

Zero tolerance of abuse of people with a disability

Response to the Inquiry into Abuse in Disability Services

Statement from the Minister

Victorians with a disability deserve to know they will be safe when accessing disability services.

They need to know the roll out of the National Disability Insurance Scheme in Victoria is based on the same commitment to high quality and safe services.

In many ways, Victoria leads the country in terms of the quality and safety of its disability services, but we know we need to do more.

The Parliamentary Inquiry into Abuse in Disability Services was proposed by the Victorian Government to examine some of the systemic issues impacting on the reporting and prevention of abuse.

This response sets out how the Victorian Government will take a zero tolerance approach to abuse of people with a disability and will ensure that if abuse or neglect does occur, there will be strong and effective processes in place to report, investigate and respond.

I would like to thank the Family and Community Development Committee for leading this inquiry, and its commitment to improving the lives of people with a disability.

The final report highlighted the need to build a culture of zero tolerance supported by a skilled and qualified workforce. The Victorian Government is taking action to address the inquiry's recommendations.

We will introduce Victoria's first code of conduct for disability workers, train the workforce to better recognise, prevent and report abuse, and strengthen the oversight of our disability services. We will also build the capacity of people with a disability, their families and carers to recognise and report abuse.

We will take actions to strengthen safeguards immediately and provide a model to influence and inform the further development of the National Framework to ensure the rights of people with a disability are protected once the National Disability Insurance Scheme (NDIS) is rolled out.

We will establish an independent, legislated Victorian registration and accreditation scheme for the state's disability workforce. The scheme, developed in partnership with our industrial partners, will protect vulnerable people from harm and support the development and growth of a quality disability workforce.

I would also like to acknowledge the significant and very personal contribution people with a disability, their families and carers have provided to the inquiry. The evidence they provided will ensure that very real and significant improvements are made.

As a Government and as a society we must ensure the right safeguards are in place so people with a disability and their families can rely on receiving quality supports as part of their push to live an ordinary life.



Martin Foley MP

Minister for Housing, Disability and Ageing

The Inquiry into Abuse in Disability Services

The Parliamentary Inquiry into Abuse in Disability Services was proposed by the Victorian Government to investigate why abuse is not always reported in disability services and acted upon, and how abuse can be prevented.

The Family and Community Development Committee undertook the inquiry, alongside the Victorian Ombudsman's investigation into how allegations of abuse in the disability sector are reported and investigated.

The committee consulted widely, seeking the views and experiences of people with a disability, their families and carers, disability services and other stakeholders.

The final report highlights the need to build a zero tolerance culture supported by a skilled workforce to address the issues of abuse and made 49 recommendations.

In response to the recommendations the Victorian Government is investing an initial \$6 million and has started work to strengthen quality and safeguards for disability services in Victoria as the NDIS rolls out.

The response builds upon Victoria's current quality and safeguarding system which includes the Disability Services Commissioner, the Office of the Public Advocate, community visitors, client incident reporting, and capacity building for people with a disability, their families and the sector.

Our priority actions

Zero tolerance of abuse

The Victorian Government will take a zero tolerance approach to abuse of people with a disability, including:

- amending the *Disability Act 2006* to include the principle of zero tolerance
- requiring disability service providers to declare a commitment to zero tolerance as part of registration
- developing a Victorian disability abuse prevention strategy
- introducing Victoria's first code of conduct for disability workers, and
- advocating for a zero tolerance approach to be a core component of a national code of conduct.

Workforce

The disability workforce is key to preventing and responding appropriately to abuse. The Victorian Government will:

- work with other governments to develop nationally consistent policies and standards for a robust disability worker screening process
- expand the Disability Worker Exclusion Scheme to all disability services
- promote and support the learning and development of the disability workforce through *Keeping our sector strong: Victoria's workforce plan for the NDIS*
- review the certificate IV in disability to ensure it has an appropriate focus on the recognition, prevention and reporting of abuse
- develop training modules on the recognition, prevention and reporting of abuse and rolling them out for staff working in disability residential services
- develop resources for people with limited communication and training for disability support workers
- establish an independent, legislated Victorian registration and accreditation scheme for the state's disability workforce.

Advocacy

Advocacy is a critical safeguard to prevent the abuse of people with a disability. The Victorian Government is committed to strengthening the disability advocacy sector. We will respond to the findings of a recent review of the

Victorian Disability Advocacy Program through a staged process of reform including targeted investment and system based improvements to enhance sector capacity.

We have a dual focus on immediate investment to build the sector's capacity and development of a plan for longer-term improvements.

Short term activities include:

- funding of \$1.5 million to be provided in 2016-17 through a Victorian disability advocacy innovation fund to:
 - develop and test ways to engage diverse and isolated people with a disability
 - build capacity for self-advocacy and family based advocacy approaches
 - address pressing demand and gaps in service delivery with priority on people at risk of abuse
 - undertake systemic advocacy to reduce specific barriers to social, economic and civic participation
 - strengthen mainstream consumer protections for people with a disability.
- improvements to the administration and management of the Victorian disability advocacy program including:
 - more effective measurement of demand and outcomes
 - building stronger links with other safeguarding mechanisms, and
 - simplifying administrative requirements for funded organisations.

