

Victorian Disability Worker Commission and
Disability Worker Registration Board of Victoria

Annual report

1 July 2022 to 30 June 2023



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 the Commission <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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Responsible bodies declaration

The Hon Lizzie Blandthorn
Minister for Disability, Ageing and Carers
Level 3, 1 Treasury Place
East Melbourne VIC 3002

29 September 2023

Dear Minister

We are pleased to submit this consolidated annual report of the Victorian Disability Worker Commission and Disability Worker Registration Board of Victoria for the period 1 July 2022 to 30 June 2023 in accordance with the *Financial Management Act 1994*.

Yours sincerely

Dan Stubbs
Commissioner
Victorian Disability Worker Commission

Melanie Eagle
Chairperson
Disability Worker Registration Board of Victoria

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Commissioner's report



Dan Stubbs
Commissioner

I am pleased to present this report of the Victorian Disability Worker Commission and the Disability Worker Registration Board of Victoria.

The annual report shows that in our third year the Commission is making a difference in the lives of many Victorians with disability. It is also clear that the Commission is delivering on the Victorian Government's objective to set a higher standard for the safety and quality of services for Victorians with disability.

In 2022–23 we received a wide range of complaints and notifications about a variety of services for people with disability funded from various sources, particularly outside of the NDIS. I urge you to read about the breadth of workers and people with disability to whom we respond, illustrated in the case studies in this report.

The work delivered during the year reflects what we set out in the Commission and Board business plan. This includes greater engagement with the disability sector and community; our first sector survey to understand what we need to do next; and, of course, increases in complaints, notifications, enquiries and registrations, all of which point to recognising the necessity of the Commission's role.

The request from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability to appear and provide testimony on how the sector could be regulated demonstrates the leadership role the Commission and Board play in promoting a safe and quality disability sector.

In this report I am also pleased to set out the excellent community engagement work we have done during 2022–23. This has involved working with peak bodies, advocates, service providers and other regulators to create a deeper understanding of the Disability Worker Regulation Scheme, ensuring our way of working focuses on what people with disability and their supporters most need from us.

Thank you to the Board, with whom we have worked closely this year in its second year of voluntary registration.

Finally, despite the challenges for the sector in our first few years, the Commission's staff and the Board have continued to make this a sector where all workers can be proud to work and where people with disability are safe and well supported. For this progress I am grateful to the remarkable, hard-working and dedicated staff of the Commission, without whom the results reported here would not have been possible.

Board chairperson's report



Melanie Eagle
Chairperson

The 2022–23 year has been very productive and rewarding. Victoria's disability workers are seeing the value in registering under the Disability Worker Regulation Scheme, as evidenced by the number of workers continuing to apply. In the second year of voluntary registration it is pleasing that most workers, almost 90 per cent, made a conscious choice to renew their registration.

In May 2023 the Board and the Commission released the Scheme's regulatory approach, outlining our purpose and methods to minimise the risk of harm to people receiving disability services from a disability worker.

Consistent with our regulatory approach, a continued area of focus for the Board and Commission is increasing awareness of voluntary registration to strengthen and professionalise the disability workforce across Victoria and improve the quality and safety of disability services.

It is pleasing that registered disability workers have increased in the second year of registration from 382 in the previous year to 572 in 2022–23.

In continuing the commitment to improving workforce standards, the Board released its guidance for continuing professional development of registered workers in September 2022. This guidance requires disability workers to complete 10 hours of continuing professional development.

The Board and the Commission made joint public submissions to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and the Independent Review of the National Disability Insurance Scheme: Response to the April 2023 issues paper on the NDIS Quality and Safeguarding Framework.

Among other things, these submissions highlighted the workforce pressures in the sector and the risks to the quality of disability services from a rapidly expanding disability workforce, particularly equipping workers with the right skills and knowledge to provide safe and high-quality disability services.

I would like to thank all my fellow Board members for the significant contribution they have made over the past 12 months. I would also like to thank the Commissioner Dan Stubbs and Commission staff for their high-quality work in supporting the Board and together progressing the Scheme's purpose.

