

## **Future directions for supported residential services (SRS)**

### **Joint AMIDA and STAR submission**

**27<sup>th</sup> August, 2009**

Below are our comments and suggestions. We note there are many improvements and we commend you on this, but there are still areas of significant concern.

#### **Discussion sheet 1: Objectives and principles of the legislation**

##### **Principle 1: Respect the human rights of residents**

One of the resident's rights is to "Express themselves freely and without repercussions". We made an earlier submission which recommended residents groups, which gave residents an opportunity to share experiences and opinions. We note that this has not been taken up and would encourage SRS managers to initiate and encourage house meetings for this very purpose. Sometimes in a group situation people may be more likely to share their dissatisfaction or ideas, which in turn could be discussed and put to management.

##### **Principle 2: Support and promote the health and wellbeing of residents**

Residents have the right to "be involved in deciding the care and support services they need" and the SRS will "consult with residents in planning for service provision to the resident and take their wishes into account to the extent possible". We trust that support for this enabling of residents will be available.

##### **Principle 3: Support and promote the independence of residents to the fullest extent possible**

"Residents have the right to: make decisions, even where the decision may run counter to the views and expectations of others (provided they do not reasonably affect the human rights of others)" and "SRS staff will: allow residents to make their own decisions as much as possible". Again this decision making can sometimes need to be enabled, even if it entails contacting a friend or advocate of the resident.

And “SRS staff will: allow residents to manage their own legal and financial affairs to the extent possible.” Again this decision making can sometimes need to be enabled, even if it entails contacting a friend or advocate of the resident.

### **Principle 5: Deliver acceptable standards of service to residents**

“Residents have the right to: receive competent care and support” and “The SRS will tailor care and support services to the needs of individual residents, and ensure that appropriate staff are available to deliver services to residents”. We are concerned that qualified staff are not available 24 hours per day. It is not enough to have qualified staff added, as a new initiative on the weekends, for 7.5 hours. This leaves many hours in the day when there is no qualified staff available.

“Residents have the right to: Receive information on their accommodation arrangements, rights and entitlements to services from the SRS”. “SRS will: Provide clear and comprehensive information about how services will be delivered”. This information needs to be clear to the resident, which could mean in other formats than only English, ie audio or large print or in a manner the resident is most likely to understand.

“Residents have the right to complain about the SRS or the service provided, without fear of retribution” and “the SRS will: establish procedures to enable a resident to make a complaint confidentially”. This process must be accessible to the resident, and explained clearly to them.

### **Discussion sheet 3: Resident protections – residential statements**

There appears to not be a requirement that that residential statement (renamed residential and services agreement) is given to the resident at the beginning of the residency. Surely the agreement needs to be agreed prior to accepting the residential place or moving in.

‘House rules’ are supposed to be in the residential and services agreement. Do the residents have an opportunity to contribute or comment on such rules?

We would also make the comment that the residential and services agreement must not only be sighted, signed, but must also be reviewed annually and put into practice.

### **Discussion sheet 4: Resident protections – money**

In the table it is proposed to retain “Prohibited and reportable transactions remain as stated in the Act, for instance, a proprietor or close associate cannot accept gifts of over \$100 in value from a resident.” No gifts from resident to proprietor or close associate should be permitted.

In case study 1, it is stated that “...as stated on the SRS residential statement, the proprietor refunded the deposit minus the cost for steam cleaning the carpet in Mr Smith’s former room.” Surely cleaning the carpet is a normal cost for a proprietor, and the resident should not have to pay this.

### **Discussion Sheet 5: Resident protections – complaints and incident reporting**

The definition of ‘serious incident’ must be clear to the proprietor or manager. From reading the discussion sheet, it appears that serious incident covers many areas, but we would expect that this definition be prominent within the obligations of the SRS proprietor and staff. From our experience what some people consider serious differs greatly, and there does need to be some education on this issue particularly. The incident reporting books would need to have the definitions spelt out.

### **Discussion Sheet 6: Resident protections – security of tenure**

One of the new requirements is that “immediate notice to leave may be given for: violent behavior or putting self or other people in danger”. As this is a serious incident it must be notified to the Department. Our question is does the department take responsibility for finding alternative housing and support for the resident, and if not who does?

