

# 2022–23 At a glance



Summary of the 2022–23  
Victorian Disability  
Worker Commission and  
Disability Registration Board  
of Victoria Annual Report

# Why we're here - building a safer, stronger disability sector

## We exist to protect one of Victoria's most vulnerable communities: people with disability.

The Victorian disability sector is on a unique journey unlike any other state or territory – leading the way in better protections for people who use disability services and promoting a high-quality workforce.

Disability workers do crucial work and are passionate and proud. We want to support disability workers to be the best and most competent professionals they can be.

We play a key role in making the disability sector an attractive place to work, promoting respect and recognition for the important work of disability workers.

Cases of abuse and neglect in the sector heard during the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability over the past four years show how vital it is for people with disability to be confident that all disability workers are safe, skilled and professional.

A large proportion of disability workers across Australia are not part of the National Disability Insurance Scheme (NDIS). The Commission and Board regulate the conduct of all disability workers in Victoria and exist to stop people who pose a serious risk of harm from providing disability services.

It's important that people with disability feel safe with their disability worker. Sharing a concern or making a complaint can help improve the standard of disability workers and quality of care for everyone.

We have a 'no wrong door' approach and can take and investigate complaints about any Victorian disability worker, no matter how they are funded.

The Commission has a trained and friendly team who will listen to concerns and can take action if required. The service is free, confidential and available to everyone. We conduct investigations and have prohibited workers who pose a risk of harm to people with disability.

Disability workers play a valued role in supporting people with disability to participate in their communities and most workers deliver safe and respectful services. People with disability have a right to strong safeguards for services they rely on.

We also recognise that the growth in demand of the disability workforce has created a number of challenges. Our role is to support the disability workforce with the skills and knowledge to provide safe and high-quality services so people with disability have confidence in the services they use, as well as access to and information about safeguards if they have concerns.

We have come a long way since our journey began in 2020 and are proud to be at the forefront of reforms ensuring safer services, quality workforce standards and better choices for people with disability.

## About us



**Dan Stubbs,**  
Commissioner

**The Victorian Disability Worker Commission** supports the Commissioner and Board. The Commission deals with complaints and notifications about disability workers and can investigate their conduct.

The Commission also communicates to the public about disability workers. It maintains the Board's register of registered workers and the Commission's register of prohibited workers.



**Melanie Eagle,**  
Chairperson

**Victorian Disability Worker Commissioner** is the head of the Commission. The Commissioner regulates the conduct of unregistered disability workers and has the power to prohibit a worker from practising in Victoria. Dan Stubbs is the Victorian Disability Worker Commissioner.

**The Disability Worker Registration Board of Victoria** registers disability workers who meet certain standards set by the Board. The Board can also register disability students. The Board regulates the conduct of these registered workers and students. The Board, chaired by Melanie Eagle, formed in August 2019.

Figure 1 illustrates the interrelationship between the roles of the Commission, the Commissioner and the Board.

**Figure 1: Interrelationships between the Commission, the Commissioner and the Board**





# Disability Worker Regulation Scheme

The Scheme, established through the DSS Act, promotes the quality, safety, responsiveness and sustainability of the disability workforce in Victoria.

Through the Victorian Parliamentary Inquiry into Abuse in Disability Services, we heard of the abuse and neglect of people with disability, including from the conduct of disability workers.

The inquiry found that Victoria needed more effective safeguards to:

- protect people with disability
- ensure disability workers deliver high-quality care.

The Scheme delivers this in two ways:

- regulating and registering disability workers according to agreed standards
- strengthening safeguards through mechanisms to report concerns about the conduct of disability workers, ensuring they can be investigated and action taken.

The Scheme covers:

- registered Victorian disability workers
- unregistered Victorian disability workers
- students training to be disability workers in Victoria.

All disability workers must comply with the Disability Service Safeguards Code of Conduct (Code of Conduct) which outlines the obligations of disability workers to respect and uphold the right to safe and quality supports and services.

In a first across Australia, the Scheme also provides for voluntary registration of disability workers. Registration ensures disability workers meet rigorous standards for safety, skills and professionalism – no matter how they are employed or how their service is funded.

