

Newsletter

Disability Services Commissioner is an independent voice promoting rights and resolving complaints about disability services. Autumn 2016



In February, as Acting Disability Services Commissioner, I had the opportunity to share the stage with Simone at the VALID Having a Say Conference (HAS) as one of the keynote speakers in the opening ceremony.

The HAS conference provides an opportunity for advocates, people with a disability and carers to 'have a say' about issues that affect their lives. Over the three days, there was much discussion about the National Disability Insurance Scheme (NDIS) which starts to rollout across the country from July 2016. I commend the many staff that support people to attend and participate in the conference. It highlights the important role many organisations play in people's life, and the impact they can have on supporting people's choices, inclusion and ultimately their dignity as citizens.

Often we tell people using disability services and carers that It's OK to complain! However, we would like to see more staff speaking up about any concerns they have about the treatment of a person with a disability.

We remind staff, in fact anyone making a complaint to our office, that they can choose to remain anonymous when making a complaint. Last year a number of concerned staff raised issues with us. As a result of these complaints the DSC investigated and provided actions to the service providers. This led to positive outcomes for the people using services. We encourage service providers to empower staff to speak up, and provide reassurance that the *Disability Act 2006* (The Act) states that they should not be penalised for doing so. Any mistreatment of staff or any person making a complaint is in breach of the Act.

Over the last couple of months I've had the opportunity of meeting with various organisations and stakeholders to share understanding of the issues faced by children and adults with a disability. In a series of articles, we will outline some of these issues to bring awareness to the many challenges faced by people with a disability. The first article of the series is on page 3.

Miranda Bruyniks
Deputy Commissioner



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What a service provider can't do when someone makes a complaint

The *Disability Act 2006* (the Act) provides that a person is not to be penalised for making a complaint.

A person who by threats or intimidation attempts to persuade another person not to make a complaint to Disability Services

Commissioner (DSC) or not to continue discussions with DSC is in breach of the Act.

Similarly, a person who refuses to employ, dismisses another person or subjects another person to detriment because they

intend to make a complaint, or take part in the DSC process, is also in breach of the Act.

This provision is intended to provide a level of protection to people who make complaints and to encourage them to speak up.

Having A Say

Conference

We were pleased to have participated again in this year's VALID Having A Say (HAS) conference themed 'Ready, Set, Connect!'

The HAS Conference is a much valued opportunity for us to meet the participants and people who support them, as well as to better understand the issues impacting people with a disability using services and their carers.

At the opening of the conference, Acting Commissioner, Miranda Bruyniks was interviewed by Simone Stevens on how our office works. The following day we facilitated a role play about when it's OK to make a complaint to the DSC.

At our information stand we answered many questions about what we do and how to make a complaint. One of the most asked questions being "Can I make a complaint about services provided under the NDIS?" to which the answer is "Yes". The other (with much excitement and anticipation) was "Are you going to the dinner-disco?".

We also volunteered for some of the come and try activities which



was a great way of meeting the participants and getting into the spirit of the conference.

A big thank you to Simone for helping us out with our presentations with very little notice (literally only minutes before we went on stage).

We also participated in the 'Our Choice Expo'.

Anthony Kolmus in his role as acting Deputy Commissioner was part of a panel discussion about Making Complaints Related to the NDIS, alongside representatives from the Commonwealth Ombudsman and the NDIA. Later in the day Anthony co-presented with Jane Tracey, parent, about how families and services can work together. Jane Tracy also features in our digital story about her son Nick and the challenges they faced when Nick moved into a group home: runs for 6min 'Jane's Story' www.odsc.vic.gov.au



Thank you to Simone for helping us out with our presentations



Clare with Kirsten facilitating our role play

What is Having a Say?

Having a Say (HAS) is an annual conference in Geelong and aims to empower people with a disability by providing the opportunity to:

- 'have a say' about issues that affect their lives
- celebrate ability and achievement,
- participate in planning and running of the conference
- be heard by politicians

For more information about HAS and Our Choice Expo visit VALID's website: www.valid.org.au



Participants at our presentation

Barriers to education

There are a number of issues facing young people with disability when accessing and attending the education system. The Senate of the Australian Parliament, Education and Employment Reference Committee oversaw the Federal Inquiry into *Current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support*. The Inquiry received almost 300 submissions. Some of the issues outlined included:

- Difficulty in accessing education
- Failure of schools to provide the reasonable adjustments required by students
- Exclusion from social activities
- Shortage of services in rural and remote area
- Low expectations of students

These issues impact on the young person with disability in accessing higher education and employment.

