



## Ensuring the well-being of people with disabilities

November 2018

*Kylie called the Victorian Disability Services Commissioner (DSC) with significant concerns about her son Mikey's safety at his shared supported accommodation home and his day service which were both run by the same service provider. Kylie said that all the residents at the home, Mikey included, had behaviours of concern. Unfortunately the service provider was unable to stop violence occurring at the home. Police and ambulance officers were regularly called to the house. Kylie said that one resident, Karl, was regularly attacking others, stealing belongings from people's rooms, and had attempted to choke Mikey. Kylie also said that permanent staff didn't want to work at the house, so it was staffed with casual agency staff.*

*When Kylie had raised her concerns with the service provider, the CEO had responded curtly with an accusation that Mikey was to blame for Karl's behaviour and the situation in the house. Kylie was afraid that making the complaint would result in repercussions for Mikey, but felt that she had no choice but to seek help from DSC.*

Victorian Disability Services Commissioner Annual Report 2016-2017, p. 17.

The JIM cluster has been inviting you for the last two years to seek to ensure people with disabilities are able to live decent lives, free of abuse and neglect. Australian Governments, Commonwealth and State, are rolling out the National Disability Insurance Scheme (NDIS) to support people with disabilities. On the positive side the NDIS is designed to allow people with disabilities a greater say in what services and supports they need, as it grants funds directly to the person with the disability or their carer in many cases, rather than to community service agencies that provide the service. On the negative side the NDIS has been warmly embraced by those that seek every aspect of our lives being marketised and privatised. In the UK where such a system already exists in some care sectors it has resulted in a substantial increase in the exploitation of people working to provide services and support with a degrading of the quality of care as a result. Whether Australia ends up with the same outcome will depend on what safeguards are put in place to protect people working as carers and service providers from exploitation.

The issue remains very concerning as the Victorian Office of the Public Advocate detected 469 reports of abuse, neglect and assaults across mental health services, disability care services and residential care services in the 2017-2018 year. That was an increase on the 414 reports of such cases in the 2016-2017 financial year.

The NDIS will see many of the current State Government regulators that provide oversight of disability services being shut down and replaced by a national NDIS Quality and Safeguards Commission as of 1 July 2019 in Victoria and Tasmania.

It is still not clear what the staffing level the NDIS Quality and Safeguards Commission will have, with staffing level a vital part of determining if the Commission will be able to match the current level of oversight to provide at least the same level of protection for people with disabilities as the current State regulators do.

The Victorian and Commonwealth Governments are in the process of negotiating an agreement about how the new arrangement with the NDIS Quality and Safeguards Commission will work after

1 July 2019. So now is the time when we have the best chance to try and influence the safeguards that will be put in place for people with disabilities and mental health issues under the NDIS in Victoria.

Currently eight staff in the Victorian Disability Services Commissioner office investigate preventable deaths of people in the care of disability services, but there is no guarantee this important function will continue under the NDIS Quality and Safeguards Commission.

Also, the Office of Public Advocate in Victorian runs the Community Visitors Program, where trained volunteers visit and monitor facilities for people with disabilities and report on their care and treatment. They are fearless advocates for the human rights of people with disabilities. The Victorian Government has stated publicly its support for the Community Visitors program continuing, but the Commonwealth Government is planning to carry out a review to determine what role community visitors will be permitted to play under the NDIS.

*In accordance with the Uniting Church Basis of Union, the Church is a fellowship of reconciliation, "a body within which the diverse gifts of its members are used for the building up of the whole, an instrument through which Christ may work, and bear witness to himself" (Paragraph 3). In light of this, the Uniting Church affirms that:*

*(a) Christ is most fully present when all people in the Body are unconditionally accepted as people of worth. All people are created in the image of God, including people with disability;*

*(b) along with all members, the faith, gifts, hopes and dreams of people with disability are to be valued and honoured; and*

*(c) God is a God of justice and peace, who seeks reconciliation amongst all people.*

Part of a resolution passed by the 15<sup>th</sup> Triennial National Assembly meeting of the Uniting Church in 2018.

### **What you can do**

Write polite and respectful letters and e-mails to:

#### **The Hon Paul Fletcher MP**

Minister for Families and Social Services  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

Salutation: Dear Minister

E-mail: Paul.Fletcher.MP@aph.gov.au

#### **The Hon Scott Morrison MP**

Prime Minister  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

Salutation: Dear Prime Minister

Contact him on his website at <https://www.pm.gov.au/contact-your-pm>

Points to make in your letters for e-mails:

- Express deep concern that previous Commonwealth and State Parliamentary inquiries uncovered horrifying cases of rape, abuse and neglect of people with disabilities.
- Express concern that with the roll out of the NDIS the NDIS Quality and Safeguards Commission is due to take over the oversight of disability service providers in Victoria on 1 July 2019, but there is a lack of detail about the number of staff and resources the Commission will dedicate to Victorian services.
- Seek a guarantee that they will maintain the existing level of staff and resources to provide oversight and regulation of disability and mental health services as exist under the current Victorian regulators.
- Seek a guarantee that the NDIS Quality and Safeguards Commission will have a properly resourced and dedicated team to investigate preventable deaths that occur under the NDIS.
- Seek a guarantee that the existing Community Visitors program in Victoria will be able to continue and will be supported by the Commonwealth Government under the NDIS, providing a vital monitoring and advocacy role for people with disabilities.