

# **Speak Out Association of Tasmania**



## **NDIS Code of Conduct**

Submission, June 2017

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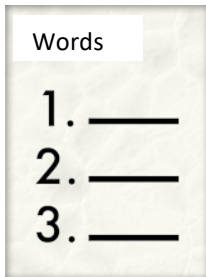
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# What is in this Paper



**Some words in this paper are in blue.**

- These words may be hard words to read
- We explain what the words mean



**Some words are in boxes.**

- These are stories or the real words of people with intellectual disability.
- We find it an easy way to make our point.
- **The stories are real.**

**Because it is hard to talk about some things:**

- Sometimes we use our real names
- Sometimes we don't
- We use pictures from PhotoSymbols



# Cover Letter



## National Disability Insurance Agency



We are happy to make this submission to the National Disability Insurance Agency on NDIS Code of Conduct.



We have made our submission “Easy English” so that lots of people can understand it.

### Who we are:



We are the Speak Out Association of Tasmania.

Members of Speak Out as well as people from the peer support network across Tasmania gave us feedback.

Speak Out is an advocacy service for people with disability.

Speak Out also has members who have an [intellectual disability](#).

We run [self advocacy](#) groups that are made up of people who have an intellectual disability.



We talk about things that are important to people with intellectual disability.

We also help the peer support networks.

Speak Out does different types of advocacy.

This means sticking up for people as well as teaching people to stand up for their own rights and have a say in their community.



#### What we do:

- Speak Out Self Advocacy Groups speak out about things that are important to **people with intellectual disability (PWID)**
- A person with an intellectual disability is on the **Board of Management** of Speak Out. He is called the Members President.
- We run monthly self advocacy groups in Burnie, Launceston and Hobart.
- We want to be heard.
- We want to change **community attitudes** about people with disability.
- We want to show people what **PWID can** do.





## Why we wrote this submission:

- To make sure the voice of [PWID](#) is heard.

Thank you for reading our [submission](#).

Regards



Peter Huett (Member's President) on behalf of members.



Jenny Dixon, Manager

## What we think

### 1. What we think about a Code of Conduct



**We think it makes sense to have a Code of Conduct.**

A Code of Conduct will guide **providers** how to work with people with disability.



**Providers** are the people or services that support people with disability.  
It might be support in the home or the community.  
It might be help with your NDIS plan.



**Everyone agrees the 8 areas in the NDIS Code of Conduct are very important.**

Providers and workers should follow these rules and responsibilities.

Some people thought there should be 2 Codes of Conduct – one for organisations and one for workers.



Workers need training to understand all the rules, then sign something to say they understand the rules.

They should have training every 2 years and have to do a test – like first aid training with refreshers.

The Code of Conduct should be part of general training for new workers – people should know the rules and expectations from day 1.



We think contracts for support workers should have the Code of Conduct in them. It should say the things that are NO and lead to **immediate dismissal**.

**Immediate dismissal** means that the person must leave and cannot work there anymore.



Organisations should connect the Code of Conduct and policies and procedures.

Especially where Support Workers see others doing “bad stuff” or other workers not doing right thing.

It should say:

When to talk to the person

When to talk to senior

When to report to the Commission





We think there should be mentors about the Code of Conduct.

- Inside an organisation
- Code of Conduct Champions.  
These should include people with disability, self advocates and self advocacy groups.

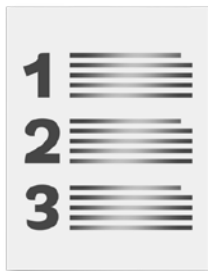


People think there should be a link between **Service Agreements** and the Code of Conduct.

**Service Agreement** is like a contract with the rules and responsibilities of both you and the service.

It says what services they will provide.

Both should sign it.



The service agreement should say:

- What is expected of the organisation and workers
- What happens if there is a breach of the Agreement e.g. person can cancel the Agreement, report to the Commission
- What might happen that leads to support workers being sacked like:
  - Drug taking any time
  - Driving under the influence of alcohol (even if legally ok)



## How the Code of Conduct works and the Commission

People agree:



- the Commission should be able to say there needs to be **disciplinary action** by an organisation.