Longer-term action and investment will ensure that Victoria has a strong and sustainable disability advocacy and self-advocacy sector into the future. Priorities will include provision of clearer pathways to access advocacy support, better regional support options, and targeted strategies to engage and provide advocacy support to diverse and hard to reach groups of people with a disability.

Oversight

Strong oversight is a critical component of safeguarding. The Victorian Government will strengthen its oversight system by:

- strengthening the Disability Services Commissioner's oversight role, including:
 - commencing legislative work to allow for own motion investigation powers
 - mandatory reporting of incidents to the Commissioner, including referrals of abuse and neglect, by the Community Visitors Board
 - establishing a memorandum of understanding with the Coroner to review deaths that occur within disability services
 - an annual review of deaths in disability services.
- rolling out training in the recognition, prevention and reporting of abuse for community visitors, who visit residential services to ensure clients are being supported with dignity and respect
- implementing a new client incident management system that focuses on the safety and wellbeing of clients.

Gender and family violence

Our zero tolerance approach acknowledges the importance of gender. The Victorian Government will:

- develop practice advice regarding gender preference for intimate supports, for example showering or dressing
- develop information on relationship education for people with an intellectual disability, their families and carers so they can better identify and prevent abuse
- implement all 227 recommendations of the Royal Commission into Family Violence.

Access to justice

There are a range of barriers for people with a disability to access justice. To address these barriers, the Victorian Government will:

- develop a protocol to clarify roles and processes around the investigation of complaints and allegations of abuse and neglect between Victoria Police and the Disability Services Commissioner
- continue to implement and report on Victoria Police's Accessibility Action Plan
- undertake a review of prejudice motivated crime with the aim of strengthening data collection and the capability of police members to recognise and respond to it
- consider broader reforms in response to the Access to Justice review and the Victorian Law Reform Commission's *Victims of crime in the criminal trial process* report.

What does this mean for people with a disability

The actions outlined in our response will help to reduce abuse of people with a disability and instil a culture of zero tolerance of abuse in disability services.

They will also build confidence in the disability sector's ability and commitment to prevent, identify and respond appropriately to abuse.

These measures will also ensure that if a person with a disability does experience abuse, there are strong processes in place to report, investigate and respond.

The Victorian Government will consult with people with a disability, their families and carers and the peak bodies that represent them as we implement these actions.

The Victorian Government will also support people with a disability, their families and carers by:

- building the capacity of people with a disability, their families and carers to recognise, prevent and respond to abuse
- developing information on relationships education for people with intellectual disabilities, their families and carers so they can better identify and prevent relationship abuse
- providing clear and accessible information about expressing a gender preference for the provision of intimate support, like showering and dressing.

Strengthened safeguards will apply to all Victorian disability services as the NDIS rolls out.

Existing quality assurance and safeguards that will continue during transition include:

- registration and quality assurance of National Disability Insurance Scheme providers delivering services in scope of the *Disability Act 2006*
- protections under the *Charter of Human Rights and Responsibilities Act 2006*
- ongoing monitoring against Victorian standards
- independent conciliation and investigation of complaints through the Disability Services Commissioner
- monitoring and oversight of restrictive interventions by the Senior Practitioner
- critical incident reporting and management, and
- monitoring of residential services by the community visitors.

The Victorian Government will also advocate for a strong National Quality and Safety Framework so that people with a disability have the same level of quality assurance and safeguards under the NDIS in the future.

What does this mean for disability service providers and workers

The actions outlined in our response will build the capability of the sector to respond to the abuse of people with a disability. They will also instil a culture of zero tolerance across the disability sector. The Victorian Government is working with the disability sector, experts and peak bodies to implement these actions.

We will also support disability service providers and frontline workers by:

- developing a code of conduct for disability workers with a focus on zero tolerance of abuse
- requiring disability service providers to declare a commitment to zero tolerance as part of registration
- reviewing the certificate IV in disability to ensure it has an appropriate focus on the recognition, prevention and reporting of abuse
- developing training modules on the recognition, prevention and reporting of abuse and rolling them out for staff working in disability residential services
- promoting and supporting the learning and development of the disability workforce through Victoria's workforce plan for the NDIS, as we see the wider disability workforce double in coming years
- rolling out a new client incident management system, which includes standardised processes for providing immediate support to clients, categorising incidents, investigating incidents and learning from incidents to improve services.

Our future role

Until a robust nationally consistent Quality and Safeguarding Framework has been agreed and implemented the Victorian Government will ensure safeguarding arrangements are in place.

During transition, providers under the National Disability Insurance Scheme delivering services in scope of the *Disability Act 2006* will be required to sign up to the following conditions if they are to operate in Victoria:

- registration under the *Disability Act 2006*
- monitoring against Victorian standards
- client incident reporting and management requirements
- requirements regarding restrictive interventions and monitoring and oversight by the Senior Practitioner
- independent conciliation and investigation of complaints by the Disability Services Commissioner
- monitoring of disability residential services by the Community Visitors.

People with a disability and their families and carers can be confident of the Victorian Government's commitment to ensure safeguards now and into the future.

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