

AMIDA NEWS

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AMIDA (Action for More Independence & Dignity in Accommodation) is a disability advocacy group that works on housing issues. This means we speak up for people with a disability or help them to speak up for themselves about problems they have with their housing.

The AMIDA Committee - After the AMIDA 2016 AGM on 11th October, the following people are confirmed as Committee members:

Peter Waters, Norrie Blythman, Luke Stone, James Teeken, Norrie Blythman, Simon Chong, Amanda Millear, Lincoln Humphries and Carmel Laragy.

The AGM was a great success with much interest in the launch of the 'Voice at the Table' Project.

New AMIDA Committee members wanted - We still have positions vacant on the committee. You can be co-opted to the Committee at any time during the year.

Are you interested in becoming involved in AMIDA's work? You will need to be committed to our work, have experience and/or expertise in disability, housing, or committee management. We have meetings monthly on Tuesdays from 10.00am - 1.00pm. Please contact us to discuss what is involved, and what you can contribute - 9650 2722. **We support and encourage people with disabilities to be involved in our work.**

If you would prefer to receive your AMIDA NEWS by email, please let us know - 9650 2722 or amida@amida.org.au

Raising Our Voices Radio show on 3CR

2nd Wednesday of each month at 6.00 – 6.30pm

Raising Our Voices is now podcast - Go to:

www.3cr.org.au/raisingourvoices and download Raising Our Voices to your computer. Copies of the radio shows are available from AMIDA on CD or audio tape, website www.amida.org.au



NDIS Appeals - AMIDA has been offered funding by the Federal Department of Social Services to provide an NDIS Appeals service for 12 months until 31st December, 2017.

AMIDA will use the funding to improve education and awareness of rights, assisting people to apply and to help people through the Appeals process.

SARU - Australian Self Advocacy Project (ASAP)

We are pleased to announce that SARU has received a grant from the National Disability Insurance Agency to develop a national model and approach for self-advocacy.

This project will seek to:

- Promote collaboration between self-advocacy groups
- Develop nationally consistent self-advocacy practices; and
- Build the capacity of people with disability to exercise choice and control.

As part of developing a national model we will be engaging with self-advocacy groups and key stakeholders throughout 2017.

Our research and findings will be presented in a final report on a National Self Advocacy Model and implementation plan at the end of next year.

Submission on the Review of the effectiveness of the legislation framework governing Supported Residential Services - AMIDA's submission on the latest section of the review of Supported Residential Services included the following and in particular made reference to the Ombudsman's Report of June 2015 on abuse in the disability sector :

'In general we feel the Act, although an improvement, has made little difference in practice due to lack of action on non-compliance and breaches, lack of training and lack of accessible information to residents on the Rights and Standards in the Act, coupled with lack of access to advocacy without fear of retribution.

More checks on money management should be made by Administrators, Community Visitors and Authorised Officers.

Residents will only understand if they are given information in a format they understand and have access to advocates and information sessions. This is not available at present.

Finally we contend that this review must incorporate the findings of the Ombudsman's reports as they have forensically investigated the reporting and response to abuse in SRSs. This review of the Act cannot ignore the Ombudsman's findings and we contend that the main problem identified is lack of real action such as issuing of

infringement notices, is a fundamental reason for the failure of the Act in delivering improved outcomes for people residing in SRSs. This must change immediately.’

To read the full submission please go to the AMIDA website: www.amida.org.au

Parliamentary Inquiry into Abuse in Disability Services - The Victorian Government has responded to the above Inquiry.

‘The Parliamentary Inquiry into Abuse in Disability Services was proposed by the Victorian Government to investigate why abuse is not always reported in disability services and acted upon, and how abuse can be prevented.

The Family and Community Development Committee undertook the inquiry, alongside the Victorian Ombudsman’s investigation into how allegations of abuse in the disability sector are reported and investigated. The committee consulted widely, seeking the views and experiences of people with a disability, their families and carers, disability services and other stakeholders.

The final report highlights the need to build a zero tolerance culture supported by a skilled workforce to address the issues of abuse and made 49 recommendations. In response to the recommendations the Victorian Government is investing an initial \$6 million and has started work to strengthen quality and safeguards for disability services in Victoria as the NDIS rolls out.

The response builds upon Victoria’s current quality and safeguarding system which includes the Disability Services Commissioner, the Office of the Public Advocate, community visitors, client incident reporting, and capacity building for people with a disability, their families and the sector.

Priority actions

Zero tolerance of abuse - The Victorian Government will take a zero tolerance approach to abuse of people with a disability

Workforce - The disability workforce is key to preventing and responding appropriately to abuse

Advocacy - Advocacy is a critical safeguard to prevent the abuse of people with a disability. The Victorian Government is committed to strengthening the disability advocacy sector.

Oversight - **Strong oversight is a critical component of safeguarding. The Victorian Government will strengthen its oversight system by:**

- strengthening the Disability Services Commissioner’s oversight role, including:
 - commencing legislative work to allow for own motion investigation powers

- mandatory reporting of incidents to the Commissioner, including referrals of abuse and neglect, by the Community Visitors Board
- establishing a memorandum of understanding with the Coroner to review deaths that occur within disability services
- an annual review of deaths in disability services.
- rolling out training in the recognition, prevention and reporting of abuse for community visitors, who visit residential services to ensure clients are being supported with dignity and respect
- implementing a new client incident management system that focuses on the safety and wellbeing of clients.

Gender and family violence - Our zero tolerance approach acknowledges the importance of gender. The Victorian Government will:

- develop practice advice regarding gender preference for intimate supports, for example showering or dressing
- develop information on relationship education for people with an intellectual disability, their families and carers so they can better identify and prevent abuse
- implement all 227 recommendations of the Royal Commission into Family Violence.

