# Closed Captions – Panel discussion

*12 September 2017*

**ANTHONY KOLMUS:**  Okay, we will make a start.  Thanks, everyone.  So, we come to the next part of the day.  My name is Anthony Kolmus, the Capacity Development Manager with the Disability Services Commissioner and I will be leading this session.  If I could remind people to turn your phones to silent out of respect for our panellists today that would be great.  I will also remind you, if you do have questions, we are hoping for about 10 or 15 minutes for questions towards the ends of the session.  That will be done through this sli.do app.  They have kind of set themselves up as fair game so feel free to use the opportunity.

Both Lyn and Peter this morning spoke about the critical role that staff can have in people with a disability both feeling and being safe.  In this session, with the help of our panelists, we are going to be looking at the role of the disability workforce in safeguarding people's rights to live safe and things that impact on their ability to do this.  The panelists are drawn from a range of the sector and we are confident they have good insights to bring to the session, as we hope you do through you questions.

A quick intro.  Steve Kinmond is the NSW Community and Disability Services Commissioner and Deputy Ombudsman.  After that we have Keran Howe, the Executive Director for Women with Disabilities Victoria.  She works with issues of women's health, violence towards women and rights of women with disabilities.  After that we have David Moody, the Victorian State Manager of Australia's peak body of nongovernment service organisations who represent over 200 organisations here in Australia.  After David, we have Lloyd Williams, the Victorian State Secretary of the Health and Community Services Union and is a fervent advocate for increased disability sector funding, the improved support and improvement of the disability workforce.  We have next Emma King.  Emma is the CEO of the Victorian Council of Social Services, or VCOSS, and provides a strong voice of leadership and advocacy for social justice issues for the sector.  Last but not least, one of my colleagues, Rebecca Oliver, the Principal Investigator at the Disability Services Commissioner and has responsibility for leading the investigation of complaints and critical incident reviews.

It is Bec I am going to start with down the other end.  We have heard about culture, organisational culture and what that means.  Bec, you have had oversight for investigations by the office for over 18 months. I would like you to talk a bit about the role of staff in safeguarding people and what you have seen through the investigations you have conducted.

**REBECCA OLIVER:**  The most important thing for people is staff are the most important people.  They're your eyes and ears on the ground, they are the ones that you should have that relationship with too.  I think the most important thing from the investigations in the last 12 months is out of the 22 complaints that have come to the office that have been referred to investigation, of those, about 33% staff were the ones that made the complaint.  So, staff have made the complaint on behalf of that person with the disability because something is not going right.  I think that is the most thing there.  They are the ones we are going to talk to find out what is going well and not so well and also going to appreciate their input to say what can this service do to make things better for this person with a disability at the centre of the complaint?

**ANTHONY KOLMUS:**  Have those staff made those complaints in public? Have they made them confidentially or anonymously?

**REBECCA OLIVER:**  The 33% I am talking about, the staff came to us either anonymously or made a complaint, because they have asked for their identity to be confidential we won't reveal it.

**ANTHONY KOLMUS:**  In those situations staff were reluctant to let their name known?

**REBECCA OLIVER:**  Yes, and I will ask them through the investigation process.  The biggest thing to come through from the staff is reprisal, that something will go bad for me if I make it known that I have made a complaint.  And on the flipside, something that is of concern to me is I didn't know how to make a complaint.  So within a service provider and an organisation, they didn't know who to go to or how to be heard to escalate their complaint.

**ANTHONY KOLMUS:**  David, as State Manager for NDIS, when you hear Bec talk about the fact that staff feel like they are having to make complaints anonymously about abuse, what do you make of that?

**DAVID MOODY:**  It is very concerning.  In terms of the reasons why frontline workers aren't able to or don't feel able to report allegations of abuse or neglect, from our point of view, culture in an organisation which, if you like, actively discourages or doesn't recognise the importance of reporting abuse and neglect is not a positive culture.  We certainly, through our zero-tolerance programme, which is local and national, are running a line or a process where leaders need to set an expectation that people will be able to speak up and act within the organisations.  And essentially, it is about not only those leaders, but everyone in the organisation feeling comfortable with the culture that recognises the importance of if you see it, being able to call it out and do it safely.  Just so that, I mean, to be honest, given everyone who is here today, that is not to say that is a culture we are seeing in every single disability service provider in Australia, it is why we are working with the sector to improve the culture.

**ANTHONY KOLMUS:**  I think the figure that Bec quoted was from 2015/16 but we saw the theme appear again last financial year.

**DAVID MOODY:**  The reason we are doing it because everything is not apples when it comes to reporting abuse or neglect.

