

Dignity, respect and safer services

Victoria's disability abuse
prevention strategy

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Minister's foreword

The Victorian Government takes a zero tolerance approach to abuse.

Sadly, recent inquiries and investigations have shown that the abuse of people with a disability is widespread and that suspected abuse has often been ignored or not adequately addressed. This is unacceptable.

Victoria prides itself on having one of the strongest safeguarding systems in the country, but more still needs to be done. Zero tolerance means that the abuse of people with a disability is never acceptable and should never be ignored.

As we transition to the full rollout of the National Disability Insurance Scheme (NDIS), we want to ensure that Victoria's safeguards are maintained and enhanced to better protect people with a disability now and into the future.

This is Victoria's first disability abuse prevention strategy and sets out actions the government will take to strengthen safeguards for people with a disability. A key focus of the strategy is on building the capacity of people with a disability to assert their rights and to act in their own interests.

Everyone involved in the disability sector must play their part to stop any abuse from happening. The Victorian Government has already amended the *Disability Act 2006* to formalise the principle of zero tolerance of abuse and to strengthen the oversight role of the Disability Services Commissioner.

We have also expanded the Disability Worker Exclusion Scheme and are introducing a new registration and accreditation scheme for disability workers.

The disability abuse prevention strategy is part of our vision for an inclusive Victoria that supports people with a disability to live satisfying everyday lives. We are committed to promoting the principles of fairness and safety through *Absolutely everyone: state disability plan 2017–2020*.

Combined with other safeguards, the strategy will better protect the rights of people with a disability.

We will also continue to work with the Commonwealth Government for a strong national *NDIS quality and safeguarding framework* so people with a disability have the highest level of quality assurance and safeguards under the NDIS.

Victorians with a disability, their families and carers need to know the NDIS is based on a commitment to high-quality and safe services.



Martin Foley MP

Minister for Housing, Disability and Ageing

Introducing Victoria's disability abuse prevention strategy

This is the Victorian Government's first disability abuse prevention strategy. It outlines a zero tolerance approach to abuse and provides a framework to understand, promote and enhance safeguards and prevent abuse.

The basis of a zero tolerance approach is that abuse of people with a disability is never acceptable and should never be ignored.

Preventing and identifying the abuse, neglect and exploitation of people with a disability requires proactive and sustained intervention and monitoring. The Victorian Government plays a critical role through policy, regulation and funding to ensure the consistency and quality of safeguards across the disability sector. This role extends to working with the community to create lasting cultural change so the rights and interests of people with a disability are understood and upheld.

In turn, disability service providers are critical to the success of preventative efforts given their direct support to people with a disability. Equally important is building the capacity of individuals with a disability to assert their rights and to act in their own interests where possible.

The strategy also recognises the value of a strong client incident reporting and complaints system as a safeguard for people with a disability. The emphasis on prevention complements the existing focus on corrective actions following abuse.¹ These are essential components of a comprehensive response to abuse of people with a disability where preventative strategies are not successful.

The strategy is in place during the transition to the NDIS

The National Disability Insurance Scheme (NDIS) is a once-in-a-generation reform that is profoundly changing the way disability services are funded and accessed to ensure people with a disability get the support and services they need and deserve.

The full implementation of the NDIS will change the Victorian Government's role as a regulator, funder and provider of disability services. Many of these roles will transfer to the National Disability Insurance Agency or to the proposed NDIS Quality and Safeguards Commission by the time of full transition to the NDIS in July 2019.

The Commonwealth Government, along with the states and territories, is working on implementing the new national *NDIS quality and safeguarding framework*. The framework will provide a nationally consistent approach to help empower and support NDIS participants to exercise choice and control while ensuring appropriate safeguards are in place. It establishes expectations for providers and their staff to deliver high-quality supports.

Existing Victorian Government quality and safeguarding arrangements will be maintained until the quality and safeguarding framework is implemented.

1. See commentary on abuse prevention in, for example: Victorian Ombudsman 2015, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight*, Victorian Ombudsman, Melbourne, p. 47.

Why we need an abuse prevention strategy

The Victorian Government proposed the Parliamentary Inquiry into Abuse in Disability Services to examine systemic issues affecting the reporting and prevention of abuse. The inquiry found disturbing evidence of systemic weaknesses and failures of existing safeguards in disability services. This situation is not particular to Victoria. Governments around the world recognise the need to address the incidence of violence, abuse and neglect of people with a disability.

The disability abuse prevention literature tells us that a root cause of disability abuse is the widespread devaluing of people with a disability in society. To address this, we need to change community attitudes. Changing attitudes is a key priority of *Absolutely everyone: state disability plan 2017–2020*.

The inquiry highlighted the need to build a culture of zero tolerance of abuse supported by a skilled and qualified workforce.

The Victorian Government is addressing the inquiry's recommendations. This strategy is part of our response to the inquiry and includes a range of resources and training initiatives to support abuse prevention.

How the strategy was developed

The Victorian Government reviewed the disability abuse prevention literature to identify barriers to preventing abuse. The review identified that barriers occur at three levels: the individual, service provider and disability services sector levels.

We asked people with a disability, their families, advocacy groups, disability workers and employer representatives what more we can do to prevent abuse. They spoke of the need for tools, resources and training to build awareness of abuse, and to have greater access to advocacy support. Employers indicated a need for resources to help them employ staff with the right attitudes and skills, and for boards of management to receive training to understand their obligation to embedding a zero tolerance approach in their organisations. The respondents want easy access to these resources and for them to be provided in a variety of formats including hard copy, video and web-based and live training sessions.

In developing the strategy, we also identified existing good practice in abuse prevention and what people with a disability, their families and support providers need to bring about cultural change and to embed a zero tolerance approach to abuse within disability services.

Understanding abuse

This strategy recognises the need to support people with a disability, their families and disability support workers and providers to gain a full understanding of what abuse is, recognising the different forms that abuse takes and the varied settings in which it occurs.

Abuse is a violation of a person's human rights and has a number of forms such as financial abuse, emotional abuse, physical abuse, sexual abuse and neglect. Abuse can be perpetrated by support workers, supervisors, managers, people with a disability, family members, carers and community members. To be effective, zero tolerance of abuse requires a clear understanding of what abuse is and the types of behaviour that are abusive. Abusive behaviour includes:

- **Financial abuse:** The misuse of a person's assets, property, possessions and finances without their consent. It includes:
 - denying a person the use of their own assets, property, possessions and finances
 - theft, fraud, exploitation and pressure in relation to assets, property, possessions and finances
 - obtaining assets through deception.

This also includes financial abuse perpetrated by other people with a disability.

- **Emotional abuse:** Actions or behaviours that reject, isolate, intimidate or frighten by threats, or the witnessing of family violence, to the extent that the person's behaviour is disturbed or their emotional/psychological wellbeing has been, or is at risk of being, seriously impaired.

