



## Disability Services Board

A Board established under the Disability Act 2006

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# Victorian Disability Services Board Submission

## Consultation Paper: Proposal for a National Disability Insurance Scheme Quality and Safeguarding framework

### **Overview of the Disability Services Board:**

The Victorian Disability Service Board was established under the *Disability Act* 2006 (Vic.) to provide expertise and guidance to the Minister and Disability Services Commissioner reflecting the perspectives of and from the disability services sector.

The Board has 11 members who are appointed by the Minister for Housing, Disability and Ageing. Members are experienced and have expertise to represent and express the interests of adults and children with a disability and disability services. The Board also has representatives of the Secretary of the Department of Health and Human Services and the Health Services Commissioner.

*Note: the views represented are those of individual Board members and do not reflect or represent the Victorian Government's position. Department representatives abstained from this process.*

## Introduction

The Board of the Victorian Disability Services Commission greatly appreciates the opportunity to submit comments in respect of the Consultation Paper: Proposal for a National Disability Scheme Quality and Safeguarding Framework. Whilst acknowledging the scope of the Paper and the number and diversity of issues canvassed, the Board will restrict itself to offering opinion around the need for an independent national complaints oversight body. As such, the Board feels that it is operating within its remit and expertise.

The experience of the Board and background of its members permits it to contrast the current situation in Victoria – and particularly the Barwon NDIS Trial Site - with the service environment that existed before the establishment of the office of the Victorian Disability Services Commissioner. Today, in Victoria, we are able to look back on a recent history of a steady rise in the number of complaints, and recognise that this is a good thing. It is not only the Victorian Government and people with a disability and their families and carers who think it is a good thing; so too does the service delivery sector. Complaints are no longer seen as an indicator of failure, but as an opportunity to do better. The satisfactory resolution of complaints informs good and improving practice, and evidences that service providers are listening and responding to the people they are there to support.

In the Barwon Trial Site – as in other NDIS Trial Sites around Australia – we are seeing eligible people with a disability take control of their lives through support funding that is theirs as a right, not as a gift from a benign government. When support funding is legislated as a right, people with a disability can safely move away from their traditional reluctance to speak out in the face of poor, inadequate, compromised or misdirected service delivery. They know that they can complain without fear of service withdrawal or other forms of retribution or recrimination.

This change in behaviour will not only improve service delivery, it will inform the shape, reach and capacity requirements of the market. However, to do this, the mechanism that accepts and responds to complaints has got to be – and be seen to be – free of conflict, or the perception of conflict and, moreover, it has to operate consistently across Australia. It is the independence of the Disability Services Commissioner in Victoria that has underpinned the success of his office and the Disability Services Board believes that a national complaints body needs to be similarly independent.

While the Disability Services Board is unaware of any evidence that could be cited in support of its view, the Board believes that in time the benefits of a national, independent complaints body could exceed its costs. If it is accepted that complaints inform service sector improvements, then people with disabilities and their families will be the beneficiaries of better services that respond to their needs and reflect the lives they choose to lead. In such a scenario, people with disabilities and their families will be happier and this translates into better health outcomes (and not least mental health), improved employability, fewer interactions with the criminal justice system, more friends and greater connectedness with the community. While it would be hard to put

a dollar figure on this, it could be safely assumed that the potential economic benefit would be substantial.

## **Requirements for national complaints system**

### **1. Establishment of national independent complaints oversight body**

As representatives of the sector, the Board can attest to the challenges people with a disability and families' experience where there are service issues and they do not have access to an independent or accessible process to raise issues. As noted above, the benefits the Board have seen through an independent complaints function in Victoria include empowerment of people with a disability to voice their concerns and significant organisational cultural change. This is particularly important due to the vulnerability of many people who have cognitive or communication difficulties.

It is the view of the Board that a national independent complaints oversight body and legislation will support consistency in the scheme, be an enabler of person controlled service delivery, improve the experience of people raising issues across Australia, and contain efficiencies from a national resource development perspective.

While the Board does not have a position on where the functions sits, the Board recommends that it is discrete and not diluted through combining with another body or authority. This is based on the Board's view that combining with another body or authority would send a message to the community of compromised accountability and integrity.

### **2. Educative approach to drive cultural change (preventative model)**

The education and capacity development functions of the Commissioner have engendered a complaints culture of continuous improvement rather than transgression and punishment.

Adopting an Alternative Dispute Resolution model empowers and builds future capacity of people to work together to resolve service issues. Further information is available in Appendix 2.

Over time, the Board has seen service providers move from defensiveness and avoidance to utilising the resources of the commissioner for organisational benefit. This includes consultation on individual complaints matters, engagement in training for staff and clients, consultation on complaints policy and practice, and identification of learning from complaints to improve services.

Online annual complaints reporting has also impacted on service providers' perspective of complaints and the value in people speaking up about what is not working in their supports. As noted above, complaints reported by services have risen in number and provide valuable information about sector trends and areas for development.

Changing culture has positively and significantly impacted the efficiency and long-term quality of the services provided to people with a disability.

### **3. Broad powers across the disability support sector to drive outcomes for participants of the NDIS**

The Board believes that the information and trends appearing from individual complaints warrant a national, independent body having the power to conduct own motion inquiry into systemic issues. Own motion investigation provides an opportunity for advancement in the service system and represents a contemporary approach to address and act on intelligence such a body would receive.

Establishment of a national independent complaints oversight body has secondary but significant benefits in supporting an efficient and effective sector. As noted earlier, over time the benefits of this model in promoting the objectives of the NDIS will likely subsume any cost for its establishment.

## **Conclusion**

While the Board's Submission is very brief, it goes to one of the most critical aspects of the future Quality and Safeguarding framework. Accordingly, were it to be seen to be valuable, the Chair of the Board and/or Members would be happy to discuss any aspect of this Submission.