**ANTHONY KOLMUS:**  Is this an issue that staff have identified? What have said?

**LLOYD WILLIAMS:**  It is significant.  Our members regularly report to us feelings of disempowerment to speak up for a variety of reasons, including fear of reprisal from supervisors and from the work group and management itself.  There seems to be a sense of apathy that if they do report, the report won't be acted on.  Some time ago, when the senate, the national senate inquiry was occurring around the issues of abuse, our union conducted a comprehensive survey of workers both in Victoria and Tasmania and I think some of their comments are very relevant to this issue.  I would just like to read a few of them as to what they said.  "As a casual, I would be ostracised which would result in less shifts being offered to a dobber", "staff at times are too scared to report abuse or neglect as it is not acted on or you become a victim by being bullied by supervisors or team leaders", "as I work as a casual, I often find examples of neglect and when I report it, I am not asked to come back and work at the same house", "when you report concerns, you are either ignored or made feel that you are in the wrong yourself.  You are victimised for speaking out about rights and policies and procedures that don't work", "I reported to police against advice of a senior manager, I was only supported once police found evidence and laid charges", "crucified if you report, especially casuals", "a lot of politics, it has been used to take advantage of staff or revenge or to bully someone from their position".  There are a number of examples.  So you can see here a range of fears around job security, work/management relations and worker-to-worker dynamics and relationships in play.

**ANTHONY KOLMUS:**  Which if I think what Peter said about safety and security and supervision and support, with the message we are hearing from that sort of feedback and you talked about reprisal, it is not what people are experiencing.

**LLOYD WILLIAMS:** We have to recognise the precarity of work.  They work as casual workers and across multiple employers, more than 40% of staff, so that adds to that fear.

**ANTHONY KOLMUS:** We are going to come to culture later, it features in this discussion.  But another impact, recognising it in the first place.  A 2014 Deakin University study showed 30% of the direct support staff who participated in the study weren't confident they would either know how to recognise or how to respond to abuse if it occurred in the setting they were working in.  So 30% of the frontline staff weren't confident that they could actually identify or respond.  Keran, your organisation worked hard to build the capacity of the sector to recognise and respond to abuse.  What is your sense of any progress we are making or not making and what more needs to be happening?

**KERAN HOWE:**  I think we have still got a very long way to go and I think staff report to us when we run our violence programme on gender and disability that they don't and that they are concerned about what is violence and abuse in the sector.  I think there is some very obvious things like sexual assault that people don't understand, they do know what to do but know it is something that is not acceptable and intolerable but there are more subtle forms of abuse that are undermining and destructive and undermine people's self-respect, self-esteem and are demeaning.  What we hear from workers, it opens their eyes.  And we hear things like "it opened my eyes, flicked a switch and made me more aware." "It has reaffirmed the amount of power we have over our clients and how we must be mindful constantly how we use it".  It is the bottom line, the power differential needs to be explicit and we need to know how to work respectfully and to affirm people when they do disclose.  I think that is something that we don't hear enough of.  It is not just about an incident report and managing it up, it is about working with the person that has made the disclosure, and making sure that they understand that their safety is the most fundamental part of making a disclosure and affirming they have done the right thing.  I think pretty much everything Lyn said this morning was wonderful.  I totally agreed with and I take my hat off to Lyn for coming up and talking about your experience.  The one thing I didn't agree with was what you said when you said "I was stupid".  You weren't stupid.  There is nothing stupid about going out and getting a breath of fresh air.  What is wrong is that someone to be advantage of that.  We need to affirm, because we often do blame ourselves when something happens so it is important to affirm it is not the fault of the victim.

**(APPLAUSE)**

**ANTHONY KOLMUS:**  Yes.  And that is an issue that as a society that cuts across our whole range of issues.  But absolutely.  Emma? You have been involved in the establishment of the Future Social Services Institute.  I am wondering whether the deliberations that are going on about the courses that are going to be run, have staff's capacity to identify and how they go about responding to abuse been a feature of those discussions?

**EMMA KING:**  It has been.  For those who are not familiar with the work, it is a collaboration focussing on the future, focus on NDIS, in terms of the board, there are four on the panel who are members of the board, so with Lloyd, David and Keran as members.  One of the key parts that is different about the institute is the concept of codesign.  We work actively with providers and the goal of families etc. we want to develop goals that are fit for purpose for the future.  The feedback irrespective of we are speaking to a family or a provider, the courses are not cutting it in terms of future need, how do we develop something new and different.  This is really critical.  As part of that, as are a range of other things looking at cultural awareness and a whole host of other aspects.  We have got our Certificate 3 and 4 courses that we are running that are having robust analysis as they take place in terms of the experience of those who are undertaking the certificate, in terms of their work practice.  With the Certificate 4 students, they have been referred from providers.  We are getting the feedback how does it change the workplace practice.  We are mindful one of the key parts in a system that is correctly becoming more client focussed, at the same time making sure of not losing sights for supervision, mentoring and a very active quality, clearly articulated quality and safeguards framework.  I would like to draw people's attention to the fact that we think codesign is critical in that and hopefully we will help to address some of the key issues that Keran raised because within the context of the NDIS, what is the need of the workforce of the future and how do we prepare for that?