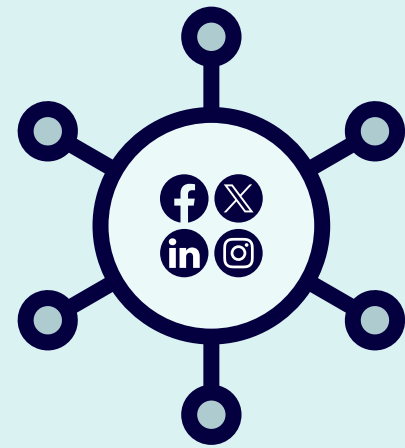
The Board looks forward to continuing to collaborate with the Commission and Commissioner to continue to advance the Scheme's objectives and to promote safe disability services for people with disability.

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)

1.05 million

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

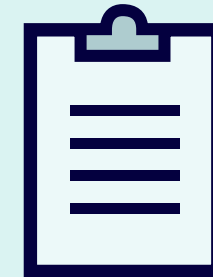
Audience reached
through participation in major
disability sector events

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

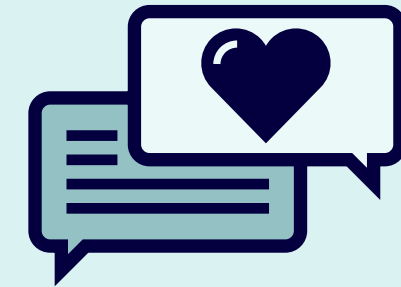
Notifications
received,
119 closed

63

Complaints
received,
52 closed

302

Enquiries
received,
256 closed



37%

of complaints

60%

of notifications

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

25

interim prohibition
orders made to stop 9
workers from practising

1

prohibition
order made

18

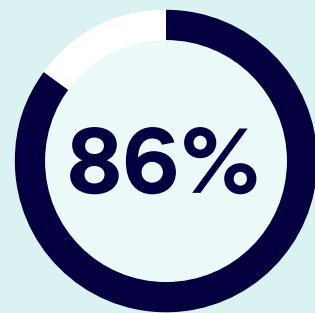
active investigations
into the conduct
of unregistered
disability workers

5

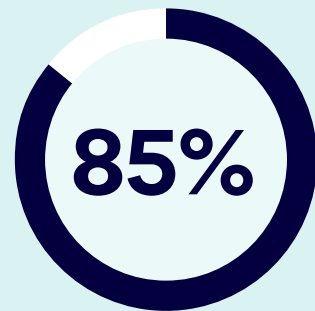
investigations
completed into the
conduct of unregistered
disability workers

Annual sector survey

We conducted an annual sector survey and in-depth interviews, surveying 900 participants in the disability sector in Victoria including disability workers, people with disability, carers and employers, with the following results:



86% of respondents agreed that the Scheme would help protect vulnerable people from harm and neglect



85% of respondents agreed that the Scheme also helps improve the standard of services provided by disability workers

81%

81% of workers who are currently registered will seek to renew their registration

80%

80% of people with disability knew the registration status of their disability worker



91%

91% of people with disability and

92%

92% of carers would consider using our public register to find a disability support worker



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.



Introduction

This is the third annual report of the **Victorian Disability Worker Commission (Commission)** and the **Disability Worker Registration Board of Victoria (Board)**.

We were established in 2018 under the *Disability Service Safeguards Act 2018* (DSS Act). Our major functions started in 2020.

Although the DSS Act establishes us as distinct legal entities, the Commission, the Board and the Victorian Disability Worker Commissioner (Commissioner) work together to regulate disability workers in Victoria.

We are presenting our annual report of operations and financial statements in a combined annual report.

Scope of annual report

On 21 March 2021 the Assistant Treasurer, who is the responsible minister, determined the following under the *Financial Management Act 1994*:

- The Board and Commission may prepare a single annual report of operations and financial statements in its first reporting period and subsequent years, under section 53(1)(a).
- The Board and Commission may combine their financial statements with the Department of Families, Fairness and Housing’s financial statements, under section 53(1)(b).
- The ‘reporting period’ is from 1 July 2022 to 30 June 2023.

About us

The 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.

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.

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

For more information on the Commission and Board, visit our website <www.vdwc.vic.gov.au>.

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



Our values

Our values inform what we do and how we do it.

Diversity and inclusion

- We have inclusive recruitment and employment practices that foster diversity in our workforce.
- We ensure that diverse communities see themselves in who we are and what we do.
- We are committed to being an accessible workplace and an accessible regulator for our diverse stakeholders.