Access to justice - There are a range of barriers for people with a disability to access justice. To address these barriers, the Victorian Government will:

- develop a protocol to clarify roles and processes around the investigation of complaints and allegations of abuse and neglect between Victoria Police and the Disability Services Commissioner
- continue to implement and report on Victoria Police's Accessibility Action Plan
- undertake a review of prejudice motivated crime with the aim of strengthening data collection and the capability of police members to recognise and respond to it
- consider broader reforms in response to the Access to Justice review and the Victorian Law Reform Commission's *Victims of crime in the criminal trial process* report.

What does this mean for people with a disability?

The actions outlined will help to reduce abuse of people with a disability and instil a culture of zero tolerance of abuse in disability services.

They will also build confidence in the disability sector's ability and commitment to prevent, identify and respond appropriately to abuse.

These measures will also ensure that if a person with a disability does experience abuse, there are strong processes in place to report, investigate and respond.

The Victorian Government will consult with people with a disability, their families and carers and the peak bodies that represent them as we implement these actions.

The Victorian Government will also support people with a disability, their families and carers by:

- building the capacity of people with a disability, their families and carers to recognise, prevent and respond to abuse
- developing information on relationships education for people with intellectual disabilities, their families and carers so they can better identify and prevent relationship abuse
- providing clear and accessible information about expressing a gender preference for the provision of intimate support, like showering and dressing.

Strengthened safeguards will apply to all Victorian disability services as the NDIS rolls out.

Existing quality assurance and safeguards that will continue during transition include:

- registration and quality assurance of National Disability Insurance Scheme providers delivering services in scope of the *Disability Act 2006*
- protections under the *Charter of Human Rights and Responsibilities Act 2006*
- ongoing monitoring against Victorian standards
- independent conciliation and investigation of complaints through the Disability Services Commissioner
- monitoring and oversight of restrictive interventions by the Senior Practitioner
- critical incident reporting and management, and
- monitoring of residential services by the community visitors.

The Victorian Government will also advocate for a strong National Quality and Safety Framework so that people with a disability have the same level of quality assurance and safeguards under the NDIS in the future.

What does this mean for disability service providers and workers

The actions outlined in our response will build the capability of the sector to respond to the abuse of people with a disability. They will also instil a culture of zero tolerance across the disability sector. The Victorian Government is working with the disability sector, experts and peak bodies to implement these actions.

We will also support disability service providers and frontline workers by:

- developing a code of conduct for disability workers with a focus on zero tolerance of abuse
- requiring disability service providers to declare a commitment to zero tolerance as part of registration

- reviewing the certificate IV in disability to ensure it has an appropriate focus on the recognition, prevention and reporting of abuse
- developing training modules on the recognition, prevention and reporting of abuse and rolling them out for staff working in disability residential services
- promoting and supporting the learning and development of the disability workforce through Victoria's workforce plan for the NDIS, as we see the wider disability workforce double in coming years
- rolling out a new client incident management system, which includes standardised processes for providing immediate support to clients, categorising incidents, investigating incidents and learning from incidents to improve services.

Our future role

Until a robust nationally consistent Quality and Safeguarding Framework has been agreed and implemented the Victorian Government will ensure safeguarding arrangements are in place.

During transition, providers under the National Disability Insurance Scheme delivering services in scope of the *Disability Act 2006* will be required to sign up to the following conditions if they are to operate in Victoria:

- registration under the *Disability Act 2006*
- monitoring against Victorian standards
- client incident reporting and management requirements
- requirements regarding restrictive interventions and monitoring and oversight by the Senior Practitioner
- independent conciliation and investigation of complaints by the Disability Services Commissioner
- monitoring of disability residential services by the Community Visitors.

People with a disability and their families and carers can be confident of the Victorian Government's commitment to ensure safeguards now and into the future.'

The Disability Services Commissioner has responded to the Victorian Government response:

The Victorian Government has committed to enhancing the oversight role and the powers of my office to investigate matters of abuse, assault or neglect in Victorian disability services.

The Government's response to the Parliamentary Inquiry into Abuse in Disability Services was released this week by the Minister for Housing, Disability and Ageing. The Government has accepted a number of the Inquiry's recommendations that relate to DSC, notably committing to:

1. commencing legislative work to allow for own motion investigation powers
2. mandatory reporting of incidents to DSC, including referrals of abuse and neglect, by the Community Visitors Board
3. establishing a memorandum of understanding with the Coroner to review deaths that occur within disability services
4. an annual review of deaths in disability services
5. developing a protocol between Victoria Police and DSC to clarify roles and processes around the investigation of complaints and allegations of abuse and neglect

When fully implemented, the increased powers and oversight will allow DSC to conduct targeted investigations into issues of concern, achieving better outcomes for people with a disability.

I welcome these new measures as a way to further strengthen current safeguards for the rights of people with a disability. I look forward to working with government to discuss implementation, resourcing and rollout of these changes in the weeks to come.

Laurie Harkin AM

Disability Services Commissioner

We wish everyone a happy and safe Christmas and New Year.



December, 2016



The AMIDA office is usually open:

Monday 9.30 - 5.00
 Tuesday 9.30 – 5.00
 Wednesday 9.30 - 5.00
 Thursday 9.30 - 5.00

Please phone AMIDA for an appointment: 9650 2722

Email: amida@amida.org.au

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AMIDA receives funding from the Commonwealth Department of Social Services, and the Victorian Department of Health & Human Services

You can offer any comments you have on AMIDA Policy or Newsletter by phone, email or writing:

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