**ANTHONY KOLMUS:**  Absolutely.  Thank you.  Let's jump back to Keran for a minute.  When we were preparing for today, you were really strong on language and we need to call it for what it is.  Can you talk about why that is so important?

**KERAN HOWE:**  Yes.  I think we tend to - we - I think as a sector, minimised what we see, what I see as violence and abuse.  We call it abuse, neglect and exploitation and they are strong words but it is minimising.  What we are talking about is something that is defined under the Family Violence Protect Act as violence.  I think it is important that we call violence for what it is.  So that we do recognise how serious it is and how destructive it is for people who are experiencing it.  But also, because I think we need to align the work that we are doing in the disability sector with the work that is being done across other sectors in terms of violence, and responding to violence, responding to family violence and violence prevention.  Victoria is a leader in this area.  The work that is being done in preventing violence against women is world-leading.  So unless we take the opportunity to work cross sectors and take advantage of the knowledge and evidence that is being developed around how we prevent violence, then I think we are never going to address the cultures that we are attempting to address and we are never going to take advantage of the expertise that we can share with the violence prevention sector as experts in disability and as essential part of that sector, as well as drawing on the expertise of centres against sexual assault, violence prevention, family violence services, the whole raft of other services that are available to us.  I think language is really important for both of those reasons.  We need to open up.

**ANTHONY KOLMUS:**  Absolutely.  Emma, in the panel, you are in a unique position in that with VCOSS you are across the range of community services.  Would you reinforce that?

**EMMA KING:**  One of the key things, whether it is a ministerial or ordinary environment or housing or disability, everyone has their own acronyms and, boy, there are plenty of them.  Everyone uses terms that are used differently within different contexts.  It was highlighted to me, I did the principal for a day programme last week and was fortunate enough to go to Malmsbury school and the principal checked in with grade 2 and 3s, and how is your week? Thumbs up, thumbs down, in the middle? And the kids disclosed extraordinary things in their lives and they had a fantastic conversation about violence and what did it mean in the context of video games, from a social perspective, from a physical perspective.  I thought I would love to see a group of adults sitting around doing this.  It was quite transformative.  It struck home, we sit there and talk about at it a particular level and it was breathtaking in terms of the trust in the room among the grades 2 and 3s.  They didn't talk about acronyms, they talked about shared experiences and articulated them clearly.  It is a challenge, certainly, for all of us as adults in terms of - as the moment, you could use some terminology in one context and it would be understood differently in another.  Education would be different in health or family violence or education.  It is imperative.

**ANTHONY KOLMUS:**  Absolutely.  From our own experiences in office, we have just recently employed someone, Marianna Codognotto, who is out there, who brings to our office a strong background of family violence, within three weeks I am seeing and hearing conversations I need to think differently in the space of what we are doing.  Pertinent to what you are saying.  We have heard about why people aren't reporting, which we will come back to, but I want to come back to the reporting of abuse that has occurred.  Steve, as Deputy Ombudsman in NSW, you are responsible for the oversight of reportable incidents.  What do you think we can and need to learn from the scheme you administer?

**STEVE KINMOND:**  It came in on 3 December, 2014.  We thought we would receive a reasonable number.  We underestimated the number of violence by 73%, 50 to 60 violence notifications a month.  During that period of time, since the inception of the scheme, over 120 people who have either been sacked or have resigned mid-stream in terms of an investigation.  And then there has been many other very significant actions that have been taken.  So, the first lesson was let's not underestimate the challenge in terms of achieving zero-tolerance.  The second lesson it is not for staff, we are in partnership with client and staff and the organisation.  Let's recognise violence for what it is.  It won't be tolerated, not on the intellectual level, but people know and believe it, for the organisations that are represented here today and across the country, it won't be tolerated.  People also need to see action.  They need to see intention is good, skill is also needed.  So, solid investigative action, risk-management action is taken.  And people need to see outcomes.  Not just that the matter was reported but that substantial action was taken.  From an organisational point of view, people want to see that the organisation isn't just thinking in terms of deficit mode but is on the front foot and wants to be a nation leader in spotlighting the issue, not only in relation to the clients that you serve, but also in terms of the rights of people with disability across the country more generally.  That is the encouraging thing I am seeing.  This disgraceful issue for our nation, the spotlight is starting to be put on it, that we must deal with this issue of violence against people with disability.

**ANTHONY KOLMUS:**  Are you seeing the same pattern with staff from a staff perspective, staff wanted to report? Are you seeing similar issues?