This includes:

- rejecting, isolating, terrorising and ignoring behaviours
- denying cultural or religious needs and preferences
- emotional abuse perpetrated by other people with a disability
- when a person subjects another person to behaviour that may result in psychological trauma such as bullying, harassment, humiliation and/or threats.

- **Physical abuse:** Actions that involve the inappropriate use of physical contact or force against a person. This includes:
 - threats of physical abuse made to a person with a disability by another person
 - excessive use of physical force or restraint by a staff member
 - physical abuse perpetrated by other people with a disability, as well as by caregivers or staff.
- **Sexual abuse:** Actual or attempted unwanted sexual actions that are otherwise forced on a person against their will or without their consent, through the use of physical force, intimidation and/or coercion.
- **Neglect:** The failure to care adequately for a person with a disability to the extent that the health, wellbeing and development of the person is significantly impaired or at risk.

Victoria's abuse prevention strategy: summary of Victorian Government projects and initiatives

For individuals	For providers	For the sector
<ol style="list-style-type: none"> 1. The Victorian Government has developed an online information hub to improve access to resources, including those outlined below, and to provide links to organisations such as advocacy services, the Office of the Public Advocate and the Disability Services Commissioner. 2. Backed by government funding, the Victorian Advocacy League for Individuals with Disability (VALiD) has developed training programs and educational resources for people with a disability to help them identify and respond to abuse. 3. The Victorian Government has funded Scope to develop tools and resources to support people with complex communication needs to recognise and report abuse, and to build the capacity of service providers to support people who have experience of, or are at risk of, abuse. 4. Funded by the government, Women with Disabilities Victoria (WDV) developed a peer education program 'Our right to respect' for women with a disability that explores respectful relationships and experiences of being a woman, as well as the rights of women and people with a disability. 5. With government funding, the Association for Children with a Disability (ACD) has developed new resources for parents and guardians of children with a disability to assist in choosing a service provider for their child, to support their child's emotional, physical and sexual development, and to promote healthy and respectful relationships for their child. 6. Government funding has also been provided to the Association for Disability in Ethnic Communities (ADEC) to develop information resources and deliver workshops to increase culturally and linguistically diverse (CALD) communities understanding and awareness of their rights to be free from abuse, and about how to recognise and report abuse. 7. The Victorian Government will disseminate practice guidance for workers on providing intimate supports such as showering and dressing, and fact sheets for people with a disability and their families. 8. The Victorian Government is rolling out initiatives to strengthen disability advocacy through the Victorian Disability Advocacy Innovation Fund. 9. Family Planning Victoria has been funded by the government to undertake a literature review on good practice in respectful relationships and sexuality education, and to develop a checklist for people with a disability, their families and services providers, to assist in accessing education on respectful relationships and sexuality. 	<ol style="list-style-type: none"> 10. The Victorian Government is continuing to implement <i>Keeping our sector strong: Victoria's workforce plan for the NDIS</i>. 11. The Victorian Government is making clear its expectations of disability support workers and providers by introducing Victoria's first code of conduct for disability service workers. 12. The Department of Health and Human Services and Victoria Police have jointly developed a set of guidelines <i>Responding to allegations of abuse involving people with disabilities</i> for use by disability service providers and Victoria Police members. 13. Through government funding, National Disability Services (NDS) has developed a safeguarding guide that assists boards to have a better understanding of abuse and violence experienced by people with a disability. 14. The government funding provided will also enable NDS to provide training to boards so they better understand the zero tolerance approach and their obligations as disability service providers under this approach. 15. WDV Workforce Development Program on Gender and Disability aims to increase awareness of how to deliver gender-equitable and -sensitive services to improve wellbeing and reduce gender-based violence. 16. The Victorian Government is providing training to more than 800 departmental staff in recognising and responding to abuse in disability accommodation services. 17. The Victorian Government will continue to encourage the Commonwealth to consider a zero tolerance approach as part of the national code of conduct under the <i>NDIS quality and safeguarding framework (December 2016)</i>. 	<ol style="list-style-type: none"> 18. The Victorian Government is establishing an independent, legislated Victorian registration and accreditation scheme for the state's disability workforce to strengthen safeguards for people with a disability by maintaining and attracting disability support workers with the right skills, experience and qualifications. 19. The Victorian Government has amended the <i>Disability Act 2006</i> to formalise a principle of zero tolerance of abuse and neglect. 20. The Victorian Government also strengthened the Disability Services Commissioner's oversight of the disability sector as part of the amendments to the Disability Act. 21. The Department of Health and Human Services will update registration and audit documentation to include the principle of zero tolerance and provider obligations under new provisions of the Disability Act. 22. The Victorian Government has funded resources aimed at understanding abuse to support the NDS <i>Zero tolerance framework</i>. 23. NDS has been funded to develop e-learning videos targeting disability support staff and their supervisors to build an understanding of restrictive practices in the context of human rights and abuse prevention. 24. With government funding, WDV has developed best practice guidelines for organisations producing resources that inform and empower women with a disability who are at risk of violence. 25. The Victorian Government has expanded the Disability Worker Exclusion Scheme so that pre-employment screening occurs and unsuitable workers are excluded from the disability service sector workforce. 26. A communication strategy will be implemented to raise awareness of available training and education resources.

Information and links to these projects and initiatives can be found at the Department of Health and Human Services online information hub <www.dhhs.vic.gov.au/disability-abuse-prevention>.



The strategy at a glance

This strategy aims to build the capacity of individuals and their families to better understand their rights and to speak up about abuse. It provides mechanisms for embedding a culture of zero tolerance of abuse across the Victorian disability service sector now and into the future.

Framework for the disability abuse prevention strategy

This strategy is built around a framework consisting of three action areas with six safeguarding elements, as depicted in Figure 1.

The strategy highlights safeguarding initiatives that focus on:

- the individual (people with a disability and their families)
- providers that deliver disability support services in Victoria
- oversight of the Victorian disability service sector.

A more detailed description of the three action areas is provided in the next section.

Figure 1: Disability abuse prevention strategy – overview



Three principles of abuse prevention underpin this strategy

The principles support our vision for a more inclusive Victoria as outlined in *Absolutely everyone: state disability plan 2017–2020*. 'Fairness and safety' is the third pillar of the state disability plan, which incorporates initiatives to prevent violence, abuse, neglect and exploitation of people with a disability.

Principle 1: A zero tolerance approach to abuse of people with a disability

A zero tolerance approach to abuse means that abuse is never okay, no matter the circumstances.

Zero tolerance is based on a human rights framework that recognises the intrinsic worth of all people. The aim of a zero tolerance approach is to support cultural change – among service providers, the sector and in the community more generally – so that abuse of people with a disability is never accepted and never ignored.

