

Life Without Barriers

Submission

Inquiry into Abuse in Disability
Services, (Stage 1)

WE
LIFE WITHOUT BARRIERS
WE

Championing opportunity for all

Inquiry into Abuse in Disability Services

Life Without Barriers appreciates the opportunity to provide a submission to Stage 1 of the Parliament of Victoria's Inquiry into Abuse in Disability Services.

Background

Life Without Barriers is one of the largest not-for-profit organisations in Australia, delivering services in over 260 communities across Australia. We offer a range of programs and services to support over 5,500 clients, many with high and complex needs. Our services include family support and out of home care, disability support, community-based aged care, and support to refugees and asylum seekers. We also work in the areas of mental health, homelessness and youth justice.

Life Without Barriers is committed to the sensitive delivery of services reflecting our clients' previous life experiences, abilities, age, gender and cultural background. Relationships come first at Life Without Barriers. We are imaginative in our thinking and courageous in our convictions. We are respectful and caring in our dealings, and we are responsive to needs. These values place a fundamental emphasis on challenging systemic disadvantage and the protection of rights for the people we support and their wider communities.

Life Without Barriers' services are underpinned by key research and evaluation mechanisms to ensure we deliver a best practice approach.

In Victoria, Life Without Barriers has been delivering services for over five years and has a workforce in the state of over 300 staff. We deliver services in several metropolitan and rural areas. Our services include:

- supported accommodation for older adolescents and adults who have a disability throughout Victoria
- individual support services to people with a disability
- out of home care
- host family care
- host family respite
- weekend and school holiday programs to children and young people
- case management and residential support to refugee and asylum seeker minors and to vulnerable families who are awaiting the outcome of a visa application on behalf of the Department of Immigration and Border Protection across Melbourne
- home care support to veteran soldiers and their spouses
- home care packages to older people
- sub-acute short term residential support for people experiencing mental health distress
- outreach-based Individual Client Support Packages to people with mental health experiences.

Response to Inquiry Terms of Reference

I. Workforce recruitment, screening, induction, training and supervision

1. How effective are employee recruitment and screening practices at preventing abuse in disability services?

Life Without Barriers is committed to comprehensive employee recruitment and screening processes. The Life Without Barriers' Executive maintains ongoing processes of monitoring and review to ensure that each jurisdiction meets the legislative and administrative requirements of the various states and territories where Life Without Barriers provides services. Life Without Barriers' Executive recently commissioned a national review all employment screening processes to ensure all practice is contemporary and effective.

Life Without Barriers believes following recruitment and screening practices that are consistent with legislative and contractual requirements can be effective and these include:

- National Criminal History Check of **all** employees, foster carers, household members over 16 years, agency staff, contractors, sub-contractors, volunteers and students on placement. (These are undertaken bi-annually.)
- Victoria's Working With Children Check for all employees and carers
- Victoria's Disqualified Out-of-Home Carer Check
- Victoria's Disability Worker Exclusion Scheme Check for all disability services staff
- International Police Check for all staff and carers who have lived overseas for 12months in the last 10 years.

Our recruitment processes include a minimum of two referee checks by a member of the recruitment panel that are sighted and approved by the panel chair prior to an offer of employment.

We believe that these screening processes, particularly the recently introduced Disability Worker Exclusion Scheme are effective strategies in reducing the risk of employing staff who may pose a risk to the people we support.

2. How effective are training and supervisory practices at preventing abuse in disability services?

Life Without Barriers believes that training and supervision is critical to educate staff about their role and responsibilities and provides opportunities for staff and their supervisor to talk about their practice and work performance.

Supervision should be viewed as an integral part of the provision of services with clients and is closely linked to a culture of continual improvement and quality practice. Our approach to supervision and the expectations that all staff and carers, regardless of their level in the organisation, have the opportunity and the responsibility to engage in supportive, regular and planned supervision with their immediate supervisor.

We believe supervision is multi-functional. It is comprised of administrative, developmental, supportive and mediative functions. Supervision is integrated into our Performance Development suite of activities.

Disability agencies should support a culture of learning and support, which should be cultivated by all staff and carers, especially those in leadership and management positions.

We believe supervision should occur in regular supervision sessions, but not limited to structured sessions; rather the supervisory relationship and the functions of supervision are integrated into all our work activities.

We suggest that disability agencies should work with individuals and teams to identify professional development requirements at recruitment and induction and support all individuals to implement individual learning and development plans.

Supervision and training provides an opportunity to ensure that all staff are aware of their obligations under the Victorian Department of Health and Human Services Standards and Victorian legislative requirements. Regular review of work with clients and client outcomes, and ongoing opportunities for reflective practice (supervision, training, team meetings and meetings with clients) supports productive, transparent discussion and shared learning. This is regarded as an integral safeguarding mechanism for the people who access disability services from Life Without Barriers.

3. Are the Department of Health and Human Services requirements for disability services adequate?

A recent internal quality assurance review of Life Without Barriers' employee screening found the Victorian requirements to be one of the most comprehensive systems in Australia.