The Board sets standards for this registered workforce and registers and regulates those workers. To be assessed as suitable to hold registration, disability workers must:

- have professional qualifications or relevant work experience or a combination of both
- meet standards in English competency
- comply with standards regarding criminal history
- comply with continuous professional development standards.

The Commission provides an independent complaints service so anyone can complain about the conduct of a disability worker.

Disability workers and employers must notify the Commission of certain conduct that places service users at risk.

The Commission and Board can act to resolve complaints and respond to concerns about a disability worker's conduct. This can include:

- conciliating complaints
- counselling workers about upholding the Code of Conduct
- making agreements
- conducting investigations
- referring the issue to another body.

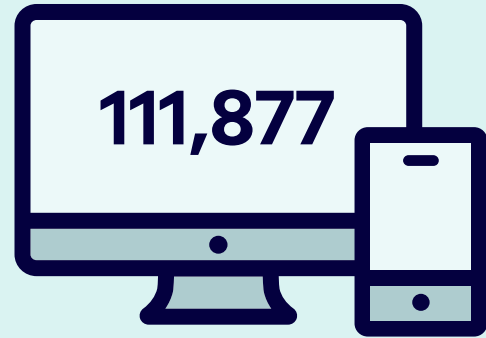
The Board and Commissioner can also take immediate action or ban a worker, if needed, where a disability worker's conduct puts people at risk.



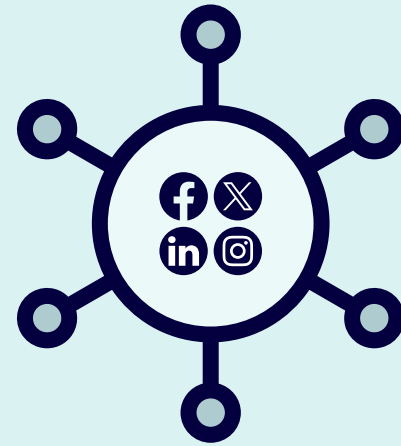


# Year in review 2022–23

## Awareness and education

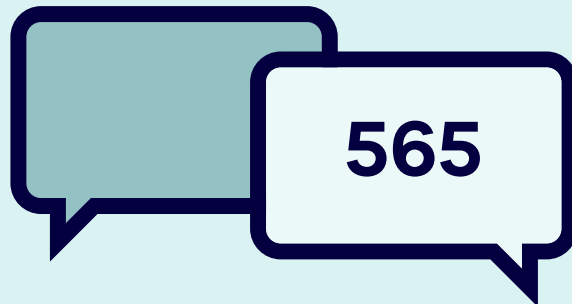


Total website page views



**8 million+**

Social media impressions



Total interactions  
(includes information sessions,  
webinars, general email enquiries)



Registration campaign video views



**16,937**

Documents downloaded  
from the website



**80+**

Met with more than 80+ stakeholders  
to raise awareness of the Scheme,  
the Commission and the Board

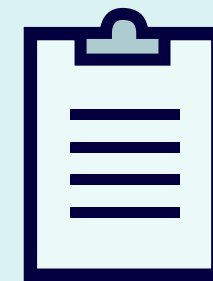
**5,250**

Audience reached  
through participation in major  
disability sector events

## Interactions with the Scheme

### Registering disability workers

**572**  
Registered  
disability workers



**408**  
Applications for  
disability worker  
registration



**88%**  
of registered workers  
are disability support  
workers

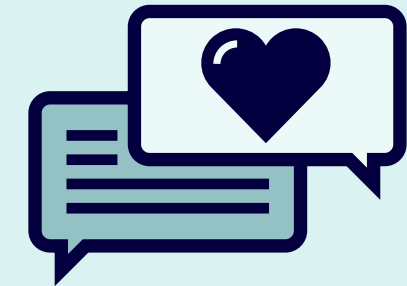
**12%**  
of registered workers are  
disability practitioners

### Responding to concerns about disability workers' conduct

**101**  
Notifications  
received,  
**119 closed**

**63**  
Complaints  
received,  
**52 closed**

**302**  
Enquiries  
received,  
**256 closed**



**37%**  
of complaints

resolved by counselling  
(includes education about a worker's  
obligations to provide safe services)