Independent and fair

- We treat everyone with respect, listening to all parties involved.
- We do what we say we will do and take proportionate action.
- The community sees our processes and decisions as independent and transparent.

Fearless and accountable

- We use our powers to hold others accountable for their actions.
- We are responsible for our actions and are open to scrutiny and feedback.
- We continually evaluate and improve our operations.

Trust and respect

- We are respectful and professional with colleagues and the community.
- We foster trust by assessing matters impartially.
- We have confidence in and are respectful of each other's skills and capabilities.

Empathy and dignity

- We take a person-centred approach to everything we do.
- We ask people what they need from us and how we can work with them.
- We are responsive and flexible to support the diverse communities and people we serve.

Victorian Disability Worker Commissioner

The Office of the Commissioner is a 'special body' under the *Public Administration Act (s 6)*.

The Commissioner has all the duties, functions and powers of the Commission under the DSS Act. The Commissioner also has the power to issue prohibition orders about unregistered disability workers, where there is a serious risk to the public or a person.

Dan Stubbs was appointed as the Commissioner in September 2019.

Victorian Disability Worker Commission

The Commission takes complaints about registered and unregistered disability workers. It also helps the Board exercise its functions regarding registered workers.

The Commission is a public entity under the *Public Administration Act (s 5)*.

The Commission's functions for registered disability workers and disability students include:

- providing administrative support to the Board to enable it to exercise its functions in registering and regulating registered disability workers, disability students and accrediting training programs
- with the Board, setting up and maintaining a public register of disability workers and a register of disability students
- if appropriate, conciliating complaints
- entering into agreements with the Board about fees, the Board's budget and services the Commission will provide to the Board
- monitoring, identifying and advising the Minister about trends in complaints, notifications and other related matters
- carrying out and supporting research into complaints handling and ways of improving disability workers' practices and services

- providing public information and education about disability workers and their conduct, complaints handling standards, and complaints and notifications processes.

For unregistered disability workers the Commission has the following functions:

- putting in place efficient procedures for receiving and dealing with complaints
- receiving, assessing and dealing with complaints and notifications – if appropriate, referring them to the Board or conciliating complaints
- advising the Minister on matters the Minister refers to the Commission
- monitoring, identifying and advising the Minister on trends in complaints, notifications and other related matters.

Disability Worker Registration Board of Victoria

The Board registers and regulates registered disability workers and students.

The Board is a public entity under the *Public Administration Act (s 5)*.

Functions

The Board's functions include:

- setting standards for registering disability workers and registered disability worker practice
- accrediting training programs and supervised practice arrangements that qualify people for registration as a disability worker

- assessing the probity and qualifications of applicants for registration and registering suitably qualified disability workers
- registering disability students to undertake supervised practice as part of an approved program of study
- dealing with matters of impairment for registered disability workers and disability students
- receiving, assessing and dealing with notifications and complaints about registered disability workers and disability students
- monitoring registered disability workers' compliance with registration and practice standards
- collecting and providing data for disability workforce planning and system improvement
- regulating the advertising of services provided by registered disability workers.

As a new regulator some of these functions will be undertaken in future registration years.

Our Minister

The Board and the Commission are separately accountable to the Minister for Disability, Ageing and Carers.

The Hon Colin Brooks MP was the responsible Minister for the reporting year until the Hon Lizzie Blandthorn MP took over the Disability portfolio in December 2022.

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.

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.

