

I want to put my views forward as a client of disability services. I have gone to over 7 different service providers over the last 2 years, all attempting to find one who will provide staff who did not insult and ridicule me or who would actually be willing to do their job. Over 40 workers, I've given up and accepted that if I am to eat and walk out my front door then I have to accept being abused and sworn at.

Abuse in the industry is rampant and the norm and every single service provider consider it the job of their staff to abuse and ridicule people. While it is true that they consider rape and murder to be bad, they do not consider the low level stuff they do each and every day as wrong. You only have to spend time in most of these agencies listening to how they talk about clients to know the level of disrespect they have for them.

I always wanted to believe that organisations were different, but what I have come to realise over recent months that nothing is different. They are all the same. It is an industry in which abuse of people is standard and people just accept it, because they do not know anything else. While people might think rape and murder and wrong, they watch clients being sworn at, ridiculed, laughed at, called names, bullied, etc, each and every day and if they are not partaking in it, they all turn a blind eye to it. They say it is not their problem, they do not get involved, at the same time they wonder how things like Yooralla happen. They simply cannot consider the low level stuff that they and their staff do every day as wrong.

I have had workers walk out on shifts from all 7 agencies. No reason given, other than boredom. If I was working at Woolworths or Coles and walked out because I was bored, I would be sacked. I have also had workers from all agencies call me names and make fun of me. If a staff member at Coles or Woolworths tried to do that to a customer they would likely be sacked. I have also had workers simply not turn up for shifts, no reason or notification given, the agencies had no hesitation in charging me for it, claiming they had to pay CASUAL staff for not turning up to shifts!! If a person does not turn up for Centrelink or employment services appointments they get dole payments cut, but in this industry someone can die because you fail to turn up for no reason and even though you are casual worker, you will still be paid for it.

I do not and cannot understand the disability industry and I never will. What I do know is that if I treat workers like crap, they will place me on a behavioural support plan and get permission to drug me up, lock me up and tie me up, all in the guise of restrictive practises, but when their own staff do it for no reason, they accept it as standard practise. But then at the same time claim to have a zero tolerance stance for abuse and neglect. Either they have strange definitions of abuse and neglect or they just say what needs to be said for the government.

I have workers walk into my home, call me names, say insulting things about me and walk out without doing the job. I'm expected in return to get down on my hands and knees and say thank you it and to pay for it. No one would invite someone into their home to ridicule them, but it is not only expected that I will do that, but that I will also pay for the abuse, and in fact be thankful for it.

In order for anything to change, the industry themselves have to actually consider there is a problem. At present every government regulation and agency is simply about allowing agencies to continue to defend what they do, and to make justifications for it.

Some examples of what has happened to me.

I am unable to be in public without assistance. I also have significant verbal communication difficulties, which compounds this. ALL staff working with me are given strict instructions to not

leave me alone in public places. Yet staff from 3 agencies have left me completely alone in the middle of a shopping centre, on 2 occasions, completely abandoning me and going home. I was left not knowing where I was, not able to communicate properly to other people in the shopping centre. Complaints to all 3 services fell on deaf ears. One after escalating the complaint, agreed to speak to the staff member concerned, none of the others could consider anything as wrong, instead simply saying the staff were trying to teach me independence skills. That is clearly a new way of teaching independence, and one would think I should have been consulted on the decision to teach such things. None of the agencies have ever apologised for what the staff did.

One I am currently dealing with, and am about to give up on, as clearly nothing is going to change. A 3 hour shift was booked. The staff member concerned walked out after 2 hours, no reason given. I sent a text message to the manager of the agency at the time, and they responded. Within 15 minutes I had also sent an email which they also responded to. None the less they have charged me for the full 3 hours, saying they have to pay the staff member. 3 months later, they have made no attempt to apologise, no attempt to find out why it happened and nor have they even made any attempt to speak to the worker concerned.

One agency sent in a new worker who I had not worked with before, to cover a shift. On arrival I gave them a copy of the shift description so they knew what would be required. They sat down at the kitchen table and spent the whole 2 hours playing games on their phone and then left without doing anything at all. I sent an email to the manager of the agency. 2 days later the manager responded to the email, stating they had spoken to the worker concerned who said the shift went really well and they really enjoyed it and would be more than willing to take it on permanently, would I be happy for them to be rostered onto that shift permanently?!!

