



**VICTIM  
SUPPORT  
SERVICE**  
INCORPORATED

*Assisting  
Victims of Crime  
Since 1979*

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*Member of  
Victim Support  
Australasia*

30 April 2015

Dear NDIS Quality and Safeguarding Team,

### **NDIS Quality and Safeguarding Framework**

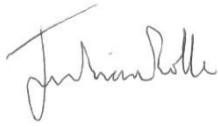
Please find enclosed our submission in response to the NDIS Quality and Safeguarding Framework.

The key recommendations in the Submission are:

1. Centralised risk-based checks are adopted by all Australian states and territories under the Framework to ensure the consistency and reliability of risk assessments conducted on behalf of service providers.
2. The NDIA develop and be responsible for monitoring a barred persons list to prevent people who have been assessed as being a risk to the safety or wellbeing of people with disability from working for service providers registered with the NDIA.
3. At a minimum, the following information about a person's history should be collected as part of a centralised risk-based assessment to ensure they are safe to work with people with disability:
  - findings of guilt by a court
  - any historical, current or pending charges for an offence
  - information held by government and non-government agencies with regard to allegations of workplace misconduct or professional disciplinary proceedings
  - information held by government and non-government agencies with regard to being named as a perpetrator of domestic or family violence and/or referred to a Family Safety Meeting
  - information held by government and non-government agencies with regard to being identified as a Registered Child-Sex Offender
  - information regarding whether the person has ever been named as a defendant in an Interim or Confirmed Intervention Order, or equivalent in any jurisdiction
  - care concern investigations
  - child protection information
  - whether the person is listed on the barred persons list developed and monitored by the NDIA

I would be pleased to answer any questions you have in relation to our Submission.

Yours sincerely



**Julian Roffe**  
Chief Executive  
Victim Support Service Inc

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**Submission to the Department of Social Services**

**NDIS Quality and Safeguarding Framework:  
Ensuring staff are safe to work with people  
with disabilities**

Julian Roffe

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# EXECUTIVE SUMMARY

People with disability have the right to feel and be safe when they access support under the National Disability Insurance Scheme (NDIS). Victim Support Service (VSS) supports the development of a framework for a nationally consistent quality and safeguarding system for participants in the NDIS. This submission outlines three key recommendations designed to ensure that employees and volunteers recruited by NDIS service providers are not a risk to the safety and wellbeing of NDIS participants.

## RECOMMENDATIONS

- 1** Centralised risk-based checks are adopted by all Australian states and territories under the Framework to ensure the consistency and reliability of risk assessments conducted on behalf of service providers.
- 2** The NDIA develop and be responsible for monitoring a barred persons list to prevent people who have been assessed as being a risk to the safety or wellbeing of people with disability from working for service providers registered with the NDIA.
- 3** At a minimum, the following information about a person's history should be collected as part of a centralised risk-based assessment to ensure they are safe to work with people with disability:
  - findings of guilt by a court
  - any historical, current or pending charges for an offence
  - information held by government and non-government agencies with regard to allegations of workplace misconduct or professional disciplinary proceedings
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  - information regarding whether the person has ever been named as a defendant in an Interim or Confirmed Intervention Order, or equivalent in any jurisdiction
  - care concern investigations
  - child protection information
  - whether the person is listed on the barred persons list developed and monitored by the NDIA

# VICTIM SUPPORT SERVICE

The vision of the Victim Support Service (VSS) is that all victims of crime (“victims”) in South Australia receive the support they need. We do this by providing a bespoke response to each victim, combining therapeutic expertise with knowledge of the criminal justice system to help victims both emotionally and practically. Our approach is augmented by a team of volunteers who guide victims through the court process.

The organisation has been working with and for victims in South Australia since 1979. We deliver programs that focus on victim engagement and evidence-based practice in areas such as trauma, crime prevention, homicide, domestic and family violence and child sexual abuse. To do so, we partner with government, non-government organisations, the wider community, and all agencies of the criminal justice system (CJS).