**STEVE KINMOND:**  With staff, one of the benefits of a mandatory reporting system, people don't have a choice.  It can assist and embolden people if they are under an obligation.  If you look at the reports, we look where the report is initiated, 60% of those reports are coming from staff.  A very significant number of those reports are coming from disability support workers, directly at the coal face.  Another 25% of those are coming, which is very encouraging, from us, from clients, who are saying, "This is not acceptable" and they are bringing their concerns either within the organisation or to someone who represents their interest.  25% from clients or people who are close to those clients, family members, friends, they might be counsellors who are bringing it, but it has been initiated from the client raising concerns.  So some of that is very encouraging.  There are aspects of this work which are very depressing but it is encouraging that in fact staff are stepping up and are saying "no more, this does not represent the organisation that I work for".  And it must be done and that was great this morning - it must be done in partnership with the clients that we serve.

**ANTHONY KOLMUS:**  I think that is a challenge, straight up, which we will which back to.  Bec? For the last five years, DSC has had oversight of critical incidents, Category 1, particular types of incidents.  What are the key things you have seen through that process?

**REBECCA OLIVER:**  I suppose what is good to see is that the people with disability are being more considered during that process.  So we have seen some improvement with people with disability, whether they be the victim, perpetrator or a witness to abuse or neglect issues, all those categories being more considered in the response from the service provider, like medical attention being sought when required, but also families being advised and included in what has happened.  Supports for people when they need them with different things.

**ANTHONY KOLMUS:**  Yep.

**REBECCA OLIVER:**  Also, a more positive approach from service providers with respect to staff being stood down while investigations are underway and DWES being utilised for reporting staff to DWES while the reports and investigations are being looked into.  Sadly, one of the things that I don't consider to be so good is service providers still have a reliance on Victoria Police to conduct investigations.  Unfortunately, that is not going to give the best outcome for a person with a disability.  Victoria Police have got a focus on they look at criminality of things so they are quite limited with what they can look at.  Whereas what should be looked at is the supports around that person, HR and recruiting issues.  We are still seeing issues with complaints made against casual or labour-hire companies and for that, we see, well, what is their induction about and how come they are not getting those supports as staff, to know those person's supports prior.

**ANTHONY KOLMUS:**  There has been some complexity in that, where you have labour-hire staff working within an organisation in terms of who does the investigation, who is responsible for managing that situation?  Has that been an issue?

**REBECCA OLIVER:**  Yes, that has been an issue in the past.  So it has provided, yes, complexity in the investigations as to who is responsible for investigating the staff member, is the service provider who engaged the labour hire company or the labour hire company who engaged the person who work for them.  There has been negotiations between the different providers as to who will take the lead.

**ANTHONY KOLMUS:**  That is typically a case-by-case basis?

**REBECCA OLIVER:**  Yes.

**ANTHONY KOLMUS:**  Coming back to culture.  We have been hearing lots about culture this morning and it is a clear it is an important part of this whole process.  But it is also seems logical that if an organisation is going to adopt a whole-of-organisation approach to reducing abuse or, hopefully, getting rid of it completely, it does have to be a whole-of-organisation approach from top-down.  David, what is the role of management in this? Because Peter spoke earlier about "we didn't know what was happening in our organisation".  Is that good enough?

**DAVID MOODY:**  No.  If you look a legal approach, if you did, directors within the sector are duties of due diligence.  Merely saying you didn't know and you may not know because you may know reasonable inquiries, doesn't cut it.  It is part of the reason why we are working with boards to support them in a better understanding of the roles of directors and directors' duties when it comes to making inquiries and not waiting for things to come to them, making inquiries as to how the organisation all the way through the organisation, is performing in regards to preventing disability abuse and neglect and to actually start to, not to start, but to continue the conversation with boards around, forgive me for using the phrase, key performance indicators, and other objective markers of performance to understand how the organisation is performing on an ongoing and trend-analysis basis.

**ANTHONY KOLMUS:**  Is your sense it is a direct responsibility of theirs?

**DAVID MOODY:**  I know we promised not to talk about NDIS, but with NDIS coming, we are starting to see anecdotally an increasing element of commercial acumen, understanding the role of directors and due diligence and perhaps they are from outside the sector in some cases to ask the sometimes-tough questions about how do we know? How do we know what is going on?

**ANTHONY KOLMUS:**  Good.

**DAVID MOODY:**  We are seeing that in Victoria and also around Australia.

**ANTHONY KOLMUS:**  Great.  Steve, is this an issue that has come up in investigations that your office has conducted in terms of a whole-of-organisation issue?

**STEVE KINMOND:**  It has become a litmus test in quite a number of cases as to with whether an organisation understands its responsibilities.  To put it in context, we are running 10 to 15 times the number of violence matters that we were prior to the scheme.  With that comes a whole lot of intelligence about organisations and responses by senior executives within those organisations.  It has put the spotlight on organisational culture and attitude in this area like never before.  Just to not mention the NDIS, but to mention the NDIS, if you look at the Quality and Safeguards Commission, my background is in investigations for 25-odd years and I have a fascination with intelligence.  If you have got the establishment of a $50 million a year Quality and Safeguarding Commission and it is in the business of registration and receiving complaints and expanding reportable incidents scheme and tracking practice, that organisation should be able to have information to put the spotlight on organisations under reporting or whether there are a particular time that are not being responded to well, it should be able to put the spotlight on boards.  So the future, it is clear that the future will involve substantially increased accountability.  So wilful blindness will not cut it.