**60%**  
of notifications

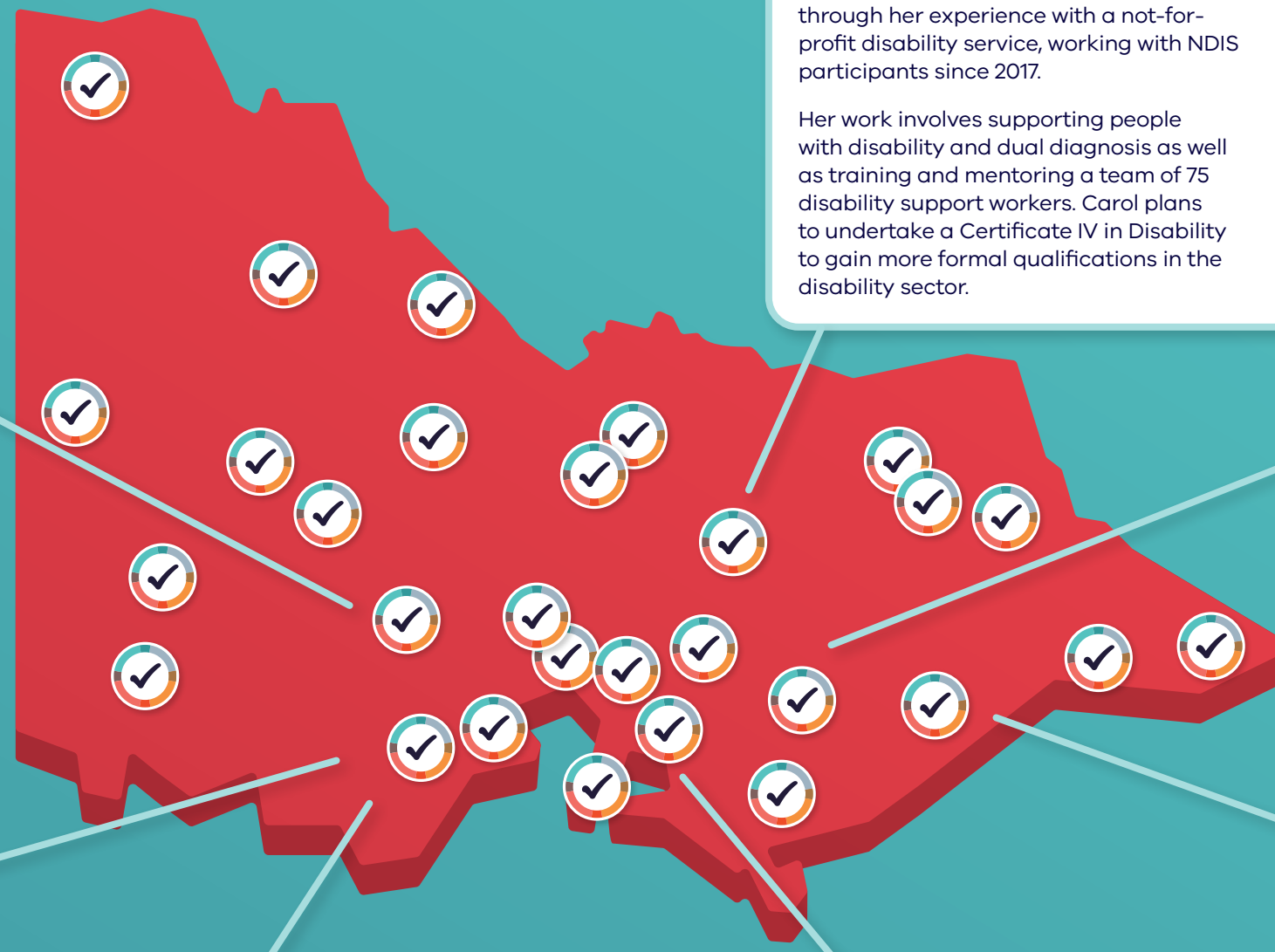
**25**  
interim prohibition  
orders made to stop 9  
workers from practising

**1**  
prohibition  
order made

**18**  
active investigations  
into the conduct  
of unregistered  
disability workers

**5**  
investigations  
completed into the  
conduct of unregistered  
disability workers

# Registered disability worker profiles\* across Victoria



## Registered Victorian disability practitioner

Jane is a 52-year-old registered nurse living in west regional Victoria (Ararat).

