

Powers to inspect disability services

Disability Services Commissioner (DSC) now has inspection powers. DSC Authorised Officers may inspect Victorian disability service providers to ensure the safety and wellbeing of people with a disability.

Why does DSC have inspection powers?

The Parliamentary Inquiry into abuse in disability services found it was important for appropriately trained and qualified DSC Authorised Officers to be empowered to visit and inspect disability services to respond to reports of abuse.

When and why would DSC use their inspection powers?

If DSC is notified of a time-critical concern that affects the safety and wellbeing of people with a disability, the Commissioner can decide to use his inspection powers and send DSC Authorised Officers to the disability service to ensure their safety.

DSC inspection powers are detailed in s. 132E and s. 132F of the Disability Act 2006.

What happens when DSC visits and inspects a disability service?

DSC Authorised Officers will be equipped with an official identification card. They will show their identification to the person in charge at the service, and talk to them about why they are making a visit.

On a visit, DSC inspection powers allow DSC Authorised Officers to:

1. Make enquiries in relation to people with a disability at the service
2. Obtain access to relevant documents to examine, copy, and remove them.
3. See and interview a person with a disability, their relatives or support persons, staff members and volunteers.

DSC Authorised Officers will ask for consent from people with a disability to enter their private bedroom in shared accommodation and if necessary, to view medical records.

What happens after an inspection by DSC?

Information gathered by DSC Authorised Officers during a visit will be used to inform ongoing responses to issues raised.

DSC may also share information gathered during an inspection with other agencies such as the Department of Health and Human Services, the National Disability Insurance Agency, and Victoria Police.

Frequently Asked Questions

Will DSC wait for a manager to arrive at the premises before they enter?

No, we will speak to the person in charge at the time.

Can a DSC Authorised Officer inspect paperwork and documents about a person with a disability?

Yes, but consent must be gained from the person with a disability or their guardian before inspecting medical records.

Can people refuse to answer a question?

Yes, if the answer would incriminate or is confidential communication between a person and their lawyer.

A DSC Authorised Officer wants to enter a bedroom where two people with a disability live together. Is this OK?

Yes, as long as the DSC Authorised Officer has gained consent from both people.

Can a DSC Authorised Officer question a contractor or volunteer?

Yes, if they are engaged in providing the service that is relevant to the visit.

For more information about inspection powers

Contact us:

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