**ANTHONY KOLMUS:**  I feel like Basil Faulty, we did give these guys instructions not to mention the NDIS today so I could do a silly walk but I won't.  Steve and Bec, still in the culture, I think the culture is so important.  In the investigations you have conducted where there has been abuse uncovered, would you say that organisational culture has been a feature of those organisations in terms of what has led to that abuse or has there been one bad apple? It has probably been a bit of both, I guess.

**REBECCA OLIVER:**  I would say a bit of both in some examples that we have looked at.  Sometimes the response from staff is "that is the way things are done around here".  You can see in early stages, I suppose, the slippery edge of the wedge, with some things that have become acceptable practice when they are not and it is up to other staff.  It is what we are seeing in our investigations, other staff who have come forward and said, "This is not good enough and this is not acceptable", and they are the ones we go to first and the voice of reason.

**ANTHONY KOLMUS:**  They have the information.

**REBECCA OLIVER:**  To call it out.

**STEVE KINMOND:**  Look, I like to respond in terms of evidence, we will look at particular facts of the case.  In some cases where abuse and violence has been brought to light, what is says, a fantastic organisation that won't tolerate it.  I think it is an important message for me to send today.  Or we have got mixed messages here, don't we? Please, from an organisational point of view, do not think the fact that you are bringing something to light because somebody has done the wrong thing will shed a bad light on your organisation.  Obviously, from an intelligence perspective, you look at clusters of information and responses.  Any judgments that need to be made about an organisation need to be based on the evidence.  We will see, in the context of particular organisations, sometimes clusters of information that indicate significant organisational issues.  Then the challenge is, well, how does the board, how does the chief executive, respond to those challenges? Are they in denial or the front foot?

**ANTHONY KOLMUS:**  I want to finish off this part of session looking to the future? What does it look like? How do we go about finding and attracting and keeping a quality workforce, going back to Peter.  I want to throw questions to Emma and Lloyd.  Emma, what do we need to do as a sector and what can we learn from what other sectors are doing how can we can support staff better?

**EMMA KING:**  One of the first things to be find mindful of, social assistance and welfare is the greatest growth of next 10 or 20 years.  NDIS rolling out, at the same time, we have significant changes in aged care reforms and significant family violence reforms rolling out.  All of those are meaning we have got a workforce competing with each other looking to attract and retain.  It is both an opportunity and it is a challenge and that is one of the things when we set up the Future Social Services Institute because we wanted to look at it as an opportunity and an opportunity for first class jobs that sit alongside that.  I think the speed of growth is something that there are a whole lot of things that attach and I am sure Lloyd will touch on, at the same time, we have precariousness of employment and the casualisation, these are issues to address if we want to attract and retain the best people to work in the sector, which we do.  It is something we are very focussed on.  I think one of the key things that I have always got in mind for me how do we keep the balance of choice and control for people with disability, for clients, a long time, we balance that alongside the safeguards and quality.  It is one of our greatest things to keep in mind as we are moving to the next stage here and keeping in mind in a very contested space, because there will be a lot of job opportunities available, we need to make sure they are high-quality jobs and attract and retain the very best people to come and work in the sector.

**ANTHONY KOLMUS:**  Thanks.  Lloyd, following on from that, the Victorian government is exploring a registration for staff here in Victoria.  What impact would it have?

**LLOYD WILLIAMS:**  We think the government's move to legislate and lead in Victoria and legislate a disability worker registration accreditation scheme is a really important initiative.  We take the view that we have to drive professionalisation in the sector.  We have to make disability work across the sector a career of choice.  So, yes, we have to deal with precarious work, we have to deal with remuneration across the sector because everybody recognises that it is way too low.  But importantly, we have to have good quality safeguards and systems around, wrapped around the workforce and a registration accreditation scheme is a positive scheme, whereas the DWES scheme is a negative scheme.  We want to - we think that the benefits of the scheme will be to create a sense of occupational identity for the workers and increased professionalism right across the sector.  With increased professionalism comes increased accountability, more focus on education and training standards and more focus on ongoing professional development.  The scheme, which will go out to public comment shortly, we hope, will put in place a risk-based approach.  So where a particular participant has a higher level of risk and vulnerability, so does the standard of accreditation of the worker increase in line with that risk.

**ANTHONY KOLMUS:**  Absolutely.

**LLOYD WILLIAMS:**  We think it is a really positive mechanism to not only professionalise and drive change across the sector but also to put in place another important layer of quality safeguarding in the sector.