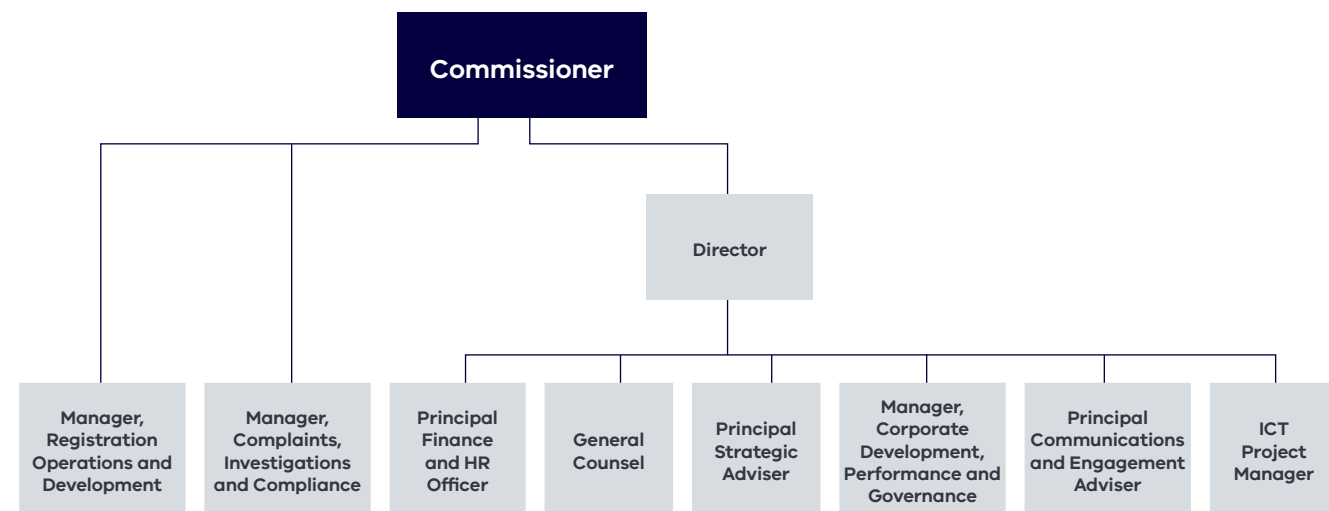
Please note: This case study shows a type of matter the Commission responded to in 2022–23. Pseudonyms are used and some details have been changed to protect the anonymity of the participants. The image is used for illustrative purposes only.



Governance and organisational structure

The Commission’s organisational structure is shown below in Figure 2.

Figure 2: Organisational structure of the Commission



Disability Worker Registration Board of Victoria

Board membership

The chairperson and members of the Board are appointed by the Governor-in-Council on the Minister’s recommendation.

The Board’s membership must include:

- at least two members (and not more than two-thirds of members) who are not and have never been registered disability workers
- at least two members (and not more than two-thirds of members) who are registered disability workers
- at least three members who are people with disability.

Board membership at 30 June 2023 was:

- Melanie Eagle (Chairperson)
- Christian Astourian
- Christine Bigby
- Gobi Chandran
- Maryanne Diamond (appointed August 2021)
- Colleen Furlanetto (appointed August 2021)
- Alexandra Gunning
- Jill Linklater
- Geoffrey Southwell.

There were no directors whose term expired or who resigned during the reporting period.

The Board does not employ staff. The Commission supports the Board by providing administrative assistance and support to enable it to exercise its functions for registration and regulation of registered disability workers. In future, this will include registration and regulation of disability students and accreditation of training programs.

Board meeting attendances

Table 1: Meetings attended and eligible to attend during the reporting period

Name	Number of meetings
Melanie Eagle (Chair)	9 of 9
Christian Astourian	9 of 9
Christine Bigby	7 of 9
Gobi Chandran	3* of 9
Alexandra Gunning	7 of 9
Jill Linklater	8 of 9
Geoffrey Southwell	9 of 9
Maryanne Diamond	8 of 9
Colleen Furlanetto	7 of 9

* Leave of absence

Board committees

Panels and Assessors Committee

The Panels and Assessors Committee assesses and shortlists applicants for the list of approved persons from which to appoint to health and professional standards panels. The committee met twice in the reporting period: 30 August and 28 October 2022.

Members:

- Melanie Eagle (Chair)
- Christine Bigby
- Geoff Southwell.

The Board deactivated the committee on 14 February 2023 because the appointment of approved panel members and assessors was complete.

Registration Applications Assessment Committee

The Registration Applications Assessment Committee considers and makes recommendations for approval by the Board on complex or sensitive registration assessment matters referred to the Board. The committee met three times in the reporting period: 1 September 2022, 2 December 2022 and 8 June 2023.

Members:

- Melanie Eagle (Chair)
- Jill Linklater
- Maryanne Diamond
- Gobi Chandran
- Colleen Furlanetto
- Alexandra Gunning.

Registration Standards, Guidelines and Accreditation Committee

The Registration Standards, Guidelines and Accreditation Committee helps the Board exercise its standards, guidelines and accreditation functions. The committee develops recommendations on:

- qualifications to be approved under the DSS Act
- the registration standards or guidelines
- work planning and resourcing.