The Board can be contacted via email [dsb@odsc.vic.gov.au](mailto:dsb@odsc.vic.gov.au).

## **Appendix 1: Members of the Disability Services Board**

Ms Elizabeth Corbett (Board President) - Director of Brookcor Consulting. Ms Corbett has 18 years experience as a senior manager working in commonwealth and state funded health services, tertiary education and the Victorian local government sector.

Mr Christian Astourian - Diversity and Disability Coordinator, Migrant Resource Centre North West. Mr Astourian holds membership on several Victorian Government, local government and community service boards that represent the rights of people with a disability.

Mr Brett Cheatley - Former state statutory authority senior executive and now carer. Brett is a management consultant who has spent 25 years with public authorities in the environment, tourism and service sectors and 10 years in education. He has been instrumental in the formation and operation of several not-for-profit organisations.

Ms Maryanne Diamond - Past President World Blind Union and is General Manager of International & Stakeholder Relations, Vision Australia. Ms Diamond is a member of numerous national and international Boards and she recently led the World Blind Union delegation at the United Nations agency World Intellectual Property Organisation to negotiate a treaty.

Ms Elizabeth Kelly - Owner/Director TL Consulting, past President of Association for Children with a Disability, Director of Children with Disability Australia and member of the Victorian Disability Advisory Council. TL Consulting has successfully completed a range of projects including investigation, mediation and resolution of workplace and employee grievances and complaints.

Ms Christine Mathieson - CEO Vicdeaf. Ms Mathieson previously held senior leadership roles in the Victorian public sector including Director of Office for Disability. Ms Mathieson led the development of the Victorian government's Draft Victorian State Disability Plan 2013-2016, and implemented the Victorian State Disability Plan 2002-2012.

Ms Karen Robinson - CEO and founder Karden Disability Support Foundation, previous Chair of Disability Professionals Victoria, founding committee member of National Disability Practitioners and member of City of Ballarat Disability Advisory Committee. Ms Robinson has over 20 years experience in direct support, operational and strategic management in the disability sector.

Mr David Ring - Telephone and online AOD counsellor, Turning Point. Mr Ring has worked in the area of Mental Health for over 20 years. Former Chairperson of the Mental Health Legal Centre from 1996-2001 and Policy Officer for the legal centre from 2002-2004.

Mr Bryan Woodford OAM - A past Managing Director of Yooralla and Chair of the Victorian National Disability Insurance Scheme Implementation Taskforce, Mr Woodford has over 30 years of operational and governance experience in the disability services sector.

Ms Katy Haire - Deputy Secretary of Service Design & Operations, Department of Health and Human Services (Board representative of the Secretary).

Dr Grant Davies - Health Services Commissioner.

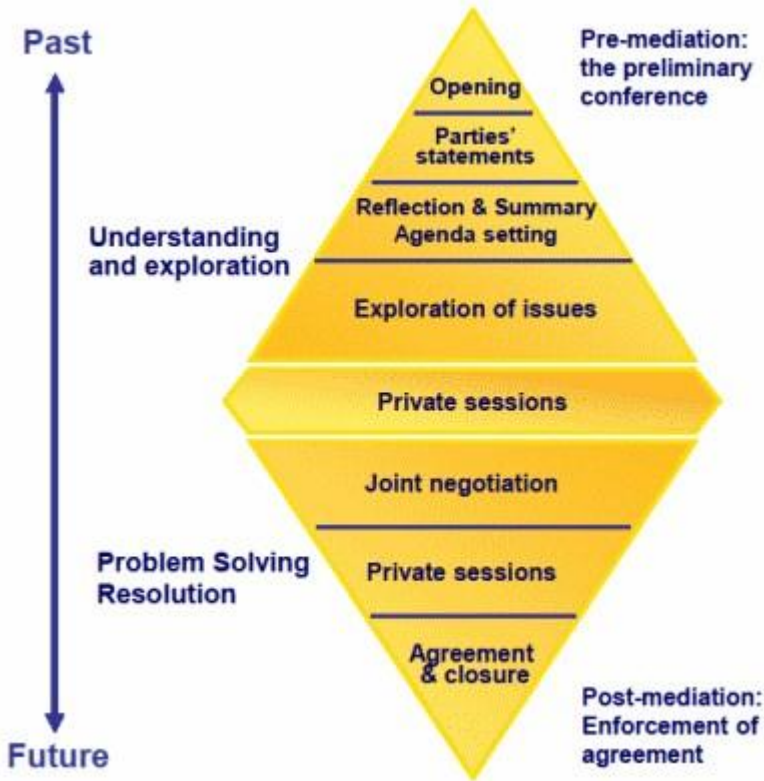
## Appendix 2: Alternative Dispute Resolution Model

'Alternative Dispute Resolution (ADR) is an umbrella term for processes, other than judicial determination, in which an impartial person assists those in a dispute to resolve the issues between them. ADR is commonly used as an abbreviation for alternative dispute resolution, but can also be used to mean assisted or appropriate dispute resolution. Some also use the term ADR to include approaches that enable parties to prevent or manage their own disputes without outside assistance.'

Direct quote from: National Alternative Dispute Resolution Advisory Council; *Dispute Resolution Terms*, September 2003.

<http://www.ag.gov.au/LegalSystem/AlternateDisputeResolution/Documents/NADRAC%20Publications/Dispute%20Resolution%20Terms.PDF>

Mediation is a flexible process that can be adapted to suit the parties and the circumstances. The LEADR & IAMA model (below) gives you an idea of the process.



Further information available at: <http://www.leadriama.org/dispute-resolution/about-mediation>