4. Are there differences in workforce practices across services provided by government and community service organisations?

Life Without Barriers understands that it is not a consistent practice of ensuring Police Checks are undertaken bi-annually in other organisations, nor is there a requirement for all staff to have a Working With Children Check, regardless of their role.

5. Should the National Disability Insurance Scheme adopt a similar quality assurance and safeguard framework to that used in Victoria? If not, why not?

Life Without Barriers supports the introduction a National Disability Insurance Scheme Quality and Safeguarding Framework that has the following components:

- **National Disability Insurance Agency provider registration** that includes a provider self-assessment and an independent evaluator where certain services and supports are required by an individual that are high risk or complex. The provider registration would include basic legal requirements, NDIS Code of Conduct, Additional Conditions, quality evaluation and industry certification on a voluntary basis.
- A **complaints handling system** that includes a national complaints body that is independent of service providers and where providers would be required as a condition of registration for the NDIS to demonstrate that they have effective internal complaints handling processes. Providers would be supported by a formal external complaints body,

similar to the Disability Services Commission that would assist providers to manage complaints effectively and support participants in having their complaints resolved quickly and effectively.

- **Employment screening system** that includes a comprehensive strategy that looks at a wider range of information about a person's history and put in place a national system to assess the risk a person poses. Employees or potential employees working with particularly vulnerable people would be required to obtain a clearance through this screening agency. This would be similar to the Working with Vulnerable People central clearances systems used in several jurisdictions. This approach would enable clearances to capture a wider range of information than police checks do, including spent convictions and non-conviction information such as civil cases, AVOs and child protection information and orders, and work history.
- The **reduction and elimination of restrictive practices** - where providers obtain authorisation to use restrictive practices from a decision maker that is independent of the provider. This could be implemented through extending the role of the Senior Practitioner.

6. What improvements could be made to internal practices for recruiting and training disability services workers?

Improved training and access for individuals to further professional development will enhance the quality of the staff in disability agencies. This would have financial implications so additional funding for training would be welcomed by disability agencies. We would recommend that there be critical oversight to ensure that any such training is contemporary, meeting the National Standards.

Life Without Barriers would like to see enhanced financial support for individuals for improved access to training. We use traineeships to support our staff to achieve Certificate 4 in Disability Services for those eligible, however are unable to subsidise those ineligible.

Service providers, particularly smaller organisations can and do look at cross service training to improve access for training, however this is on an ad hoc basis so is an underutilised opportunity.

7. How effective are community service organisations at monitoring staff recruitment, employee screening and other workforce practices when they engage in sub-contracting arrangements? And to what extent does the Department effectively monitor these arrangements?

Life Without Barriers has a Human Resources (HR) team in each jurisdiction. The role of HR is to monitor and ensure that our staff recruitment and screening processes are adhered to, including the engagement of locums.

With respect to emergency replacement of support worker staff, we ensure that we have annually reviewed Service Agreements with our preferred providers. The Service Agreement clearly outlines the requirement for the agency to ensure their staff have all of the required probity checks and we amended as required to include the recent Disability Support Worker Exclusion Scheme. Staff are only authorised to engage agency staff from those on the Preferred Provider List. We would recommend this practice for all disability service providers.

Life Without Barriers understands the Department monitors these arrangements through the accreditation against the DHHS Standards, as the auditors review these processes as part of their assessment of an agencies compliance in these matters.

II. Provider registration requirements

1. Are Victoria's Human Services Standards adequate to prevent abuse in disability services?

Life Without Barriers is aware that the Victorian Department of Health & Human Services Standards are mapped against the National Standards for Disability Services. However, in the interests of reducing duplication and promoting national consistency, we would encourage the adoption of the National Standards for Disability Services by the Victorian Government.

Standards alone will not prevent abuse.

2. Is self - assessment an adequate way for service providers to demonstrate their understanding of their clients' rights?

Life Without Barriers believes that self-assessment is not adequate and support external and independent review. We support the current Victorian Quality Assurance and Safeguards Framework whereby service providers, in addition to self-assessment, are required to be independently reviewed against the Standards in every three year service agreement period in order to maintain their accreditation.

3. What changes or improvements, if any, might be required?

Life Without Barriers suggests that external oversight of critical incidents, to include root cause analysis as is undertaken in the health system would highlight areas of deficiency and/or areas for improvement.

Specific feedback by service users and/or their families with respect to demonstrated understanding of their rights would enhance the audit process.

III. Systems for handling complaints

- 1. How effectively do staff and disability services respond to critical incidents relating to abuse in their service? Are the internal processes used by service providers rigorous enough to prevent abuse reoccurring?**

Life Without Barriers' immediate and first response is always to ensure the safety of our clients. We believe that adherence to the Department's Incident Reporting Instructions, including Responding to Physical and Sexual Abuse that includes mandatory reporting to the police and ensuring the perpetrator is removed from the service is an effective way to minimise further harm. We recommend our process by which any incident or allegation of physical or sexual abuse or neglect is immediately escalated via line management through to the Director of Operations; and then to the Chief Executive to ensure that there is a high level of oversight of the management of critical incidents.

