

Conflict between service providers and families

“The following comments do not relate to a specific case, but generally address issues that may confront the Disability Services Commissioner.

“Issues that the Commissioner may deal with can typically include conflict between families of people with a disability and their service providers about the support given to their loved one.

“These can be extremely difficult and stressful for all involved.

“Our assessments may sometimes find that service providers communicate poorly, or deliver an unacceptable standard of service.

In a small proportion of matters there may have been abuse. Abuse allegations are reported to Police, who have the power to conduct a criminal investigation. The DSC has no power to undertake criminal investigations, but will assess or investigate provider practice and process issues.

The Disability Services Commissioner requires service providers to improve their practices to protect people with disability from harm and provide quality support.

“Occasionally conflict becomes so intense between families and service providers that we may find that staff have been treated unreasonably by family members.

“The service provider must then balance their legal obligation to the person with a disability with their occupational health and safety obligations to staff.

“Each case has complexities that we must assess. Our task is to use the most effective means to resolve issues so that people with disability receive the right support, whilst acknowledging the service provider’s legal obligations to staff.

“Under the law, we do this in the strictest of confidence, with only the relevant parties involved. This is to protect the identity of vulnerable complainants so they are not dissuaded from raising their issues.

“The greatest impediment to people with a disability raising complaints is their concern that there will be retribution and reductions in service if they speak up. We place great emphasis on service providers learning from complaints and improving their services for everyone.

‘In 2014/15 there were a total of 2,224 complaints made directly to disability service providers. Service providers reported that one of the things they learned from these complaints was to be more effective in their communication, including engagement with families.

See Jane’s Story: <http://odsc.vic.gov.au/janesstory>

Note to Media before any follow up statement is made:

“The Disability Services Commissioner is prohibited by law from discussing any details of any specific case, or identifying a complainant.

“The Commissioner supports this because it protects people who make complaints. This ensures that no person with a disability is reluctant or dissuaded from complaining by a concern that this may be disclosed publicly.

“The protections are enacted in the Disability Act 2006 s128.”