



Syndromes Without A Name (SWAN) Australia

ABN: 60 997 297 388

PO Box 390, Fairfield, VIC 3078

0404 280 441

info@swanaus.com.au

swanaus.com.au

facebook.com/SWANAustralia

twitter.com/swanaus

SWAN Australia submission to NDIS Code of Conduct Discussion Paper

Syndromes Without A Name (SWAN) Australia thanks you for recognising that the NDIS code of conduct is required as part of the NDIS Quality and Safeguarding Framework and welcomes the opportunity to provide feedback on the Commonwealth Government's *NDIS Code of Conduct Discussion Paper*.

SWAN is a peak body in Australia representing families caring for a child with an undiagnosed or rare genetic condition, many who have at least one disability as part of their genetic condition. We strongly support the development of a NDIS Code of Conduct, which acts as a safeguard to ensure all services delivered to people with a disability are high quality, safe and ethical. They need to protect a persons rights in relation to; *“culture, religion, ethnicity, gender, identity, age and disability”*

According to the *Victorian Equal Opportunity and Human Rights – Beyond Doubt Research Findings*, people with disabilities are extremely vulnerable and often fail to report crime, though lack of awareness, fear and understanding. The Code of Conduct is a vital component of the Quality and Safeguarding Framework to uphold the human rights of people with a disability and to protect them. We have addressed our five main areas of concern below:

Availability and Accessibility of Information

One of our concerns is that the information provided in the Code of Conduct needs to be accessible to everyone. Meaning it should be made available in many different mediums, “easy English”, audio version, Auslan and available to people from CALD backgrounds. There also needs to be an education campaign around promoting the Code of Conduct, to raise awareness of it as legality to all people with disabilities, their carers, support staff, NDIS workers, service providers, LAC's, ECEI, ILC, CoS and NDIS planners. The NDIS Code of Conduct needs to be available accessible and explained at a participants planning meeting and continue to be referenced at any subsequent meeting.

The Code of Conduct needs to be accessible and explained to both registered and unregistered NDIS service providers. It is particularly important that self managing participants and their families are made aware of the Code of Conduct due to the lack of regulation, safe guards and scrutiny of unregistered NDIS service providers. People with disabilities are vulnerable and we need to do everything in our power to protect their basic human rights.

Human Rights

It is great to see the Code of Conduct referencing current policy and legislation. One area of policy that it fails to reference is *the “Victorian Charter of Human Rights and Responsibilities”* which values, “freedom, respect and equality”. We do not want to take away from the Victorian Charter and see Victorians worse off under the NDIS Code of Conduct.

Complaints Process and Advocacy

Consumer information needs to be developed in similar formats to the “It’s ok to complain” campaign. The complaints process needs to be explained in various mediums such as “easy English”, audio version, Auslan and available to people from CALD backgrounds. It is a basic human right to be able to lodge a complaint if a person feels their safety and ethical standards have been compromised. We need to ensure NDIS participants are educated around their basic human rights, and it is ok to complain if their rights have been violated.

If a NDIS participant needs help with a complaint they should seek an advocate to assist them. Advocacy for NDIS participants needs to be easily accessible, available and continue to be funded by Government.

Violence, Exploitation, Neglect and Abuse

People particularly children and women with disabilities are at risk of violence, exploitation, neglect and abuse; emotionally, physically and sexually. The current statistics around these key issues are frighteningly high and placing safeguards and measures in the NDIS Code of Conduct to protect the rights of people with disabilities can only be a good thing. But does the NDIS Code of Conduct go far enough in protecting a vulnerable group of people with disabilities?

There is still a risk that incidents occur from both NDIS registered providers and non-registered providers and go unreported. This risk is likely to be greater when the service provider belongs to a small company or is an individual providing the service, as they may not be accountable to anyone but themselves and their employer, the NDIS participant.

Sexual Misconduct

People with disabilities can be naïve and vulnerable and they are at increased risk of sexual exploitation and misconduct as the Code of Conduct identifies. Firstly a person needs to understand that sexual misconduct has actually occurring before they can use the Code of Conduct to protect themselves. A person with a disability needs to be mindful that sexual misconduct is physical, verbal and can be a criminal offence. Further support and education is required in this area to limit the abuse that may come from both NDIS registered and non-registered providers working with the participant. Not all abuse is reported due naivety, embarrassment, understanding and knowledge about how to complain and the process of complaints.

Trust is important to consider when a self managing participant employs their own staff and they should be further guidelines developed for self managing NDIS participants around; employing their own staff, reference checks, Working With Children Check and Working With Vulnerable Persons Check. Education around this should occur at the planning meeting if a participant has selected to self manage their NDIS package. Again these resource need to be made available to participants in various mediums such as “easy English”, audio version, Auslan and available to people from CALD backgrounds.

We would welcome the opportunity to discuss this submission further with you or require further information.

Yours sincerely

Heather Renton
President
Syndromes Without A Name (SWAN) Australia