

# Newsletter



## Welcome to the DSC E-Newsletter

As we start a new year, it is worth reflecting not only on the year past but also what lies ahead in the coming months. The big piece of upcoming work for our office is the planning, resourcing and implementation of the enhancement of DSC's powers, as detailed in the Government's response to the Parliamentary Inquiry into Abuse in Disability Services. More information on this can be found in this newsletter.

The transition to the NDIS continues this year with the Central Highlands joining the scheme from 1 January and Loddon soon to follow on 1 May. Through this transition period, it is important to know that my office continues to take complaints about registered, funded or contracted Victorian disability services, no matter where the funding comes from. Speaking Up is important, especially in this time of change where things may not go according to plan.

I hope you enjoy reading our email newsletter, keeping Victorians with a disability and those working in the field informed about what is happening.

**Laurie Harkin AM**  
**Disability Services Commissioner**

## International Day of People with Disability 2016

To mark International Day of People with Disability 2016, DSC ran a digital awareness campaign on social media, sharing personal stories from a number of Victorians living with disability.

**Continued on page 2**

## DSC to have own Motion Powers to Investigate

The Victorian Government has committed to enhancing the oversight role and the powers of the DSC to investigate matters of abuse, assault or neglect in Victorian disability services.

The Government's response to the Parliamentary Inquiry into Abuse in Disability Services was released in November 2016 by the Minister for Housing, Disability and Ageing.

**Continued on page 3**

# International Day of People with Disability 2016

Continued from page 1

There were some consistent themes in the stories, including:



## A call for economic change

- “Disability employment services are useless. ... We need mainstream employment for everyone.” (Christian Astourian)
- “So, if you’re an employer, don’t discount hiring people with disabilities. We can work as long and as hard as anyone else. And we make you look good to your customers!” (Tim Ferguson)

## The importance of support from others

- “At the beginning of the year, I was asked by Diversity in Disability to run a parent support group for parents with children with disability.” (Janet Curtain)
- “My advice to anyone who finds themselves on a similar journey now or in the future, is to connect with other people. It’s such a powerful thing.” (Lauren Henley)

## A call for social change

- “When 21 per cent of the population identifies as having a disability, we need representation to be a voice at the table of decision.” (Tony Clark)
- “It doesn’t matter where in the world you’re from, if you’re a woman with a disability, you’re more likely to be unemployed, more likely to have your children taken from you, more likely to be sexually assaulted.” (Trish Malowney)

**Read all the stories on our website: <http://www.odsc.vic.gov.au/news-and-events/international-day-people-disability-2016-awareness-campaign/>**

## International Day of People with Disability 2016

### A recognition of the abilities of people with disability

- “My disability can make every day seem like Mission Impossible. My Mission Impossible is not about saving the world. It is about the simplest day to day tasks like pushing a button in the lift or putting a cup to my lips to drink but just like Ethan Hunt I always win in the end.” (Chris van Ingen)
- “I’m very proud to be a member of my local Salvation Army. For me, it’s a wonderful illustration of the contribution that people with disabilities can make to their community, that you can be part of your community.” (Christine Williams)

### The importance of advocacy

- “I have a lot to give, and I know I can be an advocate for many people who have a disability and don’t get a chance to speak.” (Adam James)
- “I wasn’t a strong leader then, and didn’t know how to advocate for myself. DSC showed me how it was safe to complain without getting punished for speaking up.” (Simone Stevens)

## DSC to have Own Motion Powers to Investigate

### Continued from page 1

The Government has accepted a number of the Inquiry’s recommendations that relate to DSC, notably committing to:

1. commencing legislative work to allow for own motion investigation powers
2. mandatory reporting of incidents to DSC, including referrals of abuse and neglect, by the Community Visitors Board
3. establishing a memorandum of understanding with the Coroner to review deaths that occur within disability services
4. an annual review of deaths in disability services
5. developing a protocol between Victoria Police and DSC to clarify roles and processes around the investigation of complaints and allegations of abuse and neglect

These increased powers and oversight will allow DSC to conduct targeted investigations into issues of concern, achieving better outcomes for people with a disability.

Mr Laurie Harkin AM, Disability Services Commissioner, says “I welcome these new measures as a way to further strengthen current safeguards for the rights of people with a disability. I look forward to working with government to discuss implementation, resourcing and rollout of these changes in the weeks to come.”

# Top Achievements of 2016



2016 has been a big year for the Victorian disability sector. Full roll out of the National Disability Insurance Scheme commenced. The Parliamentary Report into Abuse in Disability Services was released, and subsequently responded to by the Victorian Government. The 2017-2020 State Disability Plan was released.

2016 was also a big year for DSC. We're happy to celebrate the following achievements, and look forward to a big year in 2017, continuing to promote and safeguard the rights of people with disability.