The committee met eight times during the reporting period.

Members:

- Christine Bigby (Chair)
- Alexandra Gunning
- Melanie Eagle
- Geoff Southwell.

Executive Committee

The Executive Committee was established on 28 March 2023 to support the Board Chair and the Board to plan and organise the Board's work and strengthen productive and effective ways of working with the Commissioner and Commission. The committee is supported by the Board Secretary.

The committee met once in the reporting period, on 19 June 2023.

Members:

- Melanie Eagle
- Jill Linklater
- Dan Stubbs
- Kate Maddern.

Shared Audit and Risk Committee

The Board and Commission established the Shared Audit and Risk Committee in April 2021.

The committee helps the Board and Commission fulfil their statutory responsibilities under the Financial Management Act and associated Standing Directions 2018.

The Commission and Board appoint members of the Shared Audit and Risk Committee in line with the committee's charter.

Key responsibilities of the committee are to:

- help the Board and Commission review the effectiveness of their internal control environment, covering effectiveness and efficiency of operations, reliability of financial reporting and compliance with applicable laws and regulations
- review information in the report of operations on financial management, performance and sustainability
- determine the scope of the internal audit function and ensure its resources are adequate and used effectively, including coordination with external auditors
- maintain effective communication with external auditors, consider recommendations made by internal and external auditors, and review the implementation of actions to resolve issues raised
- oversee the effective operation of the risk management framework.

The Commission and Board nominate committee meeting attendees.

In the reporting period, the Shared Audit and Risk Committee held five meetings.

Members of the Shared Audit and Risk Committee at 30 June 2023 were:

- Binda Gokhale (independent chair)
- John Gavens (independent deputy chair)
- Ken Parsons (independent member).

Accountability of the Commission and Board

The Commission and Board must exercise their respective powers and perform the duties set out in sections 9 and 22 of the DSS Act.

The Commission and Board are subject to the general direction and control of the Minister and any specific written directions given by the Minister.

Under the Public Administration Act, the Commission and Board must:

- inform the responsible minister and the portfolio Secretary (Department Families, Fairness and Housing) of known major risks (significant or emerging) to their effective operation and the risk management systems it has in place to address those risks
- provide the responsible minister, unless prohibited from doing so by or under any law, with any information relating to the entity or its operations as he or she requests.

Ministerial Statements of Expectations

The Minister issued Statements of Expectations to the Board, the Commissioner and Commission on 26 April 2022. The Statements of Expectations inform the Commission and Board's 2022–23 business plan.

Key achievements against the Statements of Expectations to 30 June 2023 include:

- developing a risk-based and proportionate regulatory approach that prevents or minimises the risk of harm to people with disability
- strengthening collaboration and engagement with other regulators and agencies
- promoting complaints and notifications as well as the uptake of registration

- maintaining and promoting the public register of registered disability workers and the public register of banned workers
- raising community awareness of the work of the Commission and Board.

Appendix 4 includes more details on progress towards the Statements of Expectations.

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.

Our regulatory approach

Our regulatory approach describes the work that we undertake, how we make our decisions and the types of actions we can undertake to support our vision for people with disability to be able to choose services that best meet their needs and support their quality of life free from abuse and neglect. The Commission and Board published our regulatory approach online on 22 May 2023 (refer also to Figure 3).

We regulate disability workers who provide a disability service to a person with disability in Victoria. We also regulate supervisors and managers of disability workers providing a service.

In working with stakeholders, we will seek to prevent, minimise or avoid harms of concern and deliver on our desired regulatory outcomes. We use a number of tools to support this approach including:

- raising awareness and educating
- setting standards for disability workers
- encouraging voluntary registration
- supporting compliance with the Code of Conduct and standards
- monitoring compliance and complaints
- monitoring and assessing noncompliance.

Our regulatory principles are: collaborative, effective, accountable, fair and inclusive.

We expect that disability workers comply with their obligations under the law, meet mandatory standards and engage in practices that seek to manage the risk of harm.

We understand that most disability workers want to provide quality services, comply with regulatory requirements and are seeking to improve their practices.

For those who do not comply, we will respond and escalate our compliance and enforcement response. We use a risk-based approach to prioritise our regulatory effort (refer to Figure 4).