Another new requirement is that “A minimum period of two days” notice to vacate may be given for: resident fees more than seven days in arrears, resident breach of a VCAT compliance order...”. Again the question arises has this resident been given support to sort out the deviations from agreement or breach? Minimum notice for arrears must be 14 days, this to be revoked if arrears are paid.

### **Discussion Sheet 7: Accommodation and personal care standards**

#### **Standard 2: Food and nutrition**

“2.3 Meal times. Residents are provided with food at regular intervals and times”. These times need to be reasonable meal times, but there also needs to be some flexibility, to allow people to participate in the community.

## **Standard 4: Physical environment**

“4.1 A comfortable environment” There is no provision for “maintenance to be carried out quickly. Specific maintenance clause should be added, as timely maintenance is an issue, affecting “comfortable environment”, respect, dignity and safety.

## **Discussion sheet 8: Staffing requirements**

If over 30% of submissions previously identified staffing levels as a worry, then the fact that only a small proportion of breaches are staff related, demonstrates perhaps that the breaches are not the only way to evaluate shortcomings and failings in the SRS system, not that 30% of the submissions are in error.

If “SRS are not intended to assume full responsibility for managing complex clients”, then there should be back up support for SRS proprietors and managers if situations arise that are beyond their expertise. These back up supports should be readily available for such instances or situations.

It is a fact that situations in SRS are complex and sometimes beyond the scope of the managers. This is evidence of the need for more low cost housing and support options for people. It is not a legitimate excuse to resist the need to upgrade staff further erode quality of care.

If SRSs are finding out after entry that they are not able to meet the care needs of people, then perhaps that indicates that there should be a mandatory needs assessment at the time of entry. If care needs are considered not able to be met, then referral to DHS or other agency should be available.

The expansion of trained staff to be on duty for 7.5 hours each day on the weekend leaves hours in the day when trained staff are not available. This is inadequate.

In the table “Proprietors ensuring that adequate and appropriately trained staff are employed in the service will be retained in the legislation.” If the ratio is still 1:30 this is not adequate. A ratio of 1:10 would be reasonable.

The reluctance to improve staff ratios is very worrying. People need proper support. If 7.5 hours per day is allocated at the weekend for trained staff, then 16.5 hours of each day is staffed by people who are inadequately trained.

Retaining requirements that are unsatisfactory in the regulations is missing an opportunity to improve matters for people who live in an SRS.

People don't only have requirements 7.5 hours per day.

Staffing levels and standards must be improved and from the information presented in the Discussion sheets, it is made clear that inadequacies have not been addressed from the point of view of residents.

In attempting to retain staff and to keep SRSs open, there has been a reluctance to not put too many conditions on the proprietors, managers and staff. In doing this the quality of support has not been improved enough and is still not adequate for residents, despite any improvements.

### **Discussion sheet 9: Monitoring and enforcement**

”...if a proprietor has been issued with several infringement notices for the same or similar offences, and continues to be noncompliant, the department may consider that the risk to residents is increasing and may apply another measure as described...” If infringement notices are ignored, this would indicate that there was a lack of respect for the residents, disdain for the department and disregard for the responsibility proprietors have taken on. In allowing the “issuing of several infringement notices for the same or similar offences” indicates a leniency on the part of the Department, which would be at the expense of residents. It would also give the impression to proprietors that they don’t need to comply, or follow the regulations. AMIDA and STAR consider a stricter adherence to the compliance with an infringement notice is essential.

We are very pleased to see the inclusion of a “reduction in residents’ fees while compliance remains outstanding.” In the past there seems to have been only consideration of costs to the department or the proprietor, when in fact the person most affected is the resident.

In conclusion we do note that changes and improvements have been made in key areas, but residents are still in a vulnerable position with regard to eviction, to service standards in relation to staff numbers and qualifications and that their safety and welfare in some situations could still be at risk. We urge you to take the opportunity whilst updating the regulations to ensure good accommodation and services are provided to people who live in Supported Residential Services.

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