VSS provides a range of services including:

<p><b>Practical Assistance</b></p> <ul style="list-style-type: none"><li>• Assistance with claims for victim compensation</li><li>• Supporting victims through the court process</li><li>• Assistance with Victim Impact Statements</li><li>• Advocating for victims’ rights</li></ul>	<p><b>Information</b></p> <ul style="list-style-type: none"><li>• Statewide Victim Helpline (1800-VICTIM)</li><li>• Statewide network of victim service centres</li><li>• Victimology Resource Centre</li><li>• Community education and training programs</li></ul>
<p><b>Therapeutic Intervention</b></p> <ul style="list-style-type: none"><li>• Free counselling for victims of crime</li><li>• Specialist support for co-victims of homicide</li><li>• Royal Commission in to Institutional Responses to Child Sexual Abuse - Support Services</li></ul>	<p><b>Domestic and Family Violence</b></p> <ul style="list-style-type: none"><li>• Home security through the ‘Staying Home, Staying Safe’ (SHSS) program</li><li>• Statewide administration of Family Safety Framework meetings</li></ul>

VSS has an annual turnover of \$3 million to provide services throughout South Australia. Two-thirds of the funds are provided annually by the South Australian Attorney-General's Department from the Victims of Crime Fund. Each year VSS must submit a request for funding to the Attorney-General to maintain services.

VSS appreciates the opportunity to comment on the *National Disability Insurance Scheme: National Quality and Safeguarding Framework*.

# INTRODUCTION

Research shows that children and adults with disabilities are disproportionately vulnerable to violence, and are significantly over-represented as victims of crime (French, 2007). Children with disabilities are four times more likely to be victims of violence than non-disabled children. Research has also found that adults with disabilities are one and a half times more likely to experience violence than adults without a disability (Hughes et al, 2012), and adults with mental health conditions are at nearly four times the risk of becoming victims of violence than adults without poor mental health (WHO, 2015).

There are several factors which increase the risk of victimisation for people with disability, including (but not limited to):

- stigma and discrimination
- ignorance about disability
- a lack of social support
- placement in an institution
- barriers to people with disability being able to disclose abuse and neglect

VSS provides expert support to all adult victims of crime in South Australia, including victims with disability, to help them cope with and recover from the impacts of crime. VSS is also a founding member of *Barriers to Justice* (B2J), a network of South Australian disability sector agencies<sup>1</sup> that work together to improve access to justice for people in South Australia.

VSS welcomes the intent of the Australian Government and state and territory governments, together with the National Disability Insurance Agency (NDIA), to develop a framework for a nationally consistent quality and safeguarding system (the Framework) for participants in the National Disability Insurance Scheme (NDIS).

As an expert provider of help and support to victims of crime, we appreciate the opportunity to provide comment on the development of standardised employee recruitment practices to reduce the risk of NDIS participants being victimised by employees or volunteers of service providers.

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<sup>1</sup> Current B2J members include the [Disability Advocacy and Complaints Service of South Australia \(DACSSA\)](#) and [Dignity for Disability \(D4D\)](#).

# RESPONSE TO CONSULTATION QUESTIONS

## 1. Ensuring staff are safe to work with people with disabilities

### 1.1 Disability Services Employment Screening in South Australia

In South Australia, Disability Services Employment Screening is a centralised risk-based check that is conducted in accordance with the *Disability Services Act 1993* (SA) (the Act) and the *Disability Services (Assessment of Relevant History) Regulations 2014* (the Regulations). Under the Act and the Regulations, all people who work with people with disability are required to undergo a risk-based assessment by the Department for Communities and Social Inclusion (DCSI). The purpose of the assessment is to determine whether an individual poses a risk of harm to the safety or wellbeing of people with disability.