Jane registered as a disability practitioner with a Bachelor of Nursing and 15 years' experience working for a large disability service providing specialist nursing support to people with disability who have high-intensity health conditions.

## Registered Victorian disability practitioner

Keisha is a 40-year-old occupational therapist living in southwest regional Victoria (Geelong). Keisha registered as a disability practitioner with a Master of Occupational Therapy Practice and four years' experience providing occupational therapy and support services to clients who experience developmental, psychological and neurological diversity.

Keisha delivers individual and group-based capacity-building therapies that include life skills, therapeutic art, physical activity, recovery discussions, anxiety management, mindfulness and sensory strategies.

## Registered Victorian disability support worker

Mandeep is a 28-year-old disability support worker living in northwest Melbourne. Mandeep registered as a disability support worker with five years' experience working with a large disability service provider.

Mandeep works in residential settings with people with high physical and behavioural support needs, in day centres and in the community.

## Registered Victorian disability support worker

Carol is a 54-year-old team leader living in northeast Melbourne. Carol qualified to register as a disability support worker through her experience with a not-for-profit disability service, working with NDIS participants since 2017.

Her work involves supporting people with disability and dual diagnosis as well as training and mentoring a team of 75 disability support workers. Carol plans to undertake a Certificate IV in Disability to gain more formal qualifications in the disability sector.

## Registered Victorian disability support worker

Esma is a 21-year-old self-employed disability support worker living in east Melbourne. Esma registered as a disability support worker with an associate degree in health sciences and experience supporting people with disability.

Her work involves assisting children with disability with self-care and mobility, transportation, skills development, community access, social and recreational activities and homework help. She also works as an occupational therapist assistant.

## Registered Victorian disability support worker

Steve is a 48-year-old disability support worker living in east regional Victoria (East Gippsland). Steve registered as a disability support worker with a Certificate IV in Disability and five years' experience providing disability support services.

Steve is self-employed and provides short-term accommodation, activity support, personal care, employment support and advocacy services to NDIS participants.

## Registered Victorian disability practitioner

Chris is a 54-year-old disability advocate living in east Melbourne. Chris registered as a disability practitioner with a Diploma of Community Services (Mental Health) and 13 years' experience as a disability advocate.






Chris works for a not-for-profit community program providing individual advocacy for people with an intellectual disability to help them work towards achieving their goals.

\* These examples use pseudonyms to protect the anonymity of the workers.

# Our Scheme strategic plan

In 2022, the Commission and Board worked together to create a Scheme strategic plan based on five pillars that encompass the strategic goals and outcomes. From this plan came the following vision, purpose and guiding principle.