A zero tolerance approach is not simply a punitive measure; rather, it involves a comprehensive approach to abuse prevention that includes:

- implementing policies that protect and promote people's human rights
- understanding and responding to the causes of abuse, the risk factors and the signals
- an emphasis on empowering people with a disability.

The principle of zero tolerance is formalised in the *Disability Amendment Act 2017*, which commenced on 16 August 2017, and in Victoria's first code of conduct for disability service workers.

Principle 2: Addressing risk for specific groups and service settings

The Parliamentary Inquiry into Abuse in Disability Services repeatedly emphasised that 'people with a disability are not a homogenous group' and that 'approaches to abuse prevention need to focus on how a diverse range of factors can contribute to the likelihood of a person with a disability experiencing abuse'.²

The inquiry found that a range of factors influence a person's risk of abuse including:

- type of disability, age and gender of the person with a disability
- cultural background
- service setting, such as residential settings.

In addition, women with a disability are 40 per cent more likely to be victims of family violence than women without a disability,³ and that people with complex communication needs and cognitive disabilities face disproportionate risks of abuse.

Any type of environment that increases segregation from community, fosters dependency and amplifies a power imbalance between workers and service recipients, or between people with a disability who may be more vulnerable, creates a heightened risk for abuse, neglect and exploitation.⁴

To address these risk factors, we must:

- make information and services accessible, including capacity building for specific groups to ensure equal access to the rights we all enjoy
- tailor tools, resources and training to specific service settings.

2. Family and Community Development Committee 2016, *The Victorian Parliamentary Committee Inquiry into Abuse in Disability Services*, Parliament of Victoria, Melbourne, p. 34

3. Victorian Ombudsman 2015, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight*, Victorian Ombudsman, Melbourne, p. 21

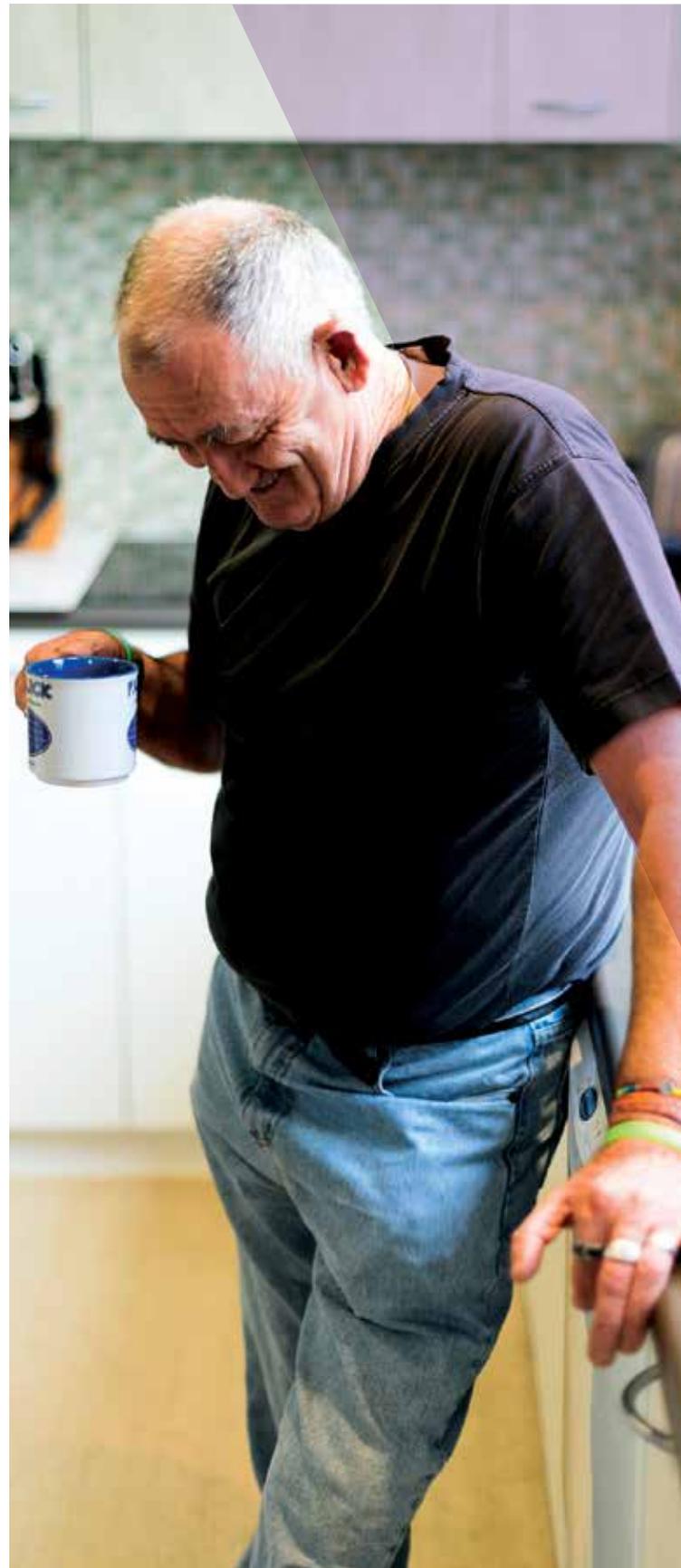
4. Queenslanders with Disability Network 2015, *Submission to the Community Affairs References Committee. Submission number 52*, Australian Government, Canberra, p. 4