**ANTHONY KOLMUS:**  Great.  Okay.  Over to you guys.  How we going for questions? We have got plenty, apparently.  Get ready, guys.  Here is Anthony with technology.  There you go.  That's exciting.  Okay.  So, should there be a stronger focus - this is not to anyone particularly - should there be a stronger focus on leadership skills to promote conversations and reporting rather than training for support staff?

**DAVID MOODY:**  I don't think it is either/or, you can walk and chew gum.  We have demonstrated our zero-tolerance, we are not focussing on one element or cohort within organisations and supporting boards to get better and frontline workers to get better.  We are supporting both and senior leadership and middle management and we are supporting them by having the adult conversations that Emma was referring to through the development of initiatives to make sure that across the organisation there is these conversations.  I think if we start a conversation that says we can focus on this bit first and this bit second, you are not going to get a continuum of understanding and the opportunity for continuous improvement within organisations.

**ANTHONY KOLMUS:**  This is about a layering effect.

**DAVID MOODY:**  It is a whole-of-organisation approach.  But you are not going to have people receptive to a call to action if only some have been called.

**EMMA KING:**  One of the other things of the institute we have been running at the same time as the certificate class is a master class which is designed for leadership, running the PD at the same time.  One of the outcomes of the first master class group they want to set up an alumni, from leaders of organisations, saying we need some kind of space to talk about how it means for us and how we develop as well.  I agree it is not an either/or, it is how we do it at the same time.

**LLOYD WILLIAMS:**  I think cultural change has to come from above and below and it has to be right across the organisation.  Just on the issue of boards, I think boards have a really critical role to play here.  Boards have a range of obligations to make sure the overall health of the organisation and it is not just fiduciary responsibility.

**ANTHONY KOLMUS:**  Absolutely.

**LLOYD WILLIAMS:**  We think that boards should have quality and safeguard committees as a part of their governance structures.  This would elevate the issues of quality and safeguards beyond the executive management level.  We think that is really important.  I understand many organisations have advisory groups where they have participants and families involved in those advisory groups.  But those advisory groups are led by the executive management team.  It is very important that the directors take a responsibility in this space.

**ANTHONY KOLMUS:**  Absolutely.  Totally agree.

**KERAN HOWE:**  I think the concept of champions of change in organisations is great leadership.  Providing people who have a depth of knowledge around the issues but not necessarily in positions of management is a great way to provide support to staff who might need a sounding board around how to manage something.

**ANTHONY KOLMUS:**  This next question is really important.  So, where allegations of abuse are not able to be substantiated, how can we support victims of abuse to feel and be safe? A meaty one.

**KERAN HOWE:**  I'll start.  I think the language, again, it comes back to language and the concepts that we use in the disability sector are quite different to concepts in other sectors.  Allegations of abuse, I understand that we are talking natural justice, but starting with the point that it is an allegation suggests that it has to be proven before anything is done.  That, as we know, is quite difficult and perpetrators are not stupid.  They do choose situations where the burden of proof is not there to be done.  So we have to start with the language of victim-focus or victim-survivor-focus which is disclosure and start with making the person who made the disclosure at the centre of whatever we do next.  I think if we do that, we start from a very different position of "this is an allegation and we won't do anything until we have proven it".  That puts the person who has made the disclosure at a position of extreme disempowerment.

**ANTHONY KOLMUS:**  Absolutely.

**(APPLAUSE)**

**DAVID MOODY:**  If I could back that up, I know I spoke about legalistic approaches, from our point of view, the organisation that adopts a legalistic approach to these allegations is not living the cultural values.  It is tremendously important when these allegations are made, organisations are prepared to get on the phone as quickly as possible, at a senior level, check in with the people who are making allegations, offer appropriate apologies, sympathy, empathy and not play the game of "I better not say anything in case I say something".  I know, at risk offending lawyers, there are those who take the approach, "don't say anything because to make an apology is to commit an omission of liability", but progressive approach demands senior leaders in the organisation getting, literally, demonstrating publicly their empathy for the people who have, I hesitate the use the word "victim" so I won't, the empathy for the people making the allegations, demonstrating their alignment with those people.

**(APPLAUSE)**

**ANTHONY KOLMUS:**  A question here.  Are staff making complaints because people with disability are afraid to or cannot? Are they encouraging people with disability to complain themselves?

**REBECCA OLIVER:**  I can follow up on that.  For both reasons.  We are having staff speak up for people with complex communication needs and so that is a good thing and we are seeing staff being supportive of people with disability to come forward to us.  We have interviewed people with disability who are at the centre of the complaints so they are included and their complaints are heard by us.  So we see both, we see staff standing up and saying "this isn't right" and being sympathetic of those clients they support.

**LLOYD WILLIAMS:**  It is the right thing for staff to do.  We know that many people who are supported don't have families that are near and it is absolutely critical that staff have the line of sight and know what is going on.  It is a critical role for staff to play, in our view.

