



## Staff Screening - Ensuring the well-being of people with disabilities

April 2019

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.

In the action we asked you to take in November 2018 we requested that you write to the Commonwealth Minister for Families and Social Services, Paul Fletcher, and the Prime Minister regarding the staffing levels in the new NDIS Quality and Safeguards Commission and for the continuation of the Community Visitors program. In good news the Commonwealth Government had revealed the NDIS Quality and Safeguards Commission will have approximately 300 staff and over 35 of these will be based in Victoria. At this stage, these numbers seem adequate. Also, the Community Visitor programs across Australia will continue. The Community Visitors Program sees 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.

However, one of the risks that still exists is that not all people who will work with people with disabilities under the NDIS will need to be screened. Employees who work for a disability service provider that is registered with the NDIS must be screened under the requirements of the *National Disability Insurance Scheme Act 2013* to check if the person has a criminal record, any relevant disciplinary and misconduct information, and information taken from the NDIS Quality and Safeguards Commission complaints and reportable incidents systems. This supports a nationally consistent approach but fails to address how people can be employed by a disability service provider that is not registered under the NDIS, or employed directly by a person with a self-managed disability funding package, or their carer, as these people do not need to be screened, unless state laws required it. To date states have not put laws in place to require such screening.

The Commonwealth Government has introduced the *National Disability Insurance Scheme Amendment (Worker Screening Database) Bill 2019* to establish an NDIS Worker Screening Database to support a nationally consistent approach to screening people who work with people with a disability in the NDIS, but it has failed to address the ability of unscreened people to work with people with disabilities if employed by an unregistered disability service provider or directly by a person with a self-managed funding package.

Australian Governments fully recognise the importance of screening people who will work with people with a disability. Minister Fletcher has stated "Worker screening is a way to check that people who are working, or seek to work, in the NDIS do not pose an unacceptable risk of harm to people with disability." Further the Minister stated:

Nationally consistent NDIS workers screening will help create a safe and trusted workforce in the NDIS, and minimise the risk of harm to people with a disability.... Importantly,

*nationally consistent worker screening will deter predatory individuals from seeking work in this sector.*

The new NDIS Worker Screening Check is due to commence in July 2019 in all states and territories, except WA where it will commence from July 2020. There is a need for the Commonwealth, State and Territory Governments to agree that all people working with people with disabilities should be subjected to screening, for the reasons they have already acknowledged.

*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](mailto: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>

#### **The Hon Daniel Andrews**

The Premier of Victoria  
Level 1, 1 Treasury Place,  
East Melbourne VIC 3002

Salutation: Dear Premier

#### **The Hon Will Hodgman**

Premier of Tasmania  
11th Floor, Executive Building  
15 Murray Street  
HOBART TAS 7000

Salutation: Dear Premier

E-mail: [will.hodgman@parliament.tas.gov.au](mailto:will.hodgman@parliament.tas.gov.au)

Points to make in your letters or e-mails:

- Express deep concern that previous Commonwealth and State Parliamentary inquiries uncovered horrifying cases of rape, abuse and neglect of people with disabilities.
- Welcome the establishment of a Royal Commission to inquire into violence, abuse, neglect and exploitation of people with disability and the introduction of the *National Disability Insurance Scheme Amendment (Worker Screening Database) Bill 2019*, but ask that the governments modify the NDIS safeguard requirements so that all people working with people with disabilities need to be screened to the same extent, including in cases where the person with a disability is self-managing their funding package or their carer is managing their funding package.
- The failure to screen all people working with people with disabilities creates a significant risk that inappropriate people will be employed to work with people with disabilities and there will be a higher risk of cases of abuse, sexual assault and neglect as a result.