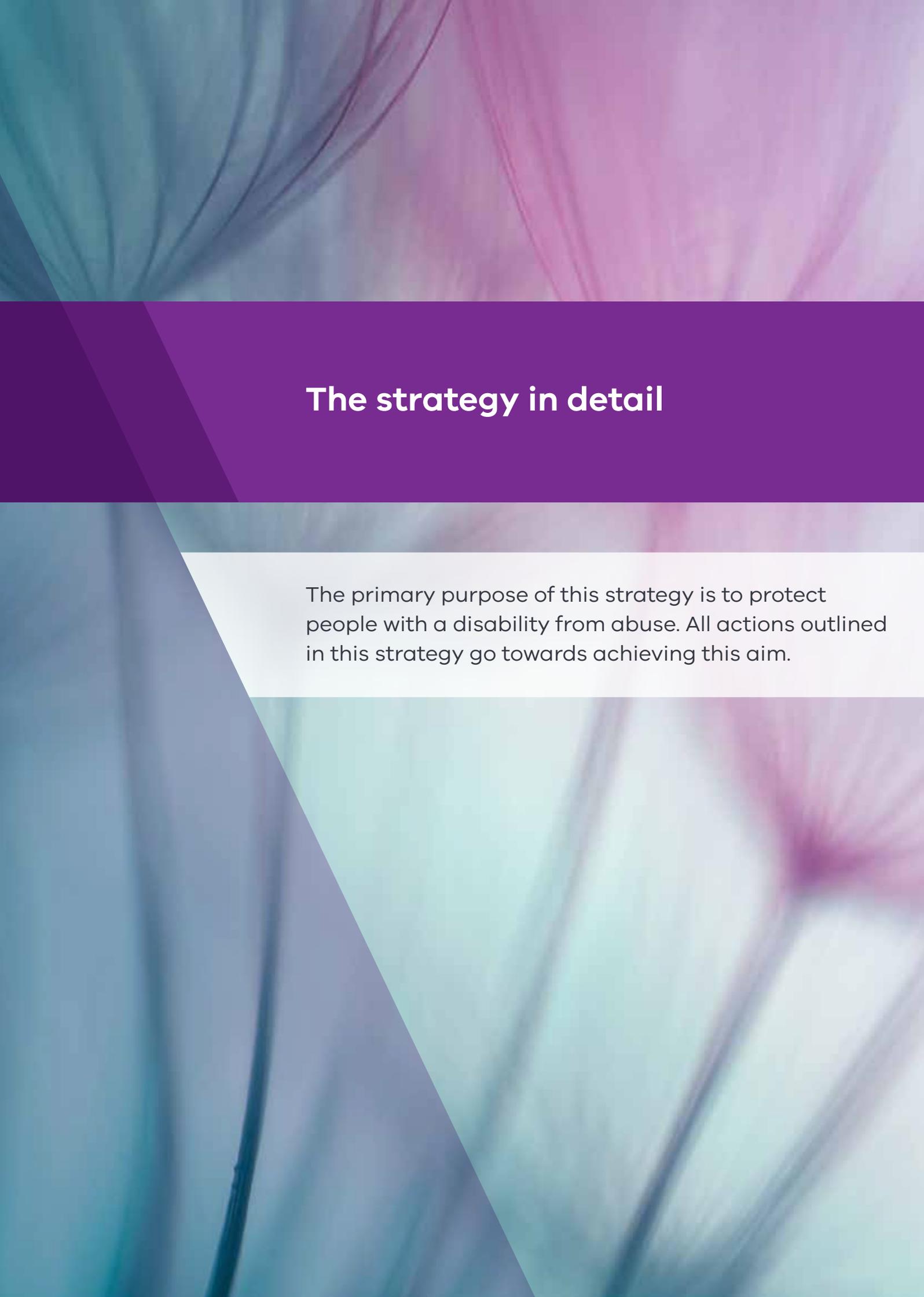
Principle 3: Collaboration within the sector, with other sectors and within the community

The strategy emphasises collaboration, communication and engagement between the different groups who have responsibilities to prevent abuse of people with a disability, including:

- service providers, advocacy groups and government
- people with a disability and their natural supports, such as families, carers and friends
- cross-sector collaboration, in particular between the disability and family violence sectors
- experts in violence prevention and human rights promotion, including gender equality.

Encouraging cross-sector collaboration is particularly important as we move to the new NDIS environment. This will more effectively address the challenges for the sector in moving to a market-based system.





The strategy in detail

The primary purpose of this strategy is to protect people with a disability from abuse. All actions outlined in this strategy go towards achieving this aim.

Action area 1

Individual

Action area 2

Provider

Action area 3

Sector

Action area 1: Individual

Action area 1 refers to people with a disability, their families, carers, other informal supports and advocates. The strategy identifies a range of tools, activities and initiatives to build the capacity of people with a disability and their support networks, and to strengthen advocacy services.

Key safeguarding elements at this level are:

- capacity building
- advocacy.

Capacity building

Many people with a disability are not aware of their rights and may not have access to advocacy services.

To remedy this, people with a disability need access to human rights training to build their knowledge, skills and confidence to exercise control over the support services they receive and to make decisions in their own best interests.

Empowering individuals to speak up for their rights is a powerful means of preventing abuse from occurring, as well as ensuring that situations can be dealt with before they escalate to abusive practice.

Providing people with a disability and their families with such training will position them well for the transition to the NDIS, where they will be active consumers able to choose and control the services they receive.

Capacity-building initiatives make an important contribution to preventing abuse when they:

- **are grounded in human rights** and emphasise the importance of dignity and respect as the basis for empowering people with a disability to understand and uphold their rights
- **raise awareness** about the different types of abuse and how to seek help (this is important because abuse can take many forms, and many people do not recognise some behaviour as abusive)
- **present information in accessible, culturally sensitive ways** through a range of formats and multiple channels. It is particularly important to ensure online channels are coupled with in-person delivery of programs so that capacity-building initiatives reach the most isolated people with a disability.

The Victorian Government recognises the benefit of peer-led education for people with a disability. Supporting people with a disability to take on leadership roles in program delivery also helps to build capacity for those involved. Finally, peer-led delivery is a powerful means of challenging discriminatory practice and harmful social norms by sending a clear message that people with a disability can and should actively participate in social and economic life.⁵

5. Brown H 2003, *Safeguarding adults and children with disabilities against abuse*, Council of Europe Publishing, Strasbourg, p. 142

User-friendly guidance to support people with a disability and their families

The Victorian Government is committed to funding education and training programs that have involved people with a disability in their development and delivery.

A number of organisations have been funded to develop and deliver training, including training for people with complex communication needs, on rights, recognising abuse and how to report abuse when it occurs.

Information hub

A new web-based information hub has been developed to provide information on available resources and training programs. The information hub is available on the Department of Health and Human Services website <www.dhhs.vic.gov.au/disability-abuse-prevention>.

Advocacy

Advocacy is a critical safeguard to prevent abuse and to uphold the rights of people with a disability. Strategies may include acting with or making representation on behalf of people with a disability, supporting people to speak up for their rights and influencing policies and practices to promote fair treatment. Advocacy aims to empower individuals, address discrimination and inequity of service provision, and to hold services accountable.

Advocacy makes an important contribution to abuse prevention when it:

- **is tailored to individual needs** and is provided by trained and experienced advocates who, as much as possible, specialise in helping particular cohorts of people with a disability
- **builds the capacity of people with a disability** by empowering them to speak up for themselves and to proactively promote their human rights
- **shapes attitudes** by influencing the policies and procedures of government through a broad approach that focuses on research and policy development.

Investing in and making improvements in the Victorian disability advocacy sector

The Victorian Government is investing an additional \$1.4 million to provide greater access to advocacy support for people with a disability through the Disability Advocacy Sector Capacity Building Fund.

This builds on the government's 2016–17 fixed-term investment of \$1.5 million for the Victorian Disability Advocacy Innovation Fund to provide a boost to the disability advocacy sector to undertake its important work.