I had one worker working three, 3 hour shifts a week with me. They spent the whole time for over a month swearing at me and telling me I was abusing my dog. I complained to the agency about how the worker was talking to me and stated that I did not appreciate being told I was abusing my dog without any evidence of it. I said if they had concerns about my dogs welfare they were more than welcome to contact the RSPCA and get them to investigate. They instead defended the worker. In the end I took my dog to my vet and got them to write a letter telling how healthy and well looked after the dog was. I called the RSPCA myself and they also did the same and I also paid for a behaviourist to do the same. The worker continued to do as they were doing, and the agency continued to defend what the worker was doing, saying they had trained their staff to raise issues of abuse and neglect with clients directly and that the staff knew more than any external animal bodies, although they failed to verify how. They refused to put another worker in that shift time, hence I changed agencies.

### ***Responses to the areas requested:***

#### **Workforce recruitment and other practises.**

While it is true that agencies do police checks, they do very little to no supervision of front line staff, and do nothing at all to induct workers into an industry in which abuse of all sorts is not accepted, probably because they actually accept it. Even when staff is found to be doing the wrong thing, very little if anything is ever done about it. To reduce even further the regulations regarding the workforce, which the NDIA proposes, will be a major disservice to those with disabilities who are vulnerable and need support and protection. When there is subcontracting in place they are doing absolutely nothing at all to monitor staff and how it can even be allowed is beyond me.

The industry does need to have working with vulnerable people checks in place and consider a much wider array of information that governments have available, including professional registration

bodies to see if they have been deregistered to practise, intervention orders, findings of not guilty, child protection information, etc. This all needs to be able to be appealable by people, but on the balance of probabilities, not beyond all reasonable doubt which is what the criminal justice industry is based on. While international police checks are now becoming standard, they still require voluntary disclosure, but if it were a federal system, federal governments know where people have been, etc. and hence that information should be used as well to ensure that all necessary international police checks are obtained, rather than asking people to voluntarily admit to be having been in another country.

### **Provider registration requirements**

While it is true that Victoria currently has the highest levels they are not satisfactory. They have very little to no client involvement and organisations can choose the clients they want to be interviewed, which defeats the whole purpose of what it should be about. Self-assessment is nowhere near adequate and how it can even be considered such in 2015 is beyond me. The assessment is based on policies and procedures being in place or selected clients telling how it is, all assessed how the agencies want it assessed.

### **Complaints and Monitoring**

The Disability Services Commissioner is absolutely useless. You lodge complaints online, they respond, but then you never ever hear from them again. How that resolves a complaint is beyond me. I assume they might speak to you if you phone, but if you can't phone and email, they simply never respond at all. No point in telling someone you are going to assist them if you do no such thing. The NDIA needs a completely separate complaints office, but they actually need to do something, which the current DSC does not do, or if they do, I and others are not aware of it. They must also be prepared to use the powers they do have, which at present they also do not do. I think in an ideal world you could extend those powers even further, but when they do not use the ones they have, not much point to that.

Community Visitors are essential, and must remain, and if anything need to be extended, but equally they need to be prepared to listen to concerns from families of those living in such facilities, etc.

The Senior Practitioner is essential, but it is not enough. There does not appear to be any random review of behaviour support plans, it simply relies on people complaining to them and knowing they exist and knowing of rights, etc., but when someone cannot communicate and is under state guardianship and the guardian does nothing more than make one of two phone calls a year to the service provider to find out what is happening, then how does that ensure that service providers really are using them as a last resort. It is essential that the NDIA does not water down existing safeguards in relation to restrictive interventions, than already exists in VIC; we cannot afford to go backwards.

### **Impact on rights and protections of people using disability services**

The current safeguards are essential, but they are not working, and need to be strengthened, not watered down. Most people accessing the NDIS are vulnerable and need support to make decisions, over 70% have a primary diagnosis of intellectual disability or autism. You also have those with a mental illness as the primary disabling condition, those with acquired brain injury, etc. Then there are those who might have a primary physical disability, not also have an intellectual or other disability. The NDIS needs to have safeguards that far exceed those of Victoria, which we need to remember already has the tightest safeguards in place. It is too risky to do anything else, given the very high levels of vulnerability within the population using the services. The bodies that do exist are not using their powers appropriately and this must be improved immediately.