Section 5B of the Act places prescribed disability service providers under a legal obligation to “ensure that a person has undergone an assessment of their relevant history by an authorised screening unit, before being appointed or engaged in a prescribed disability service position” (DCSI, 2014). Section 5B of the Act applies to existing employees, volunteers, agents, contractors and subcontractors, and to applicants for such positions.

The Act defines a ‘prescribed position’ as one which includes (but is not limited to) a work or volunteer role in which the person has or is engaged in:

- regular contact with people with a disability or working in close proximity to people with a disability on a regular basis, unless the contact work is supervised at all times
- supervision or management of people in positions regularly requiring or involving contact with people with a disability or working in close proximity to people with disability
- access to records of a kind prescribed by regulation relating to people with disability (DCSI, 2014).

The screening undertaken by DCSI is a comprehensive assessment of a person’s relevant history<sup>2</sup>, including:

- findings of guilt by a court
- any charges or pending charges for an offence
- information held by government and non-government agencies with regard to allegations of workplace misconduct or professional disciplinary proceedings
- information regarding whether the person has ever been named as a defendant in an Interim or Confirmed Intervention Order, or equivalent in any jurisdiction
- care concern investigations
- child protection information

### 1.2 Child-related Employment Screening

In South Australia, a Disability Services Employment clearance by itself is not sufficient for a role that requires working with children. In accordance with the Children’s Protection Act 1993, people working with children in the South Australian disability sector are required to obtain a Child-related Employment Screening clearance (DCSI, 2014).

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<sup>2</sup> ‘Relevant history’ is defined in the *Disability Services Act 1993* (section 5B) and *Disability Services (Assessment of Relevant History) Regulations 2014* (Regulation 9).



## 2. Decisions about whether employees are safe to work with people with disability

VSS strongly supports a comprehensive approach to gathering information about a person's history before they are recruited by a service provider. Such an approach could reflect the current South Australian model, where a centralised agency (DCSI) is responsible for assessing risk and making decisions about whether a person poses a risk of harm to the safety and wellbeing of people with disability.

A central screening agency (or a central screening agency in each state or territory) should be established to assess the risk a person poses to people with disability. Such checks should be conducted on potential and existing employees to ensure that all staff and volunteers recruited by service providers do not pose a risk to the safety or wellbeing of people with disability. The safety and wellbeing of *all* NDIS participants should come first. Having risk assessments conducted by a screening agency, and not the employer, will enable a consistent and reliable approach to be adopted across Australia in conducting risk assessments of employees and volunteers.

People who are assessed by the centralised agency as being a high risk to the safety and wellbeing of people with disability should be added to a barred persons list developed and monitored by the NDIA. As a condition of registration with the NDIA, service providers should be required to notify certain types of events, particularly those related to abuse or neglect, in which an employee or volunteer endangered the safety of a person with disability.

### Recommendation 1

Centralised risk-based checks are adopted by all Australian states and territories under the Framework to ensure the consistency and reliability of risk assessments conducted on behalf of service providers.

### Recommendation 2

The NDIA develop and be responsible for monitoring a barred persons list to prevent people who have been assessed as being a risk to the safety or wellbeing of people with disability from working for service providers registered with the NDIA.

### 3. Information collected about a person's history to ensure they are safe to work with people with disability

Under a centralised risk-based check model, as much information as possible should be collected about a person's history to ensure they are safe to work with people with disability.

#### Recommendation 3

At a minimum, the following information about a person's history should be collected as part of a centralised risk-based assessment to ensure they are safe to work with people with disability:

- findings of guilt by a court
- any historical, current or pending charges for an offence
- information held by government and non-government agencies with regard to allegations of workplace misconduct or professional disciplinary proceedings
- information held by government and non-government agencies with regard to being named as a perpetrator of domestic or family violence and/or referred to a Family Safety Meeting
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- care concern investigations
- child protection information
- whether the person is listed on the barred persons list developed and monitored by the NDIA

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