The Innovation Fund is supporting 15 organisations to deliver 21 advocacy initiatives with a strong focus on:

- self-advocacy to support people with a disability to speak up for their rights
- advocacy for Aboriginal communities
- more advocacy services in rural and regional areas
- advocacy for migrants, refugees and lesbian, gay, bisexual, trans and intersex (LGBTI) communities.

Innovation Fund initiatives are helping to shape community attitudes about people with a disability, support collaboration by building partnerships with mainstream organisations and unfunded self-advocacy groups, and improve advocacy support to people with a disability and their families.

In line with initiatives outlined in *Absolutely everyone: state disability plan 2017–2020*, longer term action and investment will create a strong and sustainable disability advocacy and self-advocacy sector.

Actions to build the capacity of individuals and their families to understand their rights, to speak up about abuse and to strengthen advocacy are outlined on the following page.

Initiatives to support capacity building and advocacy

What we have done

Online information hub

We have developed an online information hub for easy access to available resources and links to organisations such as advocacy services, the Office of the Public Advocate and the Disability Services Commissioner. We will widely disseminate information about how to access the hub so that:

- more people with a disability are empowered to understand their human rights and how to make a complaint
- people with a disability and their families can more easily access tools and training on what abuse is, their rights, and how to select the right service provider.

Staying Safe Project

With Victorian Government funding, VALiD has developed training programs and educational resources for people with a disability to assist them to identify and respond to abuse. The interactive resources include videos and DVD information kits. VALiD has partnered with NDS to deliver the Staying Safe program in a range of community-based forums across Victoria.

Speak Up and be Safe from Abuse

The government had funded Scope to develop tools and resources to support people with complex communication needs to recognise and report abuse, and to build the capacity of service providers to support people who have experience of, or are at risk of, abuse. Communication tools, including workbooks, boards, posters and iPad apps, have been developed. Statewide rollout will be supported by face-to-face and webinar training sessions and information sessions for support agencies.

More information is available on the Speak up and be Safe from Abuse website <www.speakupandbesafe.com.au>.

Our Right to Respect

WDV has developed a peer education program for women with a disability that explores respectful relationships and experiences of being a woman, as well as the rights of women and people with a disability. WDV has also been funded to develop a new resource for women with a disability on rights to safety, violence prevention and response.

Keeping children safe: what to look for in a quality provider

Backed by government funding, the ACD has developed new resources for parents and guardians of children with a disability to support them to make informed decisions when choosing a service provider for their child. The resource is structured as a journey, with information for parents and guardians about how to:

- prepare to choose a provider
- explore different options
- protect their child in a variety of settings.

ACD is also developing online teaching guides for parents and carers to support their child's emotional, physical and sexual development, and healthy and respectful relationships.

More information is available on the Pep Talks website <www.pep-talk.org.au>.

Navigating Respectful Relationships and Sexuality Education

Family Planning Victoria has been funded by the government to undertake a literature review on good practice in respectful relationships and sexuality education. Family Planning Victoria has also developed a checklist for people with a disability, their families and services providers outlining things to look for and questions to ask when searching for providers of respectful relationships and sexuality education.

What we will do

Practice guidance

We will disseminate practice guidance for workers on providing intimate supports such as showering and dressing, and fact sheets for people with a disability and their families.

Strengthen advocacy

We will roll out initiatives to strengthen disability advocacy including:

- increasing access to advocacy support for diverse and hard-to-reach groups through targeted strategies
- more effectively measuring demand for and outcomes of advocacy services
- developing stronger links between advocacy and other safeguarding mechanisms
- simplifying administrative requirements for funded organisations
- longer term reform to ensure Victoria has a strong and sustainable disability advocacy and self-advocacy sector.

Safeguarding the rights of people with a disability from CALD backgrounds

The government has funded the ADEC to develop information resources and to deliver workshops to increase CALD communities' understanding and awareness of their rights to be free from abuse, and how to recognise and report abuse.



Action area 2: Provider

This action area refers to providers that deliver disability services in Victoria and staff at all levels of these organisations. Disability service providers and their employees have a crucial role to play in preventing and identifying abuse, exploitation and harassment of people with a disability.

Key safeguarding elements at this level are:

- quality and safety practices
- leadership and engagement.

Quality and safety practices

It is important that service providers embed a culture of zero tolerance of abuse in their organisations. To do this, disability workers must understand the behaviours that are expected when providing support to a person with a disability and what behaviours will not be tolerated.

Evidence provided to the Parliamentary Inquiry indicated a lack of knowledge of the human rights of people with a disability and that reporting processes are a barrier to preventing, identifying and responding to abuse.⁶

Providers must ensure that staff policies and procedures for abuse prevention are well communicated and reinforced with training so that staff can put them into practice.

Clear service expectations are important to ensure that people with a disability receive the same standard of support across the sector.

Initiatives to promote clear support and service expectations contribute effectively to abuse prevention where they:

- **are clearly communicated to workers** and emphasise the importance of dignity and respect as the basis for empowering people with a disability to understand and uphold their rights
- **are reinforced by providers** through training and induction programs along with clear processes and procedures for identifying and reporting poor-quality and abusive practice
- **promote person-centred care** by providing opportunities for people with a disability to discuss their views on safety, harm and risk, and by emphasising the importance of actively listening, sharing ideas and seeking feedback from people with a disability about the quality of support services.

Code of conduct for disability service workers

The Victorian Government is making clear its expectations of disability support workers and providers when it comes to abuse prevention by introducing Victoria's first code of conduct for disability service workers.

The code of conduct aims to assist disability service workers to understand what abuse looks like and what is expected of them. The code promotes a zero tolerance approach to abuse.

Workers must be supported to understand and comply with the code of conduct given that they will be held accountable to the obligations within the code.

6. Family and Community Development Committee 2016, *The Victorian Parliamentary Committee Inquiry into Abuse in Disability Services*, Parliament of Victoria, Melbourne, p. 25

Upholding the code of conduct is the responsibility of all levels of an organisation, including boards, executive teams, middle management and supervisors

The Victorian Government is committed to promoting and supporting the learning and development of the disability workforce through *Keeping our sector strong: Victoria's workforce plan for the NDIS*. A key aspect of the plan is developing a more consistent, sector-wide approach to training.

The government is also committed to involving people with a disability in the development and delivery of training. This is an important way of building the capacity of people with a disability, sharing expertise, building respect and increasing workers' knowledge of the lived experience of disability.⁷

Leadership and engagement

The Victorian Ombudsman found people with a disability were afraid to report abuse and violence or pursue complaints for fear of loss of services or retribution. In addition, support workers felt intimidation from peers and managers when reporting poor-quality and abusive practice.⁸

The review of disability abuse prevention literature tells us that providers can create positive change in an organisation's culture. To achieve sustained cultural change it is critical that leadership teams, including boards, senior executives, middle management and supervisors, understand and actively promote a culture of zero tolerance of prevent abuse. In particular, it is important that boards understand their responsibilities to manage the risk of abuse in their organisations and to ensure that service users and staff have clear guidance on how to make a complaint and report abuse.

