



Australian Community Workers Association
Response to the consultation paper:
Proposal for a National Disability Insurance Scheme
quality and safeguarding framework

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Introduction

The Australian Community Workers Association (ACWA) is the professional association for Australia's 400,000 community work practitioners. We count individuals who provide direct supports to people living with a disability amongst our constituents. ACWA is the accrediting body for community services diplomas and degrees and we are also an authorised assessing agency for the Department of Immigration and Border Protection. Earlier this year, after twelve months of consultation, we launched a public searchable register of individuals working in the community sector which we believe may help address some of the concerns of service users and their families and friends, as well as employers.

ACWA believes that with the welcome new funding arrangements under the NDIS such issues as a viable complaints system and ensuring the right of people receiving support services to feel and be safe are imperative. We have addressed two sections of the consultation paper: systems for handling complaints, and ensuring staff are safe to work with participants.

Systems for handling complaints

How important is it to have an NDIS complaints system that is independent from providers of supports?

The Australian Community Workers Association believes that it is imperative to have a dual complaints system. Clearly any support or service provider should be meeting best practice standards and provide an avenue for complaint that is outside the grievance system. In complying with best practice standards the complaint system should be used not only to address the issue at hand but also to ensure continuous improvement in the provision of supports and services. However, as is demonstrated by your case study, there is always the possibility that a complaint by one individual may impinge on the rights of another. In this eventuality we believe that an independent third party is best placed to deal with such complex complaints. The issue outlined in the case study highlights the need for an outside complaints system where the more complex elements of a complaint are recognised and factored into its resolution.

We believe that an independent complaints process should be available where the 'in-house' resolution of a complaint contravenes or has the potential to contravene other human rights. To have this independent umpire available will ensure that the resolution of a complaint has taken into account all intrinsic rights and will ensure that complaints are taken seriously and dealt with in a non-prejudicial way.

Should an NDIS complaints system apply only to disability-related supports funded by the NDIS, to all funded supports, or to all disability services regardless of whether they are funded by the NDIS?

It is the belief of ACWA that all persons living with a disability should have access to a complaints system regardless of where funding for supports are derived. We therefore believe that all disability support services should be held to account for the services/supports they provide and answer any complaint levelled against them. As previously mentioned an independent system for making a complaint is highly desirable particularly for people living in shared accommodation, receiving supports in a group situation, or receiving supports upon which they are entirely reliant.

What powers should a complaints body have?

As with most complaints systems we believe that ultimately a final decision regarding the outcome of a complaint will need to be made. Sometimes issues escalate and complaints are dealt with through the

judicial system. However, in the main we believe that a complaint system that is available to all individuals regardless of where their support is coming from would work well. Without knowing the full extent of powers a complaint system run through the NDIS would or could have, we believe that the NDIS should have the capacity to resolve complaints and take action against providers of supports to ensure that the resolution of a complaint is enacted to the satisfaction of the complainant and the NDIS itself. Ultimately the NDIS should have the power to prevent the operation of those support services that persistently contravene the rights of those to whom they are providing a support.

Should there be community visitor scheme in the NDIS and, if so, what should their roles be?

For many years the Community Visitors Schemes have played an important role in the Australian community. The scheme provides an independent person who is available to support an individual who should so desire support. The role of the community visitor is to 'look out' for the interests of an individual without imposing their own values and beliefs. In complex situations where people are sometimes fearful of bringing complaints and grievances to light the community visitor scheme could continue to provide a relevant and useful support. If the purpose of a complaint system is both to ensure that an individual receives a quality support or service to which they are entitled and ensure that their rights are not contravened then a community visitors scheme can be most useful in empowering the individual to have a complaint heard and dealt with.

Ensuring staff are safe to work with participants

Who should make the decision about whether employees are safe to work with people with disability?

Clearly in these times of exposure of crimes perpetrated against children and vulnerable adults the state needs to ensure that no person receiving supports and services or living in vulnerable situations should be exposed to risk. In our opinion every agency and every family member, friend or carer of a person receiving supports under the NDIS needs to understand the principle that every person living with a disability has the 'right to feel safe and be safe when accessing supports under the NDIS'.

The Australian Community Workers Association believes that the approach to minimizing risk in this area is threefold. The NDIS has the obligation to require that correct recruitment practices, including screening is undertaken by any service being funded to provide supports. An employing agency or service should conduct in-depth and documented reference checks for both paid and volunteer staff as well as requiring police checks and 'working with' clearance for *all* staff regardless of whether or not they provide direct support. Further, to ensure that people receiving supports have not been exposed to risk random checks should be conducted by the employing agencies or services. Information should be collected from both those receiving supports and those supplying supports. A culture of transparency should become routine and expected by providers and recipients of support alike.

Finally we believe that families and friends should have some avenue to intervene on behalf of individuals or to satisfy themselves that supports are being provided in an acceptable way by individuals who do not pose a risk. ACWA has implemented a public register in which people can list their qualifications, work histories and practicing level. This is all information that we believe should be in the public domain. (see www.acwa.org.au)

A combination of all the above and the encouragement of a culture of transparency along with the expectation that work histories and qualifications are part of a larger risk management strategy than currently exists would be appropriate.

ACWA supports the idea of a barred persons list.