

Newsletter

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



Congratulations to Adam James, winner of the inaugural Inspire Award - Disability Services Commissioner's Best Achievement in Speaking Up, organised by The Supreme Court of Victoria, Funds in Court. The Inspire Awards celebrate people with a disability who have made a significant contribution to their field of interest or expertise. The Disability Services Commissioner award was specifically created to acknowledge the work of person with a cognitive impairment. Adam was selected because of his ongoing commitment to the rights of people with a disability by actively supporting and encouraging people to speak up about injustice.



Congratulations to Adam, winner of the Inspire Award

Welcome to the latest edition of our newsletter

Ensuring the rights and safety of people with a disability has, quite rightly, been a focus of public discussion for much of the past year with inquiries being conducted into this issue at both a national and state level. As you may be aware, the Final Report of the Victorian Parliament Family and Community Development Committee inquiry into abuse in disability services was released on 30 May. A number of the findings and recommendations of the report align with advice my office has provided over past years.

I welcome the potential benefits the recommendations have for Victorians with a disability as well as the contribution it could make to discussions about a National Quality and Safeguarding Framework for the National Disability Insurance Scheme (NDIS). For more information about the report see article on page 2.

The heightened public awareness created by the recent inquiries has resulted in an increased number of complaints being brought to my office regarding the abuse of people with a disability. In response to this, we

have recently strengthened our investigative capacity, information about which can be found on page 2.

At the request of the Minister for Housing, Disability and Ageing and effective as of 1 July 2016, my office now provides oversight of an expanded range of Category One incident reports. This provides us with an enhanced opportunity to contribute to safeguarding the rights and wellbeing of people with a disability receiving funded disability supports. For more information about this important change see the article on page 4.

The combination of increased investigative capacity and increased oversight of Category One incident reports means that DSC is better placed to uphold and promote the rights of people with a disability

Laurie Harkin AM
Disability Services Commissioner

Inside this edition:

Page 2 Parliamentary Inquiry | Investigations

Page 3 Resolving Complaints about Group Homes

Page 4 NDIS and DSC | Incident Reports

Parliamentary Inquiry into Abuse



We welcome the Final Report of the Victorian Parliament Family and Community Development Committee inquiry into abuse in disability services.

One of the true measures of community is the degree to which it protects its most vulnerable people.

Whilst noting some of the strengths of the disability sector, the Parliamentary Inquiry has highlighted a number of areas that can be improved to further strengthen the safeguards for people with a disability.

We acknowledge the Inquiry's recognition of the role of our office in dealing with complaints about disability services and we also strongly support the recommendations made in the report aimed at strengthening mechanisms to prevent and respond to the abuse of people with a disability.

If we are to make the most of the potential benefits of the NDIS, our first priority must be the wellbeing and safety of people with a disability. This is an important opportunity to learn from the past and to contribute meaningfully to future safeguarding arrangements for people with a disability in Australia.

We look forward to continuing to work with Government and the broader sector to maximise the benefits for people with a disability as a result of the valuable work undertaken by the Parliamentary Inquiry.

For further information contact 1300 728 187 or email contact@odsc.vic.gov.au

To read the report: www.parliament.vic.gov.au/fcdc/inquiries/article/1851

Farewell to Tamara



In May we farewelled Tamara Reinisch who has accepted a senior role with the National Disability Insurance Agency. We thank Tamara for the significant contribution she made to the work of the office and wish her all the best in her new position.



From left: Rebecca, Joanne, David & Caroline

Investigating allegations of abuse

The NDIS is the most significant social change since the introduction of Medicare and can be life changing for people with a disability. It is timely that the recent national and state inquiries into the abuse of people with a disability have brought into sharp focus the fact that people have a right to feel and to be safe and to have their human rights respected.

Since 2014 we have seen a steady increase in the number of complaints brought to our office relating to the abuse of people with a disability receiving funded supports. In order to respond effectively to this changing profile of complaints, and with the support of the Victorian Government, we have established a Quality Team within the office that undertakes investigations in accordance with the provisions of the Disability Act.

The team is headed up by our Principal Investigator, Rebecca Oliver, who recently joined our office bringing with her extensive experience gained through her time with the Queensland Police Force and the Victorian Independent Broad-based Anti-corruption Commission (IBAC). Rebecca has particular experience in interviewing and ensuring a focus on people with a disability as part of an investigation.

Also joining the team as an Investigations Officer is David Morris. David comes to us from the Taxi Services Commission where he worked as an investigator on a broad range of issues including allegations of abuse of the rights of people with a disability. They join Joanne Calkin, Senior Practice Advisor and Dr. Caroline Williams, Senior Quality Analyst who currently comprise the Quality Team.

Resolving complaints about group homes



It's okay to call us on 1800 677 342 to check whether what's concerning you is reasonable and something that we can assist you with.