Leadership and engagement initiatives can make an important contribution to abuse prevention where they:

- **are led from the top**, in particular by senior management and boards, through clear expectations of zero tolerance of abuse, reinforced by the code of conduct for disability service workers and robust performance management
- **are clearly communicated and backed up with appropriate support**, in particular workplace training, so that staff can put procedures and processes into practice
- **encourage transparency** by promoting a positive complaints culture within an organisation and making a public commitment to zero tolerance of abuse
- **promote a genuine dialogue** between service providers and people with a disability, their families and carers.

Engagement of people with a disability and their families

Strengthening safeguards against abuse within organisations can only be achieved by engaging people with a disability in program design and evaluation, and by creating a genuine dialogue with their families.

For example, a number of providers hold forums with families on respect-related issues, inviting questions about safeguarding practice. This provides an opportunity for families to learn from one another and for service providers to receive feedback that can be used to improve service delivery and strengthen safeguards against abuse.

Actions to support disability service providers to implement a zero tolerance of abuse approach through improved quality and safety practices and leadership and engagement are outlined on the following page.

7. Victorian Equal Opportunity and Human Rights Commission 2014, *Beyond doubt: The experiences of people with disabilities reporting crime – Summary report*, VEOHRC, Melbourne, p. 12

8. Victorian Ombudsman 2015, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight*, Victorian Ombudsman, Melbourne, p. 18

Initiatives to support quality and safety practices and leadership and engagement

What we have done

Responding to allegations of abuse involving people with disabilities guidelines

These guidelines have been developed to support disability service providers and Victoria Police to more effectively respond to people with a disability who have been victims, witnesses or alleged perpetrators of abuse.

The guidelines aim to:

- clarify the respective roles, responsibilities, procedures and interactions involving disability service providers and Victoria Police when dealing with allegations of abuse
- provide people with a disability, their families and carers with confidence that their needs will be addressed through a joint response from disability service providers and Victoria Police.

More information is available on the guidelines page of the department's website for providers <<https://providers.dhhs.vic.gov.au/responding-allegations-abuse-involving-people-disabilities>>

Safeguarding for boards guide

The NDS guide assists boards to have a better understanding of abuse and violence experienced by people with a disability. The guide outlines a range of human rights-based organisational approaches to minimise the risk of abuse, and best practice strategies to respond to abuse.

The guide includes:

- a checklist
- recommended actions organisations can take to embed a zero tolerance approach to abuse
- a video with advice for adopting a human rights-based approach.

NDS has been funded to expand and disseminate the guide, including delivering workshops for boards.

More information is available on the NDS website <www.nds.org.au/resources>.

Workforce Development Program on Gender and Disability

WDV's Workforce Development Program on Gender and Disability aims to increase awareness of how to deliver gender-equitable and -sensitive services to improve wellbeing and reduce gender-based violence. Funded through *Victoria's action plan to address violence against women and children*, components of the program include:

- **a train-the-trainer program** – a co-facilitated training model in which women with a disability and workers from the family violence sector provide training to disability service providers
- **workshops** – a series of workshops for disability support workers, service management leaders and senior executives
- **peer education programs** – a program for women with a disability that builds understanding of rights, healthy relationships, what violence is and how to get support to feel safe.

More information is available on the WDV website <<http://wdv.org.au/publications.htm>>.

What we will do

Implement the code of conduct

We will disseminate a toolkit to assist service providers to implement the code of conduct. This will support leadership teams, managers and supervisors to embed the code of conduct within their organisation's systems and processes to positively influence worker behaviour and workplace culture.

Training for disability accommodation services

We will provide training to more than 800 departmental staff in recognising and responding to abuse in disability accommodation services.

Implement Victoria's workforce plan for the NDIS

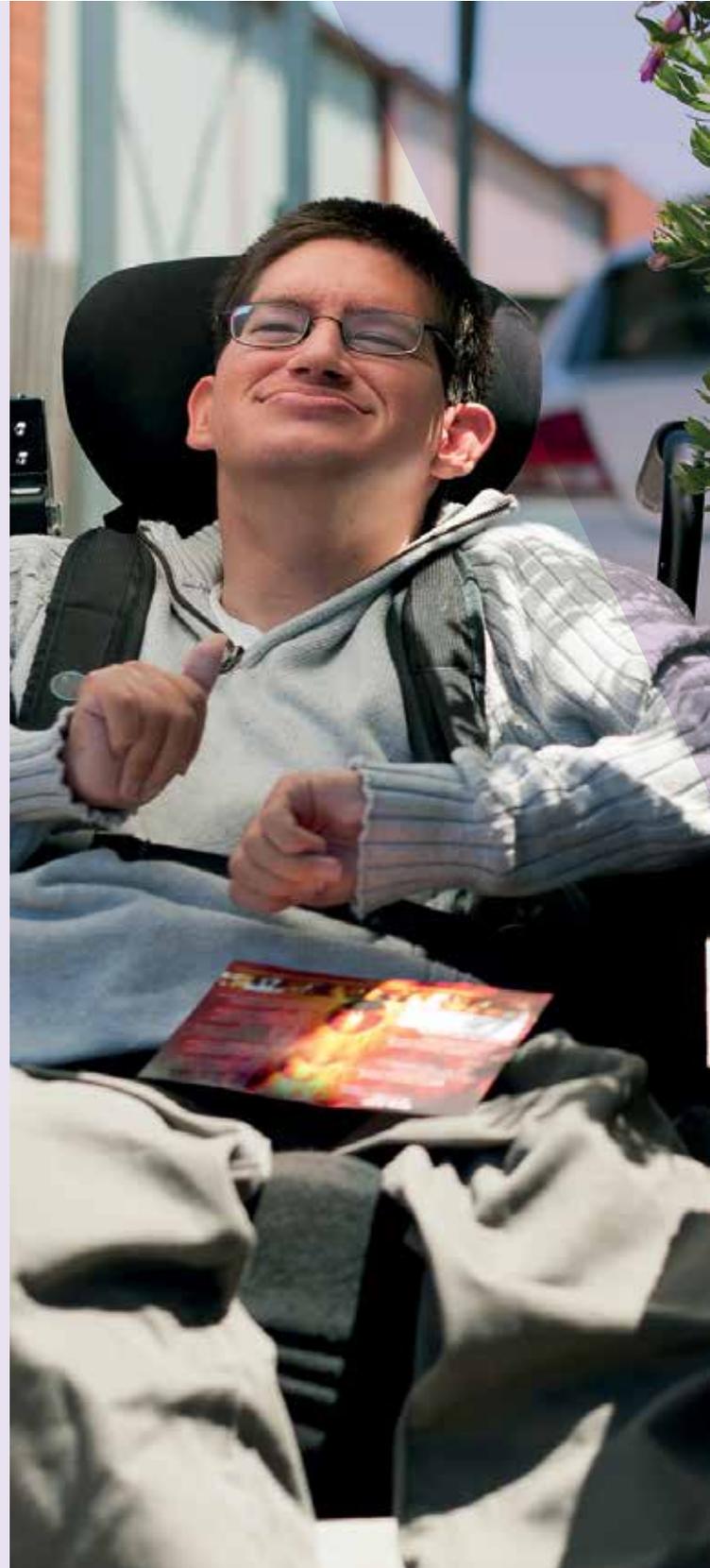
We will continue to implement *Keeping our sector strong: Victoria's workforce plan for the NDIS*.

