

NDIS Code of Conduct Submission

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Thank you for the opportunity to provide comment on the NDIS Code of Conduct discussion paper (the Code). I support the efforts of Department of Social Services in formulating the Code in seeking to ensure safe and quality services for people with disabilities while in receipt of funded support services.

I commend the development of the Code's and effort to draw attention to unacceptable practices by service providers and disability support workers while providing services and in formulating remedy, redress and punitive action for breaches to service standards. Powers to adequately address breaches to service standards have been lacking, not clearly defined and underutilised by the States over the years. Further I commend efforts to highlight 'grey' areas of service provision, the very frequent and pervasive forms of abuse and 'behaviours that may not constitute a crime, but which should never be acceptable in the context of the NDIS, such as: exploitative or otherwise unethical treatment; neglect; and vengeful or deceptive behaviour in response to a complaint or incident'. The NDS is currently doing a significant amount of work in this area with its Zero Tolerance Framework initiative. Perhaps reference to their website could be made in the Code document <https://www.nds.org.au/resources/zero-tolerance> which provide further example of not acceptable grey area service provision.

Under Section 3.1 Who will be covered by the NDIS Code of Conduct? I am concerned that the NDIS Quality and Safeguarding Framework or Code does not include safeguarding provisions for people with disabilities receiving funded services through other schemes such as transport, veterans' affairs and workcover schemes, which are disability services funded outside of the NDIS. With the federal government taking on safeguarding of provision of disability services through the NDIS, it leaves a gap in safeguarding of provision of these services that will continue to be provided at a state level, and veterans' affairs sitting outside of the NDIS at a federal level. A framework for safeguards and protections should canvass all Australians receiving funded disability supports, who face the same challenges and vulnerabilities, not just those within the jurisdiction of NDIS Quality and Safeguarding Framework or Code. As it stands, the Quality and Safety Guarding Framework or the Code will not provide protections to those people.

I support the Code's highlighting of priority issues for women with disabilities, a particularly vulnerable service group. I support the noting in the Code of the right to choose the gender of a support worker, and the right to live free from gender based violence. As noted by Women with Disabilities Victoria (WDV) in their submission, 'these are priority issues... because the rates of violence against women in our general community are extremely high, and they are even higher for women with disabilities as reported by Victoria's Royal Commission into Family Violence among other significant investigations. The Code has a role in clearly recognising and addressing preventing and responding to violence against women with disabilities'.

I also concur with WDV, other Community Organisations and VCOSS, in endorsing that the Code apply to registered and non registered providers, but that the systemic monitoring and capacity building mechanisms for non registered providers described in the Discussion Paper appear inadequate to ensure quality safe services for people with disabilities. As noted by Women with Disabilities Victoria (WDV) in their submission, 'in addition to the monitoring Corrective measures described in the code, it is not clear how developmental and preventative measures will be monitored to ensure they are being implemented'.

In regards to human rights, I feel there should be greater weight should be given to the fact that breaches of the Code, including grey areas of service provision, are direct breaches of human rights. Perhaps the specific human right breach should be noted in each case study in the Code did give direct reference, rather than less obvious listing of various rights mechanism in introduction of the Code. Further, as noted by Women with Disabilities Victoria (WDV) in their submission '...unfortunately we know that Australia's obligations to the DDA and the CRPD are at times breached. The Code should fundamentally, clearly uphold Human Rights before Consumer Rights'. I support that service quality and integrity should be strongly upheld within a human rights framework reflecting the CRPD, DDA and Service Standards and that service provision should not be watered down to the level of consumer/purchasing rights alone.

Regarding the 'compulsory orientation module' to be introduced for registered providers delivering supports, and all workers of registered providers engaged in the delivery of NDIS funded supports', I am in agreement with this. Should it be considered that the 'compulsory orientation module' be required to be completed by all disability support workers (DSWs) though as an element of compulsory registration of DSWs. In this way, all services provided either through registered or non-registered service providers is provided by workers aware of and familiar with the compulsory orientation module and the Code. This extends to allied health professionals providing NDIS funded supports (who could undertake the compulsory orientation module as part of their continuing professional development requirements).

Again, I commend the development of the Code and efforts to draw attention to unacceptable practices by service providers and disability support workers while providing services. I commend the development of the Code in seeking to ensure people with disability are treated with dignity and respect and valued for their contribution to society, and that the expressed needs, values, and beliefs of people with disability (including those relating to culture, religion, ethnicity, gender, identity and age) are taken into account by service providers and DSWs alike in the provision of disability support services across Australia.

Raelene West