivors of these crimes have been through and for what they continue to go through,” Mr Roy said in a statement.

“We hope this sentence will bring some comfort to them and recognise their bravery in giving their evidence to the court in what are clearly distressing and difficult circumstances.

“As an organisation we have been greatly distressed that such an incident could occur and we have put extensive measures in place to prevent something of this nature from ever happening again.”


Mr Roy claimed that since the allegations first came to light, Yooralla had reviewed and strengthened all internal procedures to provide the maximum level of protection to clients and ensure their rights were upheld.

He said Yooralla had commissioned an independent report into what had happened with Kumar and the organisation had adopted all 20 of the report’s recommendations.

“Yooralla is committed to ensuring the safety, well-being and quality of life outcomes for clients.”

A Yooralla spokesman said despite claims by supporters of Kumar’s victims that no-one from the organisation was in court for the sentencing, three staff members did attend.

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