



Submission to the National Disability Insurance Scheme Quality and Safeguarding Framework consultation

Background

The Western Australian Disability Services Commission welcomes the opportunity to comment on the proposal for a National Disability Insurance Scheme quality and safeguarding framework.

The Western Australian disability services system promotes high quality services and the safeguarding of people with disability. The underlying objective is to build and sustain a culture within all service provider organisations that promotes high quality services and minimises any opportunity for abuse, neglect or inappropriate practices.

The aim is to promote a culture of adherence to standards and continuous improvement within all organisations involved in the provision of supports and services. This approach mitigates the need for undue regulation or mandatory reporting which may provide a false sense of security for organisations.

While third party monitoring of services is important, the main focus should be on building a commitment within each service provider organisation to strive for excellence in all aspects of service provision. It is also generally recognised within the Western Australian disability services system that the most effective safeguarding for vulnerable people comes from building effective networks of support around individuals – not from bureaucratic regulatory systems.

Current Arrangements

The Disability Services Commission (the Commission), in partnership with disability service organisations, uses a robust set of contractual arrangements, training and development initiatives and monitoring processes to promote the provision of high quality of services and the safeguarding of people with disability from abuse and neglect.

The Commission promotes and monitors the quality of disability supports and services through its role as the provider of funding to more than 125 service providers, from large national organisations to small local grassroots community-based organisations.

The Quality Management regime has been developed and refined over the past 15 years. It includes a balanced mix of (1) monitoring the capacity of organisations to deliver quality services, (2) organisation self-assessments, (3) regular service reviews, (4) ad hoc service reviews as required, (4) serious incident reporting, (5) complaints management process, (6) independent reviews and (7) Public Interest Disclosure mechanisms.

Service Reviews

The Commission evaluates one-third of its contracted service providers annually as part of the Quality Management System. A panel of skilled independent evaluators conducts confidential interviews with individuals and family members who are randomly selected and remain anonymous to the organisation. This process evaluates the service provider's performance against the National Disability Standards, all of which provide safeguards for people with disability. This includes a risk assessment evaluation.

A critical standard assessed by independent evaluators is Rights, which is the requirement that:

- the service actively prevents abuse, harm, neglect and violence
- staff and management are provided with training (beginning at induction) on the safeguarding of rights and freedom from harm, neglect, abuse and violence
- written policies and procedures that safeguard an individual's rights and freedom from harm, neglect, abuse and violence are in place and applied.

Service provider organisations are required to rectify any breaches of standards.

Where service providers have failed to rectify significant breaches, the Commission has the power to cease funding to the organisation. The Commission has exercised this power when necessary and assisted individuals to transition to other services for continuity of support/care.

The Quality Management regime applies equally to services provided by the Disability Services Commission.

Reporting of Abuse

Service providers are required to report to the Commission any cases of 'significant harm, assault and neglect' (as described in the Western Australian Disability Services Act 1993 Section 25 [4]). 'Notifiable incidents' include suspected sexual abuse. The Commission liaises with police as part of its Serious Incidents Reporting procedure, where appropriate.

The Commission also investigates service providers' reports to ensure all protocols and safeguards are in place. The Commission's Director General personally oversees all reports and ensures any recommendations are implemented.

Penalty for non-reporting

Service providers that do not report notifiable incidents are in breach of their service agreement with the Commission and the provider's staff liable for fines and/or imprisonment under Section 53 of the Disability Services Act.

Contract Management Process

The Commission conducts an active contract management process to ensure compliance with the terms of the Service Agreement, Disability Service Standards and relevant legislation. This involves regular contact with the service provider and, when indicated, with individuals and their families.

Complaints

If a person with disability or their family or carers have a complaint about a service they have several options:

- Discuss the concern with the service provider. Every government and non-government service provider is required, as part of the service agreement, to have a consumer complaints process
- Raise the matter with the Commission's Consumer Liaison Officer, contact 9426 9244.
- There is an independent statutory authority, the Health and Disability Services Complaints Office (HaDSCO) that is free, acts impartially and in confidence, reviews and reports on the causes of complaints and undertakes investigations. Further information is available at: www.hadSCO.wa.gov.au/home/index.cfm.

Information about procedures in place to safeguard people with disability is also available on the Commission's website at www.disability.wa.gov.au/disability-service-providers-for-disability-service-providers/quality-system/.

The State Government has been developing a number of strategies to develop a sustainable sector and retain quality staff to deliver positive service outcomes to people with disability.

In 2011 a community services procurement reform initiative was implemented that led to \$604 million additional funding for the not-for-profit community services sector. This has resulted in improved recruitment, training and retention for people working in the sector.

Summary

The WA disability services quality management and safeguarding system includes:

- A comprehensive quality management system that includes independent monitoring of all services (government and non-government) on a regular basis.
- Independent monitors proactively seek out and engage with service users during service monitoring visits.
- A contractual and legislative obligation on all service provider organisations to report all serious incidents involving people with disability.
- All reported serious incidents are personally scrutinized by the Disability Services Commission's Director General.
- The Director General has the power to initiate independent inquiries into matters related to the safety and wellbeing of people with disability accessing services.
- All disability service providers are required to demonstrate that they have appropriate systems in place to safeguard people with disability, especially those in 24/7 care.
- A comprehensive complaints management system that investigates all complaints – from service users, families, staff and carers.
- A Public Interest Disclosure regime that supports and safeguards whistle-blowers.
- Advertised opportunities for service users, families and carers to meet on a confidential basis with members of the Disability Services Commission Board to discuss service issues.

Proposal for a National Quality and Safeguarding Framework

Australian governments are seeking to develop a national framework that will uphold the rights of people with disability and ensure that appropriate safeguards are in place for people accessing services.

The Consultation paper on the proposal for a national framework is seeking views on five key elements of a Quality and Safeguarding framework:

1. Provider registration
2. Complaints management
3. Ensuring staff are safe to work with people with disability
4. Safeguards for people who manage their own support arrangements
5. Reducing and eliminating restrictive practices

The Western Australian Disability Services Commission supports the following positions in relation to these five elements.

1. Provider registration

Registered providers should be required to comply with all existing Commonwealth, state or territory legislation; all relevant minimum qualifications, licensing, membership and industry codes relevant to professionals and a code of conduct and safe practice.

In addition, certain providers would be required to undertake a quality evaluation process. This would involve independent assessment and would draw significantly on user perceptions about how the provider is contributing to meeting planned outcomes for participants

2. Complaints management

NDIS registration conditions would require an accountable internal complaints scheme for all service providers. Participants could also complain to an independent organisation. This could be an industry initiated body which providers would 'sign up to' or an organisation that would be funded to mediate and help resolve complaints.

3. Ensuring staff are safe to work with people with disability

Employers would be required to implement a risk management framework which includes appropriate staff recruitment and supervision practices, including systems that reduce the likelihood of employing individuals who may create a risk to participants.

In addition to adopting a risk management framework as prescribed under option 1, employers could be required to assess previous work history and require that potential employees undergo police checks (to identify those with a criminal record).

4. Safeguards for people who manage their own support arrangements

People would be free to choose the support provider they want, without any restrictions (as is currently the case for self-managing NDIS participants in trial sites). However, additional supports would be available to assist people to make good choices and manage risk when choosing providers and managing their plan.

5. Reducing and eliminating restrictive practices

There would be a voluntary code of practice and guidelines. Good practice under the code would guide providers to include participants and their families when developing behaviour support. Mandatory reporting of restrictive practices is not supported.