



Disability
Services
Commissioner

an independent oversight body resolving
complaints and promoting the right of people
with a disability to be free from abuse

Investigating deaths in disability services

The Minister for Housing, Disability and Ageing has requested that the Disability Services Commissioner (DSC) inquire into and, at the Commissioner's discretion, investigate the provision of disability services to people who were receiving these services at the time of their death.

We want to know what can be done to improve services?

What are examples of good practice?

What is DSC investigating and why?

DSC is examining the provision of disability services to persons who were receiving these services at the time of their death. Such investigations occur for expected and unexpected deaths.

The goals are to identify any issues in the provision of services to the deceased person, inform improvements across the sector and to highlight good practice.

How is DSC notified of service provision to be investigated?

DSC is routinely notified by the Department of Health and Human Services (DHHS) and the State Coroner about the death of a person who was receiving disability services at the time of their death.

When will DSC conduct investigations?

DSC has commenced these investigations. Investigations apply to both expected and unexpected deaths occurring from 24 July 2017 to 30 June 2019.

Does my organisation fall within this investigation process?

This investigation process applies to any disability service provider who meets the definition of 'disability service provider' or 'regulated service provider' in the *Disability Act 2006*.

This means that disability services provided by the Secretary of DHHS, persons and bodies registered on the register of disability service providers, contracted service providers, funded service providers and prescribed service providers will fall within this investigation process.

How will I know if DSC investigates my service?

Once notified by DHHS or the State Coroner, DSC will send a letter to the service provider notifying them of the commencement of an investigation.

What is the investigation process?

Investigations are conducted across two phases. Not all investigations proceed to the second phase.

Phase one routinely involves DSC requesting the service provider to complete and return a questionnaire and relevant documents about the provision of disability services to the person who has died.

DSC will review this information and documentation. If DSC identifies issues of potential concern about the adequacy of services provided to the deceased person, or if there is information to indicate the likelihood of abuse or neglect, DSC will progress the investigation to a more comprehensive (phase two) approach.

A phase two investigation may include further requests for documents, interviews, site visits or hearings. DSC will communicate with the affected service providers about the further investigation and what may be required of them during this process.

What happens after an investigation?

After the completion of the investigation (whether at phase one or phase two), DSC will prepare a report for the Minister and the Secretary to DHHS. If the report makes adverse comments or findings, the service provider or individual will have an opportunity to respond to these comments and findings before DSC finalises the report. These reports are not publicly available.

In some cases, a *Notice to Take Action* may be issued to a service provider if issues of concern are identified. DSC may also decide to conduct a follow-up investigation into actions taken by a service provider in response to the *Notice to Take Action*.

Each year, DSC will provide a comprehensive report of the deaths reviewed as part of its Annual Report. This report will outline the issues that have been identified from our reviews of disability service provision to people who have died and highlight good practice.

This report will be publicly available but will not include any information that identifies an individual or an entity.

Contact us

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Skype calls are available by appointment. You can request a Skype call by phone, TTY, fax or email.