

Submission to the Inquiry into Abuse in Disability Services

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Introduction

I welcome the opportunity to contribute to the Inquiry into Abuse in Disability Services. This submission draws on my personal experience as a parent of a child with a disability, the experiences of people with a disability and the experiences of the family members or carers of children and young people with a disability.

I see the intent of Service Providers to provide quality services to people with a disability and their families, to help the person with a disability participate actively in the community and reach their full potential. To achieve this Service Providers must have a well-trained and rewarded workforce.

It is crucial to ensure that services are resourced appropriately to provide the correct support supports for people with a disability to achieve their goals and aspirations. Under the NDIS it will mean that they will need to ensure people are empowered to make choices and take control of their supports.

Experience of disclosing or reporting abuse reporting abuse

What experiences have people with disability, families and carers had when disclosing or reporting abuse?

I have not personally had experience of reporting abuse. TLConsult, the company I am director of has substantial experience working in the sector, particularly in the area of workforce change. Under the Practical Design Fund of the NDIS, we were awarded a project to develop a Change Management strategy that would provide guidance, tools and resources to disability support organisations to assist them to achieve an increase in and skilling of the workforce and to foster organisational change. This involved consultations with workforce groups and people with disabilities Australia-wide, and has given us a deep understanding of the issues likely to arise during the transition to the NDIS system, concerns were raised about the free market approach and how this could exacerbate the opportunities for people to take advantage of the more vulnerable and at risk groups. My son is totally reliant on others for all support, food, toileting, hygiene support. Is it at high risk of suffering abuse without the ability to report. We rely heavily on staff to have the necessary skills to support the rights of our son to ensure he has the best life free from abuse and neglect, we rely on a system where there are the appropriate safeguards in place.

What systems and processes do disability service providers have in place to prevent abuse occurring in their organisation or to respond to any allegations of abuse or neglect of people accessing their disability services taking advantage by having sloppy processes. Everyone services?

Our son access's out of home respite services, we have in the most part been satisfied and happy with this service, but have never been made aware of systems for reporting abuse or neglect or a process for complaints. Whilst conducting our consultations in regard to or practical design fund project, people with disabilities found that they were often hesitant to complain about anything as the services were so limited and they didn't want them limited further. This can at times allow service providers to take advantage and have sloppy processes, relying on staff honesty without having appropriate structures in place. For supporting people or staff to report abuse and neglect.

Human rights and safeguards

How can the rights provided under the Charter of Human Rights in Victoria be maintained for people accessing disability services in the transition to the NDIS once it has been fully rolled out?

Is imperative that the Charter of Human Rights underpins all the work that occurs in the transition and when the NDIS rolls out.

Independent oversight body

During the interim period of transition to the NDIS from 2016 to 2020, should the Victorian Government:

- **create a new body under new legislation?**
- **allocate the responsibilities to a single existing body?**
- **improve the integration of existing bodies to fill the gaps and address overlaps on the boundaries?**

If the current safeguarding responsibilities were allocated to a single existing body, should this body be:

- **Disability Services Commissioner?**
- **Victorian Equal Opportunity and Human Rights Commissioner?**
- **Victorian Ombudsman?**
- **another existing body?**

Should the state maintain responsibility for some elements of the safeguarding system during and after the transition to the NDIS?

If a single oversight body were established in Victoria what governance, accountability and oversight arrangements would need to be established to ensure it is accountable in safeguarding people who access disability services?

As a member of the Disability Services Board I fully support and endorse their submission to this inquiry which responds to these areas of the inquiry.

What would be the most appropriate approach to the administration of funding disability and advocacy services, bearing in mind there are both state and federal funding streams?

Investment in a strong advocacy system and building the ability of people to self-advocate will definitely help in the improvement of service provision, by people being able to advocate for their rights to a quality service. Under the NDIS individual advocacy should be funded within someone's package. An appropriate place to fund systemic advocacy and research for advocacy organisations could be included under the Tier 2 or Information Linkages and Capacity

Should an existing or new body have responsibility for this role?

In undertaking a comprehensive assessment of advocacy needs, what components of the advocacy system need to be evaluated or reviewed?

Prevention, screening and accreditation

The introduction of the National Disability Insurance Scheme (NDIS) through trials in most Australian states and territories (including Victoria) has been hailed as a significant re-shaping of disability service provision and one which places individualised support, choice and control at the forefront of its aims. Ultimately the NDIS is intended to replace existing disability arrangements in the states and territories that have chosen to participate. These new philosophies underpinning funding arrangements in disability service provision are likely to have a significant impact on the sector and are intended to diversify the range of providers and the services they offer.

In order to achieve the goals of the NDIS, however, workforce has been identified as a key issue. As stated in the recent Safeguards and Quality Framework consultation paper released by the Department of Social Services, "It is anticipated that the disability sector workforce will need to double in size between now and full implementation in 2019-20 as a result of the NDIS...The growth will be across all jurisdictions" .

In seeking to grow the workforce within the disability sector, there is a need to be cognisant of the challenges that come with attracting workers to a traditionally low paid and low skilled workforce, as well as the importance of ensuring that workers are equipped with the necessary skills to actually offer the kind of individualised, person-centred care that the NDIS seeks to offer. The need to attract workers to the sector while ensuring quality safeguards are maintained has been the subject of consultations and inquiries at both a state and Federal level.