Section 7: Guiding principles, *Disability Service Safeguards Act 2018*

It is a guiding principle of the regulatory scheme under this Act that persons with a disability to whom disability services are provided have the same rights as other members of the community:

- a) to be respected for their human worth and to be treated with dignity as individuals; and
- b) to live free from abuse, neglect and exploitation; and
- c) to realise their individual capacity for physical, social, emotional and intellectual development; and
- d) to exercise choice and control over their own lives; and
- e) to access information and communicate in a manner appropriate to their communication and cultural needs; and
- f) if a child, actively to involve the child's family and any other caregivers in decisions affecting the child and to have information and support to enable this to occur; and
- g) to choose disability workers with the values, skills and qualifications that meet their needs; and
- h) to access services which support their quality of life.

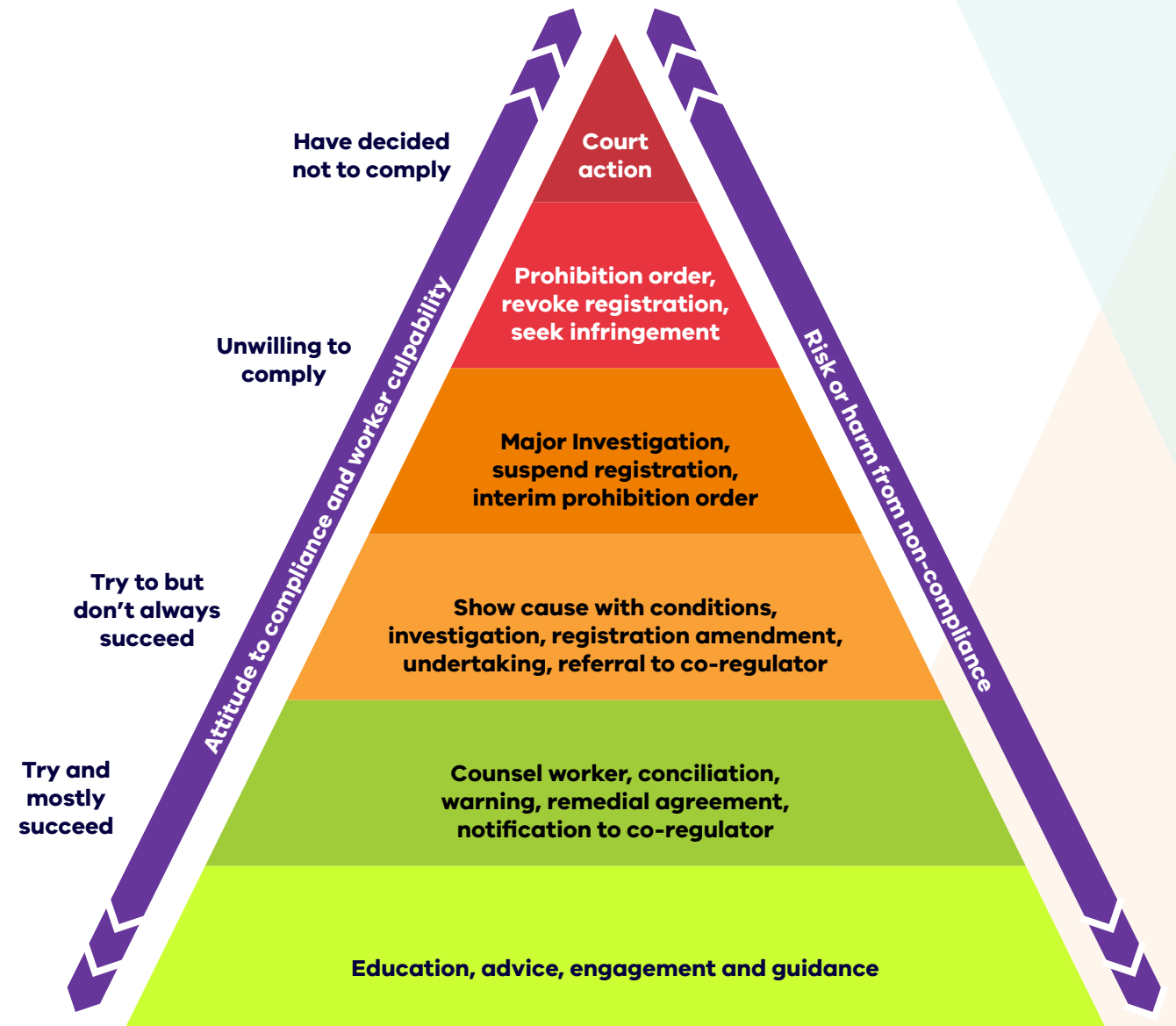
Figure 3: Our regulatory approach



A circular diagram depicting the regulatory approach. The outer ring depicts the Victorian Disability Worker Commissioner and the Disability Worker Registration Board of Victoria as the two statutory bodies delivering the Disability Worker Regulation Scheme. The next ring depicts the over-arching ways these bodies apply their authority and influence: enabling activities and systems, co-regulator relationships, referrals and information sharing. The inner ring depicts the methods used to deliver the approach: Raise awareness and educate; set standards for disability workers and students; encourage voluntary registration; support to comply; monitor compliance and complaints; refer, remedy and sanction.

Figure 4: Enforcement pyramid – illustration of our enforcement approach and how harm, the consequence of non-compliance, compliance attitude and culpability is considered.

We will publish and publicise enforcement outcomes that are in the public interest to inform the community of our regulatory actions, increase deterrence and encourage on-going compliance.



A pyramid diagram depicting the enforcement approach. The left-hand side of the pyramid depicts the levels of compliance attitudes to worker culpability, from 'Try and mostly succeed' at the bottom, 'Try to but don't always succeed', 'Unwilling to comply' and 'Have decided not to comply' at the top. The right-hand side of the pyramid depicts the levels of risk or harm from non-compliance. The pyramid itself is made up of the different enforcement actions. The levels from bottom to top are: Education, advice, engagement and guidance; counsel worker, conciliation, warning, remedial agreement, notification to co-regulator; show cause with conditions, investigation, registration amendment, undertaking, referral to co-regulator; major investigation, suspend registration, interim prohibition order; prohibition order, revoke registration, seek infringement; court action.