One: We reduced the time taken to informally resolve and conciliate complaints

Through our practice improvements in 2015-16, we reduced the average time taken to assess a complaint from 63 to 55 days, and the total time taken to finalise complaints referred to conciliation from 366 days to 125 days.

At the same time, we have achieved a resolution rate of 87 per cent. When we determine whether a complaint has been resolved, we are guided by the person making a complaint, not DSC or the service provider.

## Two: We increased our capacity to conduct investigations

The heightened public awareness created by the recent inquiries has resulted in an increased number of complaints being brought to our office regarding the abuse of people with a disability. To respond effectively to the changing profile of complaints including allegations of abuse, assault and neglect, DSC has established a Quality Team that undertakes reviews and investigations.

During investigations, service providers are required to attend interviews and give DSC information and documents. DSC identifies whether in responding to the issues, the service provider has met their obligations for delivering disability services.

## Three: We launched our new website

We launched a new website after research showed that a growing number of our website visitors were using mobile and tablet devices to access the website. The new redesigned DSC website features:

- Full mobile and tablet responsiveness across devices
- Accessibility features such as text size choice, colour contrast and more
- Information about making a complaint in twenty different languages
- A new DSC news blog

## Four: We won the SOCAP Australia Constellation Achievement Award

We were awarded the SOCAP Constellation Prize for significant achievement in complaints handling in the disability sector. We were nominated for high achievement in a number of fields, with a particular recommendation for:

- Accessibility of the complaints process to resolve complaints and achieve person-centred outcomes
- Empowering people with a disability, their families and carers to speak up
- Training service providers to implement their own accessible complaints processes.

And finally...

## The Government committed to enhancing our oversight role and powers

The Government's response to the Parliamentary Inquiry into Abuse in Disability Services was released in November. The Government has accepted a number of the Inquiry's recommendations that relate to DSC, notably committing to commencing legislative work to allow for own motion investigation powers.



## Our oversight of critical incidents

The Disability Services Commissioner (DSC) provides independent oversight of Category One incident reports relating to injury, physical assault, sexual assault and poor quality of care, submitted to the Department of Health and Human Services (DHHS) by Victorian disability service providers, including DHHS services.

We receive all relevant incident reports from DHHS and conduct a review, considering questions that include (but are not limited to):

### 1) Support for the person or people with disability

- Has everyone's safety been ensured after the incident?
- Have they received medical attention?
- Have their family been notified?
- Are they aware of their rights, including the right to make a complaint?
- Have their supports been reviewed?
- How have other people who witnessed the incident been supported?

### 2) Investigation

- What is the scope and process of the investigation being undertaken by the service provider?
- What are the outcomes?

### 3) Staff

- If the incident involves an allegation of staff-to-client assault, was the staff member suspended?
- Have performance issues been identified?
- What follow-up took place with the staff member?
- Have staff members received additional training?

### 4) Reporting

- Has the service provider followed DHHS instructions?
- Has the Disability Worker Exclusion Scheme been notified?

**In the following story\*, we demonstrate how our oversight of critical incidents results can prompt disability service providers to consider best practices for ensuring wellbeing, safety and knowledge of rights of clients.**

An incident report received by DSC outlined an allegation of staff-to-client physical assault in a group home.

The service provider demonstrated through the report that they had responded appropriately to the incident at the time, had ensured the safety of all clients, had stood down the staff member and made a referral to the Disability Workers Exclusion Scheme.

We still had some more questions though, and so we asked the service provider:

1. How is this client, other clients, and their families aware of their rights to be free from abuse?
2. Do they know how to raise a complaint with your service?
3. Do they know about DSC and their right to complaint to us?

In response, the service provider:

1. Held a house meeting to provide clients with information on 'Understanding Abuse' and 'The Disability Services Commissioner'
2. Contacted families to inform them of the incident
3. Provided clients and families with information about the various complaints avenues available to them.

These actions resulted in clients and families being more aware of their right to speak up about what's working and not working with their disability supports.

In our oversight of critical incidents, we may contact both DHHS and the service provider if we have more questions or concerns about the wellbeing, safety, and rights of the person or people with disability, or for further information or clarification.

**For more information, view our fact sheet on our independent oversight of critical incidents [www.odsc.vic.gov.au/resources/sector-factsheets/](http://www.odsc.vic.gov.au/resources/sector-factsheets/)**

\*This case study is a composite of de-identified incident reports reviewed by DSC.



# The Disability Services Commissioner is an independent voice promoting rights and resolving complaints about disability services

## Complaints hotline

1800 677 342

## General office enquiries

1300 728 187

## Email

[contact@odsc.vic.gov.au](mailto:contact@odsc.vic.gov.au)

## TTY

1300 726 563

## National Relay Service for TTY and Speak & Listen users:

1800 555 677 then 1800 677 342

## Mail

Level 20  
570 Bourke St Melbourne Vic 3000

## Web

[www.odsc.vic.gov.au](http://www.odsc.vic.gov.au)



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