Figure 3: Our strategic plan 2022–24

The Victorian Disability Worker Regulation Scheme Strategic Plan 2022/23–2023/24					
<b>Vision</b>	People with disability can choose services that best meet their needs and supports their quality of life, free from abuse and neglect				
<b>Purpose</b>	We regulate all workers providing disability services in Victoria, regardless of how they are funded, setting standards for registration and training, resolving complaints and prohibiting unsafe workers				
<b>Guiding principle</b>	People with disability who use disability services have the same rights as other members of the community				
<b>Pillars</b>					
	<b>1. Safety and compliance</b>	<b>2. Registration</b>	<b>3. Workforce standards</b>	<b>4. Engagement and communications</b>	<b>5. Enablers</b>
<b>By mid 2024</b>	We have an accessible responsive and balanced notifications, complaints and assessment system	The percentage of the disability workforce that is registered is growing steadily	Our standards for registration and training improve the knowledge and capability of the workforce	People with disability, their families, advocates and service providers understand and have confidence in the Scheme and its processes	The Board, Commissioner and Commission work collaboratively and are well supported to develop and operate the Scheme
<b>2022–24 priorities</b>	1.1 Develop and implement a <b>compliance framework</b> for the conduct of registered and unregistered workers 1.2 Establish and implement procedures for <b>receiving, assessing and actioning</b> notifications and complaints 1.3 Implement <b>monitoring, evaluation and continuous improvement</b> processes in relation to complaints and notification 1.4 Raise <b>awareness</b> of the Scheme's complaints and notifications process	2.1 <b>Build knowledge of the benefits of registration</b> for disability support workers, their employers, and for people with disability, their families, carers and advocates 2.2 Ensure the <b>registration process</b> is simple quick and easy to use 2.3 <b>Promote registration</b> to disability support workers 2.4 <b>Build demand for registered disability support workers</b> from: <ul style="list-style-type: none"> <li>– people with disability, their families, carers and advocates</li> <li>– service providers</li> </ul>	3.1 Develop a <b>roadmap</b> to guide the development of guidelines, standards and accreditation 3.2 Prioritise <b>standards for registration</b> of disability support workers 3.3 <b>Collaborate</b> with organisations including employers who develop the workforce through curricula, qualifications and training 3.4 Strengthen the Commissions <b>capability, capacity and resources</b> to develop standards	4.1 <b>Work with other regulators and agencies</b> in Victoria and nationally to: <ul style="list-style-type: none"> <li>– achieve quality and safety outcomes for people with disability</li> <li>– avoid unnecessary duplication of effort</li> </ul> 4.2 <b>Build awareness</b> of the role of the Board and Commission 4.3 Further <b>strengthen our relationships</b> with the community, sector and our stakeholders 4.4 Build our capability to <b>engage and consult</b>	5.1 The Board, Commissioner and Commission have: <ol style="list-style-type: none"> <li>a) shared <b>values and principles</b></li> <li>b) a complementary <b>partnership</b>, underpinned by a respectful empowering and learning <b>culture</b></li> <li>c) <b>high performing</b> teams that draw on each other's strengths</li> <li>d) the necessary <b>resources, capacity and capability</b></li> <li>e) supporting <b>technology</b> hardware systems and applications</li> </ol> 5.2 The Board, Commissioner and Commission collaboratively develop a <b>regulatory approach</b> that, is evidence-informed, risk-based, responsive and balanced 5.3 Progressively build an <b>evidence-based understanding</b> of the Scheme's impact, strengths and shortcomings, and ways these may be addressed



## Case study

# Complaint about an unregistered disability worker

We received a complaint about Dianne, who was employed as a disability worker in a day placement service. The complaint was made by the sibling of Robert, a service user.

Dianne used a practice of tying the drawstring of Robert's tracksuit pants around the neck of his singlet to prevent him from pulling his pants down, which was one of Robert's known and regular behaviours.

### What we did

We contacted Dianne about the complaint. Dianne acknowledged she did use the practice to protect Robert's dignity and did not notice Robert exhibiting any signs of anxiety, pain or discomfort from her practice.

Dianne advised she was aware Robert had a behaviour support plan, but that she had used the drawstring strategy shown to her by more senior disability workers at the day placement.

We contacted the disability service provider to request a copy of Robert's behaviour support plan. Dianne's drawstring strategy was not listed in the plan, but other strategies to reduce the likelihood of Robert pulling down his pants were listed.

### Outcome

The complaint was settled by agreement with Dianne under the agreement that her future practice include asking a supervisor or manager if a person with disability has a support plan and to implement the plan when providing supports and services.

In addition, Dianne was asked to raise observed practices of other disability workers that do not follow a person with disability's support plan(s) with her supervisor in writing or to make a notification to the Commission.

**Please note:** This case study shows a type of matter the Commission responded to in 2022–23. Pseudonyms are used and some details have been changed to protect the anonymity of the participants.

## Case study

# Prohibition order against an unregistered disability worker

### Situation

We were advised that an unregistered disability worker had received an NDIS Exclusion. The basis for the exclusion was that the worker had been charged with criminal offences relating to sexual misconduct against a person with disability.