Case study

Complaint about an unregistered disability worker

Complaint

We received a complaint from Sophia, a service user, who has a diagnosis of psychosocial disabilities and post-traumatic stress disorder. Sophia lives in her own home in the community. She had engaged Tracey, a sole-trading disability worker, to provide supports and services.

The complaint involved Tracey not developing a support plan with Sophia when she started providing supports and services. Also, Tracey arranged other disability workers who were themselves sole traders to provide rostered supports and services to Sophia. Sophia raised her concerns that Tracey and the other disability workers did not have the skills or knowledge to support her specific support needs.

What we did

We contacted Tracey about the complaint. Tracey denied the concerns raised against her and advised that the experience of supporting Sophia had an emotional impact on her own wellbeing.

Tracey said that Sophia would regularly change the type of support and services she wanted to receive.

Tracey further told us that Sophia could not find disability workers herself and so Tracey felt obligated to find other disability workers to provide supports and services because she wasn't able to work all of Sophia's required rostered support hours.

Outcome

Tracey was counselled about her obligations under the Code of Conduct that requires all disability workers to provide supports and services in a safe and competent manner, with care and skill. This was due to Tracey not developing a support plan with Sophia that included steps that allowed Sophia to change her support and service type as required.

Tracey did not have adequate expertise and competence necessary for safe and skilful service delivery to Sophia, nor did she engage the service of other disability workers with the required expertise and competence.

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.



Our operating environment

In Victoria, an estimated 17 per cent¹ of people identify as having a disability. Thirty-two per cent² of people with disability sometimes or always need help with self-care, mobility or communication.

In Victoria, just over 10 per cent³ of the 1.1 million Victorians with disability are eligible for an NDIS plan. This means that many Victorians receive support outside the NDIS framework.

The Disability Worker Regulation Scheme covers both NDIS and non-NDIS disability workers and protects people with disability, including those who are not NDIS participants. This represents the majority of Victorians with disability who use support services.

In Victoria, many bodies work together to support safe disability services. We work with other agencies and organisations, as well as other workforce regulators including:

- Australian Health Practitioner Regulation Agency
- Commission for Children and Young People
- Commissioner for Seniors
- Disability Services Commissioner
- Health Complaints Commissioner
- Human Services Regulator (Social Services Regulator)
- Mental Health and Wellbeing