The Report to the Senate in January 2016 acknowledged the many challenges facing students with disability and their families in adequately accessing education. Recommendations in the report include; a commitment to funding schools on the basis of need, improved teacher training and a more coordinated approach between the state and, commonwealth including to better understand and end restrictive practices.

Details of the Report can be found online www.apf.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/students_with_disability

Staff Update

We farewell Kyall Sheppard who has taken up a role of Practice Leader with Department of Health and Human Services Child Protection. Over the last three and a half years Kyall has made a significant contribution to the work of the Disability Services Commissioner. We wish Kyall all the best in his new role.

We congratulate Rochelle Collard who was recently appointed to the role of Resolutions Manager and welcome our newest staff member Joanne Calkin who was recently appointed to the role of Senior Practice Advisor. Joanne, who was previously a Senior Manager at Melbourne City Mission and most recently worked in complaints at the Taxi Directorate, has a wealth of disability sector and practitioner experience.

NDIS and Disability Services

Commissioner - Update No#1

Welcome to what will be the beginning of a regular column in our newsletter about the National Disability Insurance Scheme (NDIS) and the role of our office in the coming months.

What will be the role of the Disability Services Commissioner (DSC) during the NDIS roll-out?

There is no change to the work of the DSC during roll-out of the NDIS. That means people using disability services in Victoria can contact the DSC should they have any concerns or who want to make a complaint about their disability service. Disability service providers must also continue to meet their obligations under the *Disability Act 2006* (the Act). For more information about provider's obligation under the Act see article on page 4.

Public consultations on options for a national quality and safeguards framework have been completed and the report is available on-line at www.engage.dss.gov.au/ndis-qsf. Consultation showed there is a consensus about the need to establish an independent national complaints body dealing with complaints about disability services under the NDIS. A recommended framework is to be considered by Ministers in March 2016.

DSC will continue to operate until a new system is in place. If you, or the person you are supporting, has a complaint about a disability service funded through the NDIS call us on 1800 677 342.

Reading this and don't live in Victoria?

To find out arrangements in your state visit: www.ndis.gov.au/providers/quality-and-safeguards



Rochelle & Joanne

Annual Complaints Reporting

What are your requirements under the Act?

As either a registered, contracted or funded disability service provider, your organisation is required to:

- Have an accessible and effective complaints management system in place.
- Provide information to people using services about how to make a complaint and who they can complain to - including about Disability Services Commissioner (DSC).
- Take all reasonable steps to ensure that people are not adversely affected because a complaint has been made by or on their behalf.
- Report every year to DSC on all of the complaints your organisation has received and the outcome of the complaints by using the on-line Annual Complaints Reporting (ACR) Tool.

What is the on-line ACR Tool?

It is a free, accessible, secure and user friendly on-line database available to your organisation to report your complaints to DSC.

It can be used throughout the year so your complaints and compliments can be entered as they are received.

More information about reporting is available on our website www.odsc.vic.gov.au/annual-complaints-reporting

How do I get access the on-line ACR tool online?

Talk to the person at your organisation who is the Administrator of the tool (this is usually the organisation's complaints contact). They will have the capacity to add new users so you can log in.

Our organisation is funded for NDIA or TAC supports only - do I still need to report?

Yes. All registered Victorian disability services providing disability support funded through the NDIA or TAC must report their complaints annually to the DSC via the ACR tool.

Who do I advise if there is a change in the ACR primary contact at our organisation?

DSC can not see your information in the tool and therefore we keep a record of the ACR primary contacts for each organisation. The primary contact has full Administrator access on the tool, the ability to establish other administrators and users within the organisation, and is responsible for submitting the complaints report to DSC in July every year.

Please email DSC at acr@odsc.vic.gov.au with the details of your primary contact if they have changed.

Administrators you can add a new user in 3 easy steps

- 1 At the bottom left hand side of the ACR tool home page and click on Staff Details':

View and Update:

- My Details
- Staff Details
- Service Details

- 2 At the bottom of the page click 'Add User', and enter relevant details i.e. name and email address.

Add User

Close

- 3 You will receive an email shortly after completing with log in and password details.

**Please do not hesitate to contact Melissa at DSC if you require further assistance
1300 728 187
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