**Disciplinary action** is some form of punishment for doing the wrong thing.



- A connection between the Commission and state Working with Vulnerable People check is good
- The Code of Conduct needs to be more than a piece of paper, so the Commission is a good idea.

People want to know that if the Code is breached, action will be taken and they'll be kept informed.

### NDIS code of conduct – the process

People agree with this



- Someone broke rules – reported – investigation
- Support Worker or organisation has done the wrong thing – can be reported to Police or be fined – or special training – or warning.

- Commission has the power to act on complaints.



### **Role of State in registration – Working with Children and Vulnerable People**

When someone makes a complaint, the Commission should

- Investigate, look at records
- Talk to client/consumer who is reporting (and others past and present)
- Hear both sides of the issue

The Commission needs to let people know what's happening and what's going to happen about their complaint.

There needs to be feedback to person who made the complaint.



Consumers should have the right to give feedback about the Commission and what they did

Is there an appeals process or over-ruling of Commission?



### **Reporting to Commission – what we think would help?**

People need to know the Commission is there.

Fridge magnets, brochures and information would be good.



It should also be easy to report.

Email and online reporting

An app for the phone and face to face.



### **1. Promote people's rights**

(How important is it to you that NDIS providers and workers promote individual rights to freedom of expression, self determination and decision-making)



We have rights the same as everyone else, we have the right to be safe, right to education, free from bullying, right to medication when I need it, the right to be heard, the right to speak out and the right to be listened to and NOT be discriminated against.

There should be a way of ensuring all people with disability know their rights and how they should be treated.



Everyone said it is very important to make your own decisions, control your own life and express yourself.

Support workers need to let you make decisions.



Support workers and organisations should encourage you and make sure there are lots of opportunities to make decisions.

People think the expectations of providers and workers are good.



But, everyone thought the importance of Advocates should be in the Code of Conduct as they help people about their rights.

Support workers should help get an advocate for people who need them.



People with disability should be at the centre of the supports and services they receive.



People want information in a way that is right for them.

Plans and rosters should be in Easy English. Some people thought it was discrimination if information wasn't in Easy English.



People want to choose their staff.

They want to be on interview panels with an organisation.

## 2. Prevent all forms of abuse, violence, exploitation and neglect



(How important is it to you that NDIS providers and workers actively prevent all forms of violence, **exploitation**, neglect and abuse)

**Exploitation** is when someone takes advantage of you.

Everyone thinks providers and workers should help stop abuse, violence, exploitation and neglect.



Some people think the Code of Conduct should talk about the different kinds of abuse - physical, sexual, emotional, financial, verbal.



There should be ways to stop abuse, violence, exploitation and neglect.

Organisations and support workers should **have** to do training about abuse.

They should have to show that they understand what to do.

There should have to be a way of reporting and writing down concerns/abuse **every time**.



Police checks and Working with Vulnerable Persons checks are important to keep us safe.

### 3. Act with integrity, honesty and transparency

(How important is it to you that NDIS providers and workers act with integrity, honesty and transparency)

Everyone thinks it is very important for NDIS providers and workers to:

- give true information about their qualifications and training
- be honest about how well they can do their job and what jobs they can do



A lot of people think support workers should show participants evidence of their training and qualifications.



Providers need to have training and experience to support me.

Communication between staff is important.

They need to make sure people workers know what I need and what has happened early that day/week.



**4. Provide supports in a way that is safe and ethical with care and skill** (How important is it to you that NDIS providers and workers provide supports in a safe and ethical manner with care and skill)



Good providers and support workers listen to me, they are respectful, it feels right and things that I want to happen - happen.

Good organisations and workers



- “care” – care about you (and your well-being)
- look after you / look out for you
- support workers present well, have good hygiene, image is positive.



People think there should be instant dismissal for using alcohol and drugs at work, and driving under the influence.

Many people think there should have a “3 strikes you’re out” where there are breaches of conduct.

Some people think bullying by providers and workers should be referred to the Commission for action



**5. Bring up any worries about the quality or safety of supports**

(How important is it to you that NDIS providers and workers raise and act on concerns about matters that may impact on the quality and safety of supports provided to people with disability)

Quality and safety is extremely important.



