



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



Commissioner-initiated investigations

The Disability Services Commissioner (DSC) now has the power to conduct 'Commissioner initiated' investigations into allegations of abuse and neglect in Victorian disability services

What types of issues will DSC be investigating?

DSC will be investigating Victorian disability services, where there are individual or systemic issues relating to abuse or neglect in the provision of the services.

An *individual* Commissioner-initiated investigation may be conducted if DSC receives information that abuse or neglect may have occurred in the provision of services to a person with a disability.

A *systemic* Commissioner-initiated investigation may be conducted if DSC identifies a persistent or recurring systemic issue about abuse or neglect in the provision of the services.

These investigations will only be undertaken if DSC considers that the investigation will assist in the improvement of services for people with a disability, and if DSC has the resources to conduct the investigation.

How will a disability service know if DSC decides to investigate?

Any disability service or individual involved in a Commissioner-initiated investigation will receive a written notice of investigation within 14 days of DSC making the decision to investigate. The notice will provide more information about what is expected of the service and individuals during the investigation.

DSC can decide not to provide a written notice if it is believed that the health, safety, or welfare of a person with a disability may be at risk, or if a written notice will affect proper investigation of the matter. However once this risk has ended, DSC must provide written notice without delay.

What does a disability service have to do during an investigation?

A service provider must ensure that DSC is provided with any assistance reasonably required to conduct the investigation. This includes providing information and documents, participating in interviews or hearings with DSC, and giving staff time to attend interviews or hearings with DSC.

DSC also has the power to send Authorised Officers to inspect the premises of a disability service during an investigation.

What happens after a Commissioner-initiated investigation?

Following the conclusion of an investigation, DSC will provide written notice of the decision to any disability service involved in the investigation, and any people with disability who were the subject of the investigation. If the investigation has identified that issues of concern exist in the service or services, DSC has the power to issue a Notice to Take Action to disability service providers.

DSC will provide a report on a completed systemic initiated investigation to the Minister for Disability, Ageing and Carers, and the Secretary to the Department of Health and Human Services. This report may be made publicly available through tabling in the Victorian Parliament.

Reports relating to individual initiated investigations may be provided to the Minister and Secretary, but will not be made publicly available.

For more information about what happens after a systemic or individual initiated investigation, including the opportunity to respond to adverse comments, visit the DSC website.

What penalties and protections apply in DSC investigations?

The amended *Disability Act* 2006 outlines a range of offences and associated penalties, and protections for persons participating in a DSC investigation.

Offences include, but are not limited to:

- Failure to comply with an investigation hearing notice from DSC, without reasonable excuse
- Making a verbal or written statement which the person knows is false or misleading
- Threatening, intimidating or persuading another person from providing information to DSC relevant to an investigation
- Dismissing or refusing to employ a person or subject the person to detriment if the person intends to, or has provided information or participates in a DSC investigation
- Failing to comply with a Notice to Take Action.

For more information about offences, penalties, and protections, visit the DSC website.

For more information about initiated investigations

Contact us:

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