Our response to any allegation or report of abuse includes standing down the perpetrator pending investigation. If the perpetrator is another client, we would have them supported at alternative location pending investigation and work with the Department about longer term arrangements

We recommend that managers are specifically trained to manage critical incidents. We recognise the need to reflect on serious incidents and ensure that all appropriate actions have been taken not only as part of the immediate response but also in the longer term. As such, we have developed clinical governance committees across jurisdictions that have oversight of risk areas such as critical incidents. These committees conduct root cause analysis to further strengthen safety, minimise risk for our clients and staff and enhance organisational learning.

Further to the above, we suggest that external oversight of critical incidents, to include root cause analysis as is undertaken in the health system would highlight areas of deficiency and/or areas for improvement.

- 2. What are the strengths and weaknesses of the Department of Health and Human Services in the management of critical incidents relating to funded services and the services it provides?**

The implementation of the Quality of Care Reviews following all incidents of abuse in care and unexplained injuries has seen an improvement of external oversight following such incidents. The reviews often occur some months following the incident so a more timely response to assist inform some of the longer term follow up would improve these processes.

- 3. What are the strengths and weaknesses of the Disability Services Commissioner model? Should the model be considered for the National Disability Insurance Scheme quality and safeguards framework?**

The Disability Services Commissioner's Office is necessary for people who feel unable to progress their concerns within their service provider. They provide an independent method for raising a compliant and service providers are required to respond to the Commissioner's Office and provide

evidence of their follow up which ensures a transparent process. The additional resources for service providers, such as training and advice is valued by Life Without Barriers.

An effective system for handling complaints is a core aspect of any framework for addressing abuse within disability services. An independent complaints body is likely to have more credibility amongst people with disability and instil a greater level of confidence that a complaint will be dealt with impartially. An independent complaints mechanism promotes transparency and a higher level of scrutiny over both the agency and service providers. An effective complaints body should have the capacity and resourcing to undertake its own investigations. Life Without Barriers does not view a singular reliance on people reporting abuse as sufficient.

4. Is the Senior Practitioner (Disability) effective in preventing and responding to the use of restrictive interventions and compulsory treatment in disability services?

Life Without Barriers' disability services have been running in Victoria since 2010, so have always operated under the requirements of the Senior Practitioner. We comply with the development of Positive Behaviour Support Plans and reporting requirements. We have used members of this office to support us in the review and development of strategies to further reduce restrictive practice. Further, our team members have found the training resources to be of a high quality to optimise our practice.

Our experience has been that where states have introduced robust legislative requirements regarding the use of restrictive practices – including requirements pertaining to assessment, planning and external approval – that this has supported the reduction of the use of restrictive practices to a far greater extent than where voluntary codes, policy or guidance alone exists. For example, the introduction of restrictive practices legislation in Queensland in 2008 enabled Life Without Barriers (with the assistance of dedicated government funding) to reduce restrictive practices in that state by approximately 300 percent within the first few years of implementation. Based on our experience, Life Without Barriers believes that a national framework that is underpinned by legislative compliance requirements, and supported with dedicated government funding, is likely to be more effective in facilitating a reduction in the use of restrictive practices than one which is constituted of voluntary guidance, or standards alone.

5. Are the powers of the Senior Practitioner (Disability) adequate for identifying, preventing and responding to the misuse of restrictive interventions and compulsory treatment? If not, how can these be improved?

Life Without Barriers has observed that there are different standards of quality in Behaviour Support Plans (BSPs) that are provided to us during transitions between other service providers.

We understand that BSPs are periodically reviewed by members of the office, however we believe that these plans and reports of emergency restraint should be critically reviewed for evidence of least restrictive practice and endorsed or request for additional information at the time of approval by the agency's Authorised Program Officer. We believe this will enhance the consistency and quality of least restrictive practice.

IV. The impact of current systemic safeguards on the rights and protections of people accessing disability services

1. Are there any impacts on the rights and protections of people accessing disability services under the current system of safeguards in Victoria?

Life Without Barriers is not aware of any impacts on the protection of people accessing disability services under the current system of safeguards in Victoria.

We are concerned, however, that carer abuse may occur in individualised funding arrangements so recommend that screening and safety check mechanisms are implemented to reduce this risk. Further, we appreciate that women with a disability are statistically over represented as experiencing family violence so consideration of additional supports, such as access to legal and housing services would be recommended.

2. Are these safeguards effective models for the National Disability Insurance Scheme to integrate into its safeguard framework?

Life Without Barriers recommend these safeguard models, with the increased external oversight as suggested in our responses to questions 3 and 5.

For further information on matters raised within this submission, please contact Teresa McClelland, Victorian Operations Manager, Teresa.McClelland@lwb.org.au or 03 8480 9600.