Living with other people in a shared household has its own set of joys and challenges. This is no different for people with a disability. Every year the largest proportion of complaints brought to our office from people with a disability, their family members, carers and advocates relate to shared supported accommodation provided by disability services.

In dealing with these complaints we refer to the *Disability Act 2006* (the Act) as the basis for positive discussions with service providers about the legal expectations and best practice approaches to the delivery of high quality accommodation services for people with a disability.

Everyone has different expectations of what they consider to be a homely environment. We all have our own ideas of what is acceptable. You might not be sure of whether what you expect is reasonable. Returning to the general principles and specific obligations of residential services outlined in the Act is always a good starting point. It's also okay just to give us a call to check whether what's concerning you is reasonable and something that we can assist you with. Ultimately, the goal is for people with a disability to feel safe and comfortable in their homes.

Drawing on both the principles of the Act (s 5) and the specific obligations of organisations providing residential services (Part 5), we adopt a range of strategies aimed at resolving complaints about group homes:

- How are individuals supported to be and to feel safe?
- How are the equal rights of all individuals promoted?
- How is the privacy of individuals maintained and promoted?
- How do individuals know that their concerns are being listened to and acted upon?
- How do individuals know that they are valued and respected in their home?
- How do individuals continue to extend and improve their daily enjoyment of their home?

To access the Act in full visit:
www.odsc.vic.gov.au/disability_act

Read our latest plain English newsletter *Speaking Up* about people's rights
www.odsc.vic.gov.au/PE_News

Sarah's story

Sarah lives in a group home with 3 other people. She has lived at the house for 5 years. She likes her house. It has a big backyard and her bedroom is really comfortable.

Sarah likes to spend time in her lounge room. She likes to watch cooking programs on the TV. She likes to cook and bake.

Last year a new person moved into the house. His name was Tom. Sometimes Tom yelled at Sarah and the other people in the house. Sarah did not like it when Tom yelled.

Staff told Sarah to go to her bedroom when Tom was yelling. Sarah did not like having to go to her room. She was not enjoying living in her house. She thought it was unfair for staff to tell her to go her room. Sarah decided to speak up about it and make a complaint.

She phoned DSC and talked to Kirsten about Tom's yelling. Kirsten spoke with Sarah's service to help them to understand why Sarah was unhappy.

Kirsten, Sarah and her service talked about different ways to fix the problem. They agreed on changes that would be made so that everyone enjoyed living in the house.



NDIS & DSC

Update No. 2

Welcome to a regular column in our newsletter about the National Disability Insurance Scheme (NDIS) and the role of our office in the time ahead.

Safeguarding under the NDIS

We await the release of the National Quality and Safeguarding framework by the Commonwealth Government later this year.

Unsure about who to make a complaint to?

Anyone can contact us for advice and assistance to resolve complaints about NDIS funded disability service providers. If the issue raised is not one that we have responsibility for, we will assist you to contact the right place.

For complaints relating to NDIA's actions you can first contact NDIA. The Commonwealth Ombudsman takes complaints about NDIA, and they can be contacted on 1300 362 072.

For complaints relating to a community mental health provider contact Mental Health Complaints Commissioner on 1800 246 054.

NDIS Unsure about who to make a complaint to?
there is no wrong door

If you call any of our offices we will help you get to the right place

I'm not happy with my disability service provider	Disability Services Commissioner (Victoria)	1800 677 342 complaints@odsc.vic.gov.au www.odsc.vic.gov.au
I'm not happy with the NDIA's actions	Commonwealth Ombudsman	1300 362 072 www.ombudsman.gov.au
I'm not happy with my community mental health provider	Mental Health Complaints Commissioner (Victoria)	1800 246 054 03 9032 3328 help@mhcc.vic.gov.au www.mhcc.vic.gov.au

You can download this brochure from our website or request copies by sending an email to contact@odsc.vic.gov.au

For information about the NDIS rollout across Victoria visit:
www.ndis.gov.au/about-us/our-sites/vic

Reading this and don't live in Victoria?
To find out arrangements in your state visit:
www.ndis.gov.au/providers/quality-and-safeguards

Incident Reports

The Minister for Housing, Disability and Ageing recently requested that Disability Services Commissioner expand our oversight of Category 1 Incident Reports to include all forms of client assault, injury and poor quality of care. This arrangement took effect from 1 July 2016 and is aimed at further strengthening safeguards for people with a disability.

When reviewing incident reports forwarded to our office, DSC has a particular focus on:

1. the client's experience, particularly from a human rights perspective
2. the implementation of safeguards for the client, both immediate and long term
3. appropriate support for the client and their family in the wake of any trauma
4. the client's access to justice and protection
5. the quality and fairness of investigations conducted by service providers
6. broader systemic issues associated with the allegations.

Keep an eye out for our 2015-16 Annual Report which contains more information about themes arising from our oversight of incident reports for the past twelve months.



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