This includes:

- trialling new models of staff supervision for the NDIS context
- rolling out the NDIS Learning and Development fund so workers can access training opportunities that will equip them with the right skills and capabilities
- undertaking a detailed review of current disability-related training qualifications, including the Certificate IV in Disability, and work with the Australian Industry and Skills Committee
- supporting best practice approaches for working with participants with high and complex needs.

NDIS quality and safeguarding framework

Continue to encourage the Commonwealth to consider a zero tolerance of abuse approach as part of the national code of conduct under the *NDIS quality and safeguarding framework* (December 2016).



Action area 3: Sector

The Department of Health and Human Services sets registration requirements for disability service providers and monitors providers against the Human Services Standards. This includes Victorian-approved NDIS providers registered under the Disability Act. The department will continue in this role until the *NDIS quality and safeguarding framework* is fully implemented in Victoria.

Key safeguarding elements at this level are:

- committing to zero tolerance of abuse
- workforce screening
- provider regulation
- working in partnership.

Abuse prevention and zero tolerance of abuse and neglect of any kind requires a rigorous workforce screening and regulatory approach to ensure the obligations of preventative practice are clearly understood by the sector and embedded in daily service provision.

Committing to zero tolerance of abuse

The Department of Health and Human Services has introduced a requirement for disability service providers to declare a commitment to zero tolerance of abuse as part of registration requirements under the Disability Act. In applying to register or renew registration, disability service providers will be required to declare a commitment to promoting and upholding the rights, dignity, wellbeing and safety of people with a disability, and to not tolerate abuse, neglect or exploitation of any kind. Providers will also be required to ensure all staff providing support and services to people with a disability are aware of and understand their obligations under the new code of conduct for disability service workers.

Workforce screening

In the disability sector, experience shows that despite regulation there is still a risk that:

- workers without sufficient skills and competencies are recruited
- there may be inconsistency and inadequacy in checking workers' history
- sharing of workers' adverse disciplinary histories is not consistent.

Given these issues, better screening of the workforce is required. This will help ensure each worker has the skills and competencies needed to fulfil their role and that employers are able to access accurate and credible information before workers are hired.

To support this the Victorian Government is expanding workforce screening processes to prevent unsuitable workers from entering the disability service sector workforce, and more generally to ensure workers have the appropriate values and professionalism to provide support services to people with a disability.

Workforce screening approaches can make an important contribution to abuse prevention where they:

- **are clear on workforce entry requirements** to ensure incoming workers are appropriately trained before working in the sector
- **are underpinned by strong recruitment processes at the provider level**, which help to ascertain a worker's skills, values and suitability for a role.

The following initiatives will support more consistent recruitment practices across the sector.

Expansion of the Disability Worker Exclusion Scheme

The Disability Worker Exclusion Scheme (DWES) aims to identify disability workers who pose a risk to the safety and wellbeing of people with a disability in Victoria and to exclude them from further employment in the field.

The Parliamentary Inquiry found that the DWES needed to be extended beyond residential services, and so from 1 November 2017 the scheme was expanded to cover all disability services.

Victorian registration and accreditation scheme

The government is establishing an independent, legislated Victorian registration and accreditation scheme for the state's disability workforce. The scheme will strengthen safeguards for people with a disability by maintaining and attracting disability support workers who have the right skills, experience and qualifications. Development of the registration and accreditation scheme includes a number of elements:

- mapping job functions, values, skills, capabilities and training requirements of the existing workforce and the workforce envisaged for the future under the NDIS
- assessing existing and planned arrangements for quality assurance, including consideration of how such a scheme would strengthen and complement existing national and state-based arrangements for quality and safeguarding.

Provider regulation

Provider regulation makes an important contribution to abuse prevention when it:

- **streamlines and clarifies requirements** by using concise materials to ensure all levels of staff (boards, executive management, supervisors, middle management and workers) understand and adhere to them
- **incorporates ongoing monitoring** to ensure compliance with regulatory standards.

As work progresses to establish a national quality and safeguards oversight body, the Victorian Government has amended the Disability Act to formalise the principle of zero tolerance of abuse and neglect. The amendments also strengthen the Disability Services Commissioner's oversight of the disability sector by including:

- **commissioner-initiated investigations** – the commissioner now has a new function to undertake 'own motion' investigations into abuse and neglect of people with a disability in services
- **power to visit and inspect** – the commissioner now has a power to appoint authorised officers who can visit and inspect service providers' premises during the course of investigations across all accountability investigations (complaints, own motion, referral and follow-up)
- **expansion of the power to compel documents** and evidence across all accountability investigations
- **review of deaths and incidents of abuse and neglect** – a new referral was issued on 12 September 2017 that enables the commissioner to use the new and stronger investigatory powers under the Act to review all deaths in disability services and incidents of abuse and neglect.

Existing quality assurance and safeguards will continue to apply during the transition to the NDIS including:

- registration of disability service providers under the Disability Act
- protections under the *Victorian Charter of Human Rights and Responsibilities*
- ongoing monitoring against the Human Services Standards
- monitoring and oversight of restrictive interventions by the department's Senior Practitioner
- compliance with departmental critical incident reporting and management
- monitoring of disability residential services by Community Visitors.

Client incident management system

The Victorian Government recognises the need to improve incident reporting to address chronic under-reporting of violence, abuse and neglect. Implementing a formalised client incident management system will become a registration requirement, and all service providers will need to demonstrate compliance.

Under the new system, service providers will be subject to more stringent investigation and case review requirements, recognising that understanding patterns of abuse and areas of need are part of the solution. Implementing a new system addresses the importance of reporting and sharing data, encouraging a culture of transparency within organisations. Implementation of the new client incident management system began in January 2018.