It's hard to complain.

Support to make complaint is really important.

An Advocate is the best person to help.

People worry about victimisation, negative consequences to making a complaint.

Advocates are really important.



There should be lots of opportunities for participants to give feedback and raise concerns.

Let me know its Ok to complain if I'm not happy



Organisations should have things like surveys and forums to get feedback from consumers. Independent people (like Advocates) should run these.



## 6. **Respect the privacy of people with disability**

(How important is it to you that NDIS providers and workers respect the privacy of people with disability)

I should be allowed to be alone in own room if want to  
– they should respect my decision

Everyone thinks respecting privacy is very important.



Not make me feel uncomfortable (by looking inappropriately, touching or talking about things that make me feel uncomfortable)



Be respectful of my privacy and what I want

Keep my information confidential

Have my permission to do things that involve me (like take my photo, decisions that impact me)

Work uniforms and cars (with signs/brands on them isn't respecting my privacy.

Support workers should use identification well. They should not have it around their neck.



Jack says:

This happens to me all the time.

Supports workers are getting me dressed after a shower. They don't have all my clothes. They leave me to get them, I'm sitting with a towel half covered, my private bits are uncovered. Then half way through finding my clothes they go and help someone else. I'm sitting with no clothes on with the door open waiting.

## 7. Don't take part in sexual misconduct

(How important is it to you that NDIS providers and workers not engage in sexual misconduct)



Harry's story:

I'm on the NDIS

My support worker is in a sexual relationship with my mother.

It doesn't happen during his paid hours, but I know they have a relationship.

I don't like how John supports me but I can't complain or change providers because of the relationship and I don't want to upset my mother.



The draft doesn't clearly say that any sexual activity by a worker (unwelcome or otherwise) involving a participant (or their family) is sexual misconduct.

- People think sexual misconduct should be renamed as sexual activity



- The Code of Conduct should say that sexual misconduct is any sexual activity with a participant or their family members.

It includes crossing professional boundaries, sexually explicit comments and other overtly sexual behaviour, and grooming behaviour.



A participant asking for and accessing a sex worker is not sexual misconduct.

This should be clear in the Code of Conduct.

People have a right to access sex workers.

## 8. Keep good records

(How important is it to you that NDIS providers and workers keep appropriate records

People would like more information about what records are needed.



*Support Workers always seem to be doing paper work. They should do paperwork, but (...not so much and ignore me)*

## How we did the submission



**Step 1**  
**Learning**  
**About it**



**Step 2**  
**Talking**  
**About it**



**Step 3**  
**Writing**  
**About it**



**Step 4**  
**Checking**  
**it**



**Step 5**  
**Sending**  
**it**

## Why we use Easy English:



Speak Out thinks this is really important.

Information must be easy to understand so we can take part fully.

I don't always know what the words say,  
so I like the pictures to help explain it.

This is how Speak Out did the submission.

Speak Out advocates helped by:



- Explaining about the Code of Conduct
- Asking us if we wanted to take part
- Using easy words
- Helping us to talk about it
- Getting us to think about what we think is important



### **Step 1: Learning about it**

Speak Out advocates talked to us about the submission.

**Step 1  
Learning  
About it**

**Speak Out Members Executive** met to talk about the paper so our **regional representatives** understood it.

### **Step 2: Talking about it**





Our **regional representatives** then went back and talked about it to their own self advocacy groups in each region.

**Step 2  
Talking  
About it**

Peer networks also talked about it at their meetings.



**Step 3: Writing about it**

Speak Out did a draft of this paper from what we said.

**Step 3  
Writing  
About**

The Members' President checked to see if it was ok and easy to read.



**Step 4: Checking it**

The Members' Executive met to check the draft.

**Step 4  
Checking  
it**

They made sure it said the right things.



**Step 5: Sending it**

**Step 5**  
**Sending**  
**it**

It takes a lot of time to learn and understand some things.

Speak Out members said it is important to have people you trust to help with making [submissions](#).

When there are important things that people with intellectual disability should have a say about, we want to make sure the government know that they have to give us time to do all these steps.

