

Victorian Disability Worker Commission and  
Disability Worker Registration Board of Victoria

# Annual report summary

20 August 2019 to 30 June 2021



The first annual report of the Victorian Disability Worker Commission and the Disability Worker Registration Board of Victoria outlines key activities and performance in building a new regulator. The full annual report can be found at: [www.vdwc.vic.gov.au](http://www.vdwc.vic.gov.au).

The **Victorian Disability Worker Commission** supports two entities: the Victorian Disability Worker Commissioner and the Disability Worker Registration Board of Victoria. The Commission deals with complaints about all Victorian disability workers (registered and unregistered).

The **Victorian Disability Worker Commissioner** is the head of the Commission. The Commissioner regulates the conduct of unregistered disability workers.

The **Disability Worker Registration Board of Victoria** registers disability workers who meet certain standards and deals with complaints about registered disability workers. It also accredits study programs for disability workers.

For more information about the Commission and Board, please visit our website <https://www.vdwc.vic.gov.au/>.

### **Acknowledgement of Country**

We proudly acknowledge Victoria's First Nations peoples and their ongoing strength in practising the world's oldest living culture. We acknowledge the Traditional Owners of the lands and waters on which we live and work and pay our respect to their Elders past and present. We acknowledge the ongoing role of the Aboriginal community in supporting those with disability.

### **Accessibility statement**

The Victorian Disability Worker Commission aims to make its information and publications accessible to all. This annual report has been designed in both a PDF and accessible Word format. If you require an alternative format, please email: [info@vdwc.vic.gov.au](mailto:info@vdwc.vic.gov.au).

The Commission and Board are statutory entities of the State Government of Victoria created under the *Disability Service Safeguards Act 2018*.

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# Disability Worker Regulation Scheme

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In May 2016 the Victorian Parliamentary Inquiry into Abuse in Disability Services uncovered a long history of abuse and neglect of people with disability, including conduct perpetrated by disability workers. It found that Victoria needed more effective safeguards to protect people with disability and to ensure disability workers deliver high-quality care.

In August 2018 the *Disability Service Safeguards Act 2018* (DSS Act) was passed to improve the quality of disability care and service standards. The Act set up a regulation scheme with voluntary registration, accreditation standards and a Code of Conduct for unregistered disability workers. The scheme is called the Disability Worker Regulation Scheme.

The Scheme covers all Victorian disability workers (registered and unregistered) and students training to be disability workers in Victoria. It started on 1 July 2020 and forms part of the Victorian Government's zero tolerance approach to the abuse of people with disability.

The Scheme includes:

- a Code of Conduct for all disability workers
- an independent complaints service
- voluntary registration for Victorian disability workers.

The Board and the Commissioner jointly administer the Scheme.

## Our purpose

The Commission and Board's purpose is to:

- regulate registered disability workers and students training to be disability workers via a registration scheme
- regulate unregistered disability workers via a Code of Conduct
- investigate and deal with complaints and notifications about disability workers and disability students
- share information about disability workers.

## Our objectives

We aim to promote the quality, safety, responsiveness and sustainability of the disability workforce by:

- registering certain disability workers and disability students and regulating registered and unregistered disability workers
- strengthening safeguards for people with disability who access disability services and broadening the avenues for complaints in relation to those services
- helping people with disability to get information and services from the disability workforce
- encouraging innovation and quality improvement in the way the disability workforce is educated and how disability services are delivered.

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*The Commission manages complaints made about registered and unregistered disability workers and supports the Board to exercise its functions regarding registered workers.*

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## Our three entities

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The three entities are the Victorian Disability Worker Commission, the Commissioner and the Disability Worker Registration Board of Victoria, which are outlined below.

### Victorian Disability Worker Commission

The Commission manages complaints about registered and unregistered disability workers and supports the Board to exercise its functions regarding registered workers.

#### Vision

People living with disability experience respectful, empowering and safe services from Victorian disability workers, so they live free from abuse and neglect.

#### Functions

The Commission has the following functions:

- providing support to the Board to enable the Board to exercise its functions in registering and regulating registered disability workers and disability students and accrediting training programs
- in conjunction with the Board, setting up and maintaining a register of disability workers that is accessible to the public and a register of disability students
- implementing efficient procedures for receiving and dealing with complaints, and if appropriate, conciliating complaints
- monitoring, identifying and advising the minister about trends in relation to complaints and notifications, and other related matters
- carrying out and supporting research into complaints handling and ways of improving the practice of disability workers and the services they provide
- providing information and education to the public about disability workers and their conduct, the complaint handling standards and the complaints and notifications processes.

#### Values

- Diversity and inclusion
- Independent and fair
- Fearless and accountable
- Trust and respect
- Empathy and dignity



*People with disability, their family and carers, and service providers, can easily access up-to-date, independent and reliable information about registered disability workers.*



## Victorian Disability Worker Commissioner

Dan Stubbs was appointed as the Commissioner in September 2019. The Commissioner is responsible for the duties, functions and powers of the Commission under the Act including powers to issue prohibition orders in relation to unregistered workers, where there is a serious risk to the public or a person.

## Disability Worker Registration Board of Victoria

The Board registers and regulates registered workers and is a public sector entity under the *Public Administration Act 2004* (section 5).

### Functions

The Board's functions include:

- setting standards for registering disability workers and the practice of registered disability workers
- accrediting training programs and supervising practice arrangements that qualify people for registration as a disability worker
- assessing the probity and qualifications of applicants for registration and to register suitably qualified disability workers
- registering suitably qualified disability workers
- registering people as disability students to undertake supervised practice as part of an approved program of study
- dealing with matters of impairment in relation to registered disability workers and disability students
- receiving, assessing and dealing with notifications and complaints about registered disability workers and disability students
- monitoring compliance with registration and practice standards by registered disability workers
- collecting and providing data for disability workforce planning and system improvement purposes
- regulating the advertising of services provided by registered disability workers.