### What we did

We obtained a criminal history report that confirmed the charges against the worker. The charges were for prescribed offences under the Disability Services Safeguards Act and therefore we initiated an investigation.

At the same time, the Commissioner made an interim prohibition order against the worker because the worker had received an exclusion and the Commissioner's assessment was that they posed a serious risk to the health, safety and welfare of the public. The interim prohibition order prohibited the worker from providing all disability services in Victoria for 12 weeks, which is the maximum period allowed under the Act regardless of how they were funded or whether they were provided while working in disability, aged care, health or in another sector.

Throughout the investigation, we monitored the criminal proceeding, obtaining information from Victoria Police and observing court hearings. While this investigation was underway, the Commissioner continued the interim prohibition orders against the worker. The worker was convicted of the criminal offences and we prepared a draft investigation report. After inviting the worker to comment, we finalised the report, finding that the worker had committed prescribed offences.

### Outcome

The Commissioner reviewed the matter and decided to begin a show cause process for a prohibition order. After being invited to respond to the proposed prohibition order, the worker made a submission. Ultimately the Commissioner determined that it remained appropriate to make a prohibition order against the worker because they had been convicted of a prescribed offence and posed a serious risk to the health, safety or welfare of the public. The Commissioner made a prohibition order permanently prohibiting the worker from providing disability services in Victoria.

**Please note:** This case study shows a type of matter the Commission responded to in 2022–23. Pseudonyms are used and some details have been changed to protect the anonymity of the participants. The image is used for illustrative purposes only.



## Case study

# Interim prohibition order against an unregistered disability worker

We received a complaint from the family of a service user alleging physical assault by an unregistered disability worker. The worker was a sole trader who advertised their services on an online platform for independent disability support workers. The service user engaged the worker privately and the services were not NDIS-funded.

Victoria Police charged the worker with criminal offences relating to the alleged assault.

### What we did

We decided to conduct an investigation into the complaint because we reasonably believed that there may have been a failure by the worker to comply with clause 6 of the Disability Service Safeguards Code of Conduct: Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.

### Outcome

Pending the court outcome and to protect the community, the Commissioner decided to make an interim prohibition order against the worker prohibiting them from providing all disability services in Victoria for 12 weeks. The basis for the order was that having considered the criminal charges and the information provided by the family, the Commissioner reasonably believed that the worker had failed to comply with clause 6 of the Code of Conduct and that the worker posed a serious risk to the health, safety and welfare of the public.

We took steps to ensure the worker understood the effect of the interim prohibition order and did not continue working. We contacted the worker and explained that they could not work as a disability worker and that contravening an interim prohibition order is an offence, the penalty for which is 240 penalty units (\$44,381 in 2022-23), two years' imprisonment, or both.

**Please note:** This case study shows a type of matter the Commission responded to in 2022–23. Pseudonyms are used and some details have been changed to protect the anonymity of the participants.

## Case study

# Notification from an employer

### Notification

We received a notification from an employer about the conduct of an unregistered disability worker, Thomas. The nature of the allegation was that Thomas had transferred a service user, Lisa, from a shower chair to her wheelchair using a freestanding hoist by himself.

### What we did

We advised Thomas of the alleged notifiable conduct practices being reported against him.

Thomas acknowledged transferring Lisa independently using the freestanding hoist, citing staffing issues as the reason.

We obtained a copy of Lisa's manual handling plan, which advised all transfers were to be carried out by two disability workers when using a freestanding hoist.

### Outcome

Thomas was counselled to educate him of his obligations and practices as a disability worker under the Code of Conduct:

**Clause 3:** Provide support and services in a safe and competent manner with care and skill

**Clause 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

**Clause 6:** Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of people with disability.

The decision to counsel Thomas was made based on the available evidence that showed he had failed to follow Lisa's manual handling plan and did not seek guidance from a supervisor or manager if there were not enough staff to implement Lisa's manual handling plan.

**Please note:** This case study shows a type of matter the Commission responded to in 2022–23. Pseudonyms are used and some details have been changed to protect the anonymity of the participants. The image is used for illustrative purposes only.