This submission recommends the establishment of a tripartite partnership between key stakeholders – service providers, people with a disability and unions – that will guide the development of a key skills matrix to build the capacity of the sector's workforce. This approach will ensure a quality framework that is industry driven, and that ensures the rights and choices of people with a disability are given the utmost importance.

The workforce profile

The disability sector workforce is made up of a wide range of employees, including managers, health and social professionals and non-professionals such as personal support workers, domestic assistants, home workers and community care workers. The 2011 Productivity Commission 'Disability Care and Support' report estimated that there are around 70,000 (34,000 full time equivalents) employees in the disability sector. The vast majority (62%) of these are non-professionals, with

managers and coordinators making up 25% and professional staff constituting the remaining 12%.

Qualification Requirements

For the majority of disability workers, there are no specific qualifications necessary to perform the work. Training the disability services sector currently draws on elements of formal and informal training. Training is generally available only for developing minimum core skills and ongoing training is largely client-specific. The majority of non-professional workers have a Certificate level of qualification and the take-up of accredited persons appears to have grown in recent years, indicating that training is taking on a greater importance in the sector. However, community service organisations acknowledge that they currently struggle, or fail to provide adequate staff training on the grounds that they are not adequately funded to do so.

Maintaining and growing the workforce

There is a high turnover in the sector. The productivity commission report identifies that this can be attributed to a number of factors beyond low pay, including the physical and emotional demands of the work, or the fact that the work is often performed by transient workers such as university students or travellers. In addition, the workforce is failing to attract younger workers with most workers aged between 45 and 64 .

The combination of a traditionally low paid, low skilled workforce and the need to grow the workforce significantly over a short space of time creates a high risk that the gaps will be filled without regard to the pre-requisite skills, attitude and knowledge needed by workers in order for the NDIS to achieve its stated aims. Indeed, the NDIS has acknowledged that “risk in the disability sector is likely to increase as the demand for workers grows and competition for staff with aged care and other community services sectors increases. In addition , some self-managing participants will take on responsibility for employing their own workers and the number of self-employed and casual workers is likely to grow” .

Beyond a bare minimum approach

As stated previously, the current regulatory framework for employment in the disability sector varies across states and territories. Some states and territories have introduced a minimum requirement involving police checks, such as the ‘working with vulnerable people’ card in the ACT or the ‘working with children’ check carried out in other states. In Victoria, employees are generally screened by employers and required to provide referees and a police check. These requirements are very minimal in that they are based predominantly on lack of criminal history.

Such an approach fails to take into account the need for workers to demonstrate a commitment to the underpinning philosophies that are required to provide individualised, person-centred, rights-based care and support. While much of the quality and safeguarding focus is on avoiding harm to vulnerable service users, and this is undoubtedly a significant aspect of any such mechanisms, there is an

opportunity to properly examine how workforce qualifications and entry requirements can be utilised to help achieve a better quality of service provision.

Recommendation

In response to the issues raised above, this submission proposes that a tripartite industry body be established to scope and identify the skills, knowledge and capabilities that are necessary to provide appropriate support to people with various levels of disability in Victoria. Through extensive consultation with key industry stakeholders, the tripartite partnership would develop a key elements skills matrix that would align with existing quality standards and provide a useful induction tool for new workers in the sector. The tripartite approach would ensure buy-in from stakeholders and build on existing relationships in the sector.

The partnership would closely monitor outcomes of the NDIS safeguarding and quality framework consultations, as well the Victorian parliamentary inquiry into abuse of people with a disability, ensuring consistency with state and federal developments.

The development of a key elements skills matrix will provide multiple benefits to workers, organisations, tertiary institutions and employers in the sector by clearly identifying and describing the knowledge and skills required at an entry level as well as mapping career progression options, highlighting the long term career options within the sector. The focus of this will be to assist in raising the profile and value of the sector and will seek to embed a person-centred, rights-based approach to service provision.

It is important to emphasise that this is not an attempt to water down or replace existing skills, knowledge and understanding that are already contained in the existing training programs available to the sector. Rather, it will focus on creating quality assurance mechanisms that strengthen and builds the sector's capacity to provide services to people with a disability.

There may be issues associated with increasing barriers to entry into the profession and this has been raised as a concern in the 2011 Productivity Commission Report. The proposal recommended in this submission should not be construed as creating an artificial barrier to employment, but rather is aimed at guaranteeing competence to provide the kind of service envisioned by the NDIS.

We should not confuse the support that paid workers provide us compared to our family and friends we need a strong network and community to ensure that people are free from abuse and neglect – as a parent I don't want to be paid to be my sons Mum, and I am happy to support him to access the community as required as part of his unpaid support. As a friend I don't want to be paid to support my friend at dinner and afterwards with support to change clothes etc as I am happy to support him as a friend, as he supports me with his friendship.

The workforce plays a key component in ensuring that the NDIS is a world class system, and they have the capacity to be the conduit in People with a Disability (PWD) exercising choice and control over the life they want to lead.