Reducing restrictive practices

The Senior Practitioner has powers under the Disability Act to ensure the rights of people with a disability subject to restrictive interventions are upheld. The Senior Practitioner has developed the Restrictive Intervention Self-Evaluation Tool (RISET).

This online educational tool is designed to assist disability service providers and workers to understand what a restrictive intervention is and how to report it. By monitoring the use of restrictive interventions, the Senior Practitioner can better safeguard the rights of people with a disability.

Working in partnership

The Victorian Government has implemented a range of initiatives that aim to reduce family violence and gender inequity. Organisations working in these areas have developed expertise and skills that disability service organisations could use in addressing systemic discrimination while promoting the rights and engagement of people with a disability in their services. Cross-sector collaboration between the disability sector and family violence services could improve responses to people with a disability who experience violence.

Actions to support workforce screening and provider regulation are outlined on the following page.



Initiatives to support workforce screening and provider regulation

What we have done

Amending the Disability Act

The Victorian Government has increased oversight of the disability sector by amending the Disability Act. The amendments, which commenced on 16 August 2017, formalise a principle of zero tolerance of abuse and neglect and strengthen the Disability Services Commissioner's oversight of the disability sector.

Expansion of the DWES

From 1 November 2017, the DWES was expanded to include all disability service providers registered under the Disability Act.

Implementation of a new incident reporting system

From January 2018, the Department of Health and Human Services began implementing a new client incident management system to encourage a culture of transparency and to implement more stringent investigation and care review requirements.

NDS zero tolerance framework, e-learning resources and tools

The Victorian Government has funded resources aimed at understanding abuse to support the NDS zero tolerance framework.

These resources are available via the NDS e-learning portal and include:

- **Human Rights and You** – a national video-based e-learning program for disability support workers about why human rights matter when supporting people with a disability
- **Understanding Abuse e-learning program** – a video-based program for disability support workers consisting of three modules with worksheets to help facilitate personal and group reflection and a commitment to action

- **Understanding Abuse Learning Bites** – a series of short videos and worksheets addressing eight life areas that are designed to promote discussion and personal reflection by support workers.

More information is available on the NDS website <<https://www.nds.org.au/nds-learn-and-develop/direct-support-skills-development/understanding-abuse-1>>.

Understanding restrictive practices

NDS was funded to develop e-learning videos targeting disability support staff and their supervisors to build an understanding of restrictive practices in the context of human rights and abuse prevention. These videos have been designed to create cultural change in the use of restrictive practices.

Empowering women with a disability

WDV was funded to develop best practice guidelines for organisations producing resources to inform and empower women a disability who are at risk of violence. *Our right to safety and respect – guidelines for developing resources with women with disabilities about safety from violence and abuse* is available on the WDV website <<http://www.wdv.org.au/publications.htm#ourpublications>> and are designed to assist a range of organisations that either:

- seek to support women with a disability who may have experienced, or are at risk of experiencing, violence and abuse
- are developing a resource on violence and abuse for women with a disability
- wish to identify opportunities to enhance existing resources on violence and abuse to ensure their relevance and accessibility to women with a disability.

What we will do

Victorian registration and accreditation scheme

The government is establishing an independent, legislated Victorian registration and accreditation scheme for the state's disability workforce.

Implementing and monitoring a zero tolerance approach

The department will update registration and audit documentation to include the principle of zero tolerance and provider obligations under new provisions of the Disability Act.

This includes mandatory audit tools for independent review bodies conducting Human Services Standards reviews. The tools will be used to check that organisations have implemented new safeguarding measures such as pre-employment screening against the expanded DWES and that providers and workers have signed the new code of conduct.

Raising awareness

A communication strategy will be implemented to raise awareness of training and education resources available about abuse prevention including:

- writing to the boards and CEOs of every registered disability service organisation providing the strategy, and seeking their commitment to implementing a zero tolerance of abuse approach in their organisations
- social media to promote the zero tolerance messages and where to access information and resources.





How will we know the strategy is having an impact on reducing abuse?

What we aim to achieve to better prevent abuse through the implementation of the strategy is outlined in Table 1.

We will continue to seek feedback from people with a disability and their families to hear about their experiences as disability service users. We will work with the organisations that have been funded to develop resources and tools for people with a disability and their families and advocacy providers to identify any gaps in tools and resources that are needed to build their capacity to understand and speak up for their rights.

The Department of Health and Human Services will work collaboratively with the Disability Services Commissioner and respond to recommendations the commissioner may make following any systemic investigation. This will help the department to identify gaps in provider and worker knowledge on abuse prevention.

Table 1: Expected achievements from implementing the strategy

Action area	Elements	Things we want to achieve
Individuals	Capacity building	<p>Organisations work across settings to promote leadership, inclusion and engagement of people with a disability</p> <p>More people with a disability are empowered to understand their rights and exercise choice and control</p> <p>Families and carers of people with a disability have a greater understanding and awareness of human rights</p> <p>People with a disability and their natural supports have greater awareness of the different types of abuse and how to seek help</p> <p>Training and education for people with a disability is provided in culturally appropriate ways, with an emphasis on peer-led programs</p> <p>An increased number of people with a disability participate in human rights education programs</p>
	Advocacy	<p>Increased access to advocacy services through clearer referral pathways and intake procedures, particularly for diverse and isolated groups</p> <p>More effective measurement of demand for, and outcomes of, advocacy services</p> <p>Stronger links between advocacy and other safeguarding mechanisms</p>

Table 1: Expected achievements from implementation of the strategy (continued)

Action area	Elements	Things we want to achieve
Provider	Quality and safety practices	<p>Greater awareness of service expectations and level of accountability among disability service workers and other employees of provider organisations</p> <p>More training (including peer-led training) on induction and throughout a worker's engagement with provider organisations</p> <p>A greater focus on person-centred support by disability service workers</p>
	Leadership and engagement	<p>Improved understanding of abuse and abuse prevention among leadership teams, managers and supervisors in the disability sector</p> <p>An increased number of boards, executive teams, managers and supervisors participate in training on abuse prevention within a human rights framework</p> <p>Service providers engage with families and carers, such as through service provider-led forums</p>
Action area	Elements	Things we want to achieve
Sector	Workforce screening	<p>Unsuitable workers are excluded from the disability service sector workforce</p> <p>Disability-related qualifications are refined to ensure an appropriate focus on the recognition, prevention and reporting of abuse</p>
	Provider regulation	<p>Service providers who enter the disability sector are committed to abuse prevention through demonstrated and documented policies and practices</p> <p>Increased compliance by service providers in audit processes, particularly in relation to abuse prevention</p> <p>A zero tolerance of abuse is formally incorporated and embedded into audit, service monitoring and staff performance processes</p>