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*Ensuring resources are accessible for people with disability and people from culturally diverse backgrounds is one of our key aims.*

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# Our regulatory framework

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The Disability Service Safeguards (DSS) Act:

- creates a voluntary registration scheme for disability workers
- provides a way to make a complaint about any disability worker in Victoria
- requires all unregistered disability workers to comply with a Code of Conduct
- creates the Victorian Disability Worker Commission, the Victorian Disability Worker Commissioner and the Disability Worker Registration Board as regulators of the Scheme

## Prohibition orders

The DSS Act gives the Commissioner power to issue prohibition orders for unregistered disability workers. A prohibition order stops a person from practising as a disability worker or requires that they can only work if certain conditions are met.

The Commissioner can make a prohibition order if they are satisfied that it is necessary to avoid a serious risk to the life, health, safety or welfare of a person or the health, safety or welfare of the public. The Commission maintains a public register of workers who are prohibited from practising, which is available on the Commission's website.

## Code of Conduct

The Disability Service Safeguards Code of Conduct is set out in the Disability Service Safeguards Regulations 2020.

### Code of Conduct

1. Act with respect for individual rights to freedom of expression, self-determination and decision making in accordance with applicable laws and conventions.
2. Respect the privacy of people with disability.
3. Provide supports and services in a safe and competent manner, with care and skill.
4. Act with integrity, honesty and transparency.
5. Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability.
6. Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.
7. Take all reasonable steps to prevent and respond to sexual misconduct.

## Registration of disability workers and students

Across the disability sector, different onboarding checks, standards and screenings for disability workers may vary in consistency or may not exist in some cases. Registration fills a critical gap by ensuring registered disability workers meet set standards for safety, skills and professionalism, no matter how they are employed or how the service they deliver is funded.

The Board sets the standards for registration. It uses registration standards to assess whether a person is suitable for registration by showing they can practise competently and safely. Registered workers will need to renew their registration each year and may need to show they comply with requirements the Board may set for practice. The Board can also accredit approved programs of study and regulate the conduct of disability students in those programs of study.

The titles 'Registered Disability Practitioner', 'Registered Disability Support Worker' and 'Registered Disability Worker' are legally protected.

# 2020–21 year in highlight

## August 2019

Disability Worker Registration Board appointed  
Launch of Commission website



## September 2019

Stakeholder consultation forum established  
Commissioner appointed



## January and February 2020

Public consultation on registration and regulations



## July 2020

Disability Worker Regulation Scheme effective 1 July 2020  
Commission begins operation at 570 Bourke Street Melbourne



## June 2020

Disability Service Safeguards Amendment Bill 2020 passed



## March 2020

Regulation scheme public awareness and information campaign commences



## September 2020

Public information session on complaints and notifications



## October 2020

Complaints and notifications public awareness and information campaign commences



## November 2020

Commission's strategic plan adopted



## April 2021

Disability worker registration public awareness and information campaign commences  
Commission becomes a prescribed Information Sharing Entity  
Shared Audit and Risk Committee established



## May 2021

Regulations on prescribed offences commences  
11 May 2021



## June 2021

Public information session on disability worker registration



## July 2021

Voluntary registration for disability workers commences 1 July 2021



# Regulatory activity in 2020–21

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## Notifications

The Commission received 119 notifications in 2020–21. Mandatory notifications about unregistered disability workers were made largely by employers who assessed that certain conduct met the threshold for making a mandatory notification (82 per cent of notifications).

Most notifications related to disability worker conduct that was considered a significant departure from accepted professional standards (86 per cent).

After assessment, 62 of the notifications received resulted in unregistered disability workers being counselled. The Commission closed 102 notifications and in 29 notifications the Commission determined no further action was required for reasons including that the notification lacked substance or fell under another regulatory body's jurisdiction. The Commission determined to investigate 11 of the notifications it received.

## Complaints

In 2020–21 we received 83 complaints about unregistered disability workers. Employers or a colleague of a disability worker made about half of these complaints (51 per cent), and 17 per cent were made by the service user themselves.

The largest proportion of complaints were concluded by counselling the unregistered disability worker (35 per cent). In the Commission's first year of operation, the focus has been on educating workers on their obligations under the DSS Act and the Code of Conduct. Investigations focused on serious allegations.

## Investigations and prohibition orders

The Commission commenced 12 investigations in 2020–21 (arising from 11 notifications and one complaint). All 12 investigations remained ongoing at 30 June 2021.

The Commission issued one interim prohibition order in 2020–21.

## Registering disability workers

The Commission has developed a digital registration application platform in partnership with Service Victoria, the platform that delivers Victorian Government digital services.

The Board decided the policy settings for satisfying the qualification, experience and professional competence requirements to qualify for registration during the first registration year (from 1 October 2021 to 30 September 2022). The policy settings guide the Board and the Commission (subject to delegation) in assessing applications for registration.

## Registration resources and stakeholder engagement

In the lead-up to the launch of disability worker registration on 1 July 2021, the Commission and Board conducted stakeholder engagement with large service providers to:

- raise awareness and understanding about the requirements and benefits of registration
- get their commitment to preferring registered workers
- encourage their workers to register. The meetings also prompted these service providers to consider and prepare for how they may support their workers to register.

The Commission delivered a substantial online information resource on disability worker registration in 2020–21 that included a range of guidance material such as website content, fact sheets and instructional guides. These were presented on dedicated webpages and in downloadable format.

Ensuring resources are accessible for people with disability and people from culturally diverse backgrounds is one of the Commission's key aims. Resources are available in plain and Easy English, along with in-language translation into 30 languages.