**ANTHONY KOLMUS:**  I think that is a message coming through loud and clear: Staff are in a unique place in this discussion and we need to do everything to support them in this space.  A question here following on from Lyn's talk this morning.  With regards to Lyn's experience, why did it take 12 complaints for the staff member's behaviour to be actionable? What about one, two and three? Anyone want to tackle that one? As an office, I think we have certainly seen instances of similar patterns.

**LLOYD WILLIAMS:**  Well, I think it came out in the survey that those comments that I talked about earlier, there is a feeling from staff and it creates an apathy, if I have made a complaint it wasn't actioned.  So it is critical that every complaint is actioned and dealt with and there is proper feedback processes to ensure, and communication channels to ensure, that everybody knows that everybody is taken seriously.  Otherwise, we build up, it just adds to that culture that, "well, what is the point of me complaining?  Nothing ever occurs."  We have got to stop that.  It has got to change.

**ANTHONY KOLMUS:**  Yep.

**STEVE KINMOND:**  We found that the process is critical.  And the process including the staff member, the staff member the subject of allegations including the staff member who has made the allegations, raised the allegations, raised the concern, how they are supported.  Let me say, most importantly, in terms of the clients who should be receiving the service.  So, the only game in town is not whether there is a sustained finding.  If the objective is to have safe, supportive, encouraging environments, then that is what we have got to have line of sight of.  So at the end of the process, the people are not going to feel safe and secure and supported, and if their clients, if they are not feeling they are being dealt with appropriately, if staff members or the person who raised the allegation, if respect is not shown through the process.  So we have a fundamental responsibility.  I used to oversight police many years ago and one of the things I observed they are good at investigative practice but by the end of the investigation they found the organisation had imploded.  We had to look after people through the focus and have a focus of people at the end of the process and the primary focus has got to be on clients.  You ignore your staff at your peril too.  So the question is wherever the evidence takes us, what the organisation wants to stand for is in play.  It involves sophisticated risk-assessment work, careful analysis, and let's not ignore good relationships and the restoring of relationships.  It is a tough business in that regard and we shouldn't minimise the challenges.

**KERAN HOWE:**  I guess it says to me that we don't value the word of people with disabilities if it takes 11 complaints before it is acted on.

**ANTHONY KOLMUS:**  Yep.

**KERAN HOWE:**  And have an example here of someone who brought her situation to us where she complained three times to three different people within the organisation that were supporting her, about a worker who was stalking and grooming her.  She complained to managers, direct service worker, middle management, and was ignored until after some time her mother saw it, saw her fear and distress and complained and then it was acted upon.  So, again it comes back to taking the word of somebody else rather than the person who is experiencing the abuse.  And I think we have to be very careful too.  Family, on the whole, are acting in the best interests of their family member with a disability, but not always.  That is why we have such a huge campaign against family violence, not everyone in the family does have the best interests of the person in their family with a disability or another family member.  So I think that is part of the culture that we also have to be very conscious of.  It is the word of the person who is experiencing and making the complaint that we listen to first.

**ANTHONY KOLMUS:**  Yes, we need to be listening, again, coming back to Peter, we need to be listening to people right across the board, absolutely.  I can go on, there are a stack of questions and they are still coming in but we are literally running out of time.  What I do want to finish off rather than, "yep, that was a great discussion but now what?", I wanted to run through the panel very quickly, one minute each - good luck with that - on if you had to suggest one thing to the people in the audience and to the people who will be watching this back on video at some point, hopefully, what do they need to go back and do tomorrow or later today when they go back to their service? What will be the one thing they should focus on in terms of beginning to make a difference how people's rights are safeguarded?

**REBECCA OLIVER:**  I suppose, my question would be:  What are you doing to make sure staff know it is okay to complain? Do you have a clear complaints process? Do you have a dedicated complaints officer?  Do people know who they can talk to if they need to escalate a complaints against their supervisor, manager, the CEO?  Do you have those processes in place? Do you have some sort of policy or ability within your service for staff to feel they can make a complaint anonymously if they wish?  That would be my advice to have a look at your complaints policy and make the changes you want to see within your service.

**EMMA KING:**  Probably building on Bec's point, in terms of clearly articulated quality safeguards and to make sure there is time for supervision, for mentoring and for reflective practice, particularly at a time, we have a client-focussed approach, we can't lose sight of the internal needs of staff and managers as well.  It is really important to make sure that ongoing supervision, mentoring and reflective practice is built in to pick up on the points you made as well.

**LLOYD WILLIAMS:**  Get the workforce involved.  I mean, I think you achieve a constructive and respectful joint development of strategies, get the workforce involved.  Top-down strategies don't work if the workforce don't have ownership of them.  It is really important that workers feel respected in this process as well, because they are absolutely critical in the success of any strategies that all - at all to build transparency and accountability.  Cultures need to be worked on.  At the end of the day, culture eats strategy and systems for breakfast.  It is really important for organisations to deal with this culture of fear, the culture of mistrust within their workforce, otherwise they will always struggle with abuse, prevention and reporting.  So engage with the workforce would be - and the union can help there - one of the things that we are looking to deal with is to put whistle-blower protections into people's employment agreements so it is clearly understood people are safe to report.

**ANTHONY KOLMUS:**  Thanks, David?

**DAVID MOODY:**  I think one of the things people can do, going back to their organisations tomorrow is to remember the old saying about that which we walk past becomes the standard.  Basically start to stop when you are walking and when you see anything that looks to you, if it walks like a duck and sounds like a duck, it may well be a duck, and be prepared to stop and have conversations with people about what is not acceptable.  This is a wonderful turnout and credit to all of you being here today, it is great to see so many and so many members here it must be said.  But my concern is always about those people who didn't see fit to come for they didn't think they had a problem.  I think one of the things people can be doing when they return to work tomorrow is to phone a friend, someone who wasn't here today but needs to understand what the conversation is we having and will continue to have as a sector to eliminate disability abuse from our sector.  Finally, the last thing you could be doing is checking out national disability services framework, and the range of resources produced by NDIS which are fully available on our website to support you to get yourself in a space where you are working constantly and in a continuous improvement mode to eliminate disability abuse and neglect.

**ANTHONY KOLMUS:**  That will be $100, thank you, David that's cheap.

**KERAN HOWE:**  I just want to draw on my great friend and mentor Aretha Franklin and say it is all about R-E-S-P-E-C-T.  She is not really my friend but I wish she was.  It does matter and if we turn around one practice it would be giving women the right, and men, to choose the gender of their worker.  We do know that whilst it is not just men, it is primarily men who perpetrate violence, particularly sexual violence, and women in receiving support still don't have that right to choose, to choose the gender of their worker.  It is not just about safety, it is about the most basic kind of dignity.  I know I wouldn't want to have my very personal, intimate care conducted by a male worker.  So I am assuming that that is a right that everyone should have.  That we can all choose that we can retain dignity while receiving care from someone else.

**(APPLAUSE)**

**STEVE KINMOND:**  I will just finish by saying if I was in a leadership position in a disability organisation I would resolve that I am not going to be on the wrong side of the change.  We are seeing a fundamental change taking place, it is long overdue.  It is not going away.  I would not want to be on the wrong side of this.  This Royal Commission is just about to shut down in terms of children with disability.  There are a number of people over the last number of years who have been on the wrong side of history.  So that would be the commitment I would make, which means, and I go back to the points that are being made, the right attitude, but then coupled then with the technical skills, the right people, right systems and processes.  You can have the right attitude but your organisation needs to deliver on this technical front.  So, it is encouraging, you can take a fear-based approach to that or get very excited about and say, "We are going to make a difference".  I think that is going to happen.  Thank you.

**(APPLAUSE)**

**ANTHONY KOLMUS:**  Thanks.  That's pretty much the session.  We have heard lots.  We have heard lots this morning both from Lyn and Peter earlier and now the panel.  Again, like I said earlier and like pretty much all of the panellists have said, staff are critical.  Your frontline staff, if you are serious about reducing the likelihood or risk of abuse occurring in your organisations, your frontline staff are absolutely critical to the process, both in terms of supporting people with disability to speak up and for themselves to speak up.  We heard about the fear of reprisal and it is alarming in our discussions and some of the training sessions we offer as an office, the reason why people with disability and families don't report are remarkably similar to what staff tell us and that is a real concern.  In terms of a culture of organisation that speaks volumes.

We heard about subtle abuse.  Keran made the point, there is obvious abuse, that shouldn't be happening but there is also lots more subtle abuse that occurs out there.  We have a young man who co presents with us who has a disability and he talks about the fear of the subtle things that happen if he was to make a complaint.  Suddenly it takes a lot longer when you ask to go to toilet, it takes longer to get him there or subtle comments, "Am I just sensitive, or is it a dig at me because I spoke up at some stage?" They are important.  Emma spoke about needing to rethink education and we do as a sector, and Lloyd, along the same lines, what we have had is arguably work to some degree, and not worked in other degrees.  The fact that 30% of staff at Deakin University told them they weren't confident that they could identify or respond to abuse, that is a real concern, since they are one of the main groups that report abuse.

I leave you with two questions: How confident are you that everyone associated with your organisation has a shared understanding of what constitutes abuse and neglect and violence? Both the obvious forms and the not-so-obvious forms? So I think that is a question you guys need to take back and talk about with your staff to your organisations.  What is your organisation doing proactively at all levels of the organisation? Not just operational, at governance, frontline, middle management, senior management, what are you doing to ensure staff with disability feel empowered to speak up and report abuse?  Can I get you to thank our panel, because it is a tough gig.

**(APPLAUSE)**

It really is a bit like putting a target on your back when you are sitting on a panel like this.  I really appreciate the insights and your willingness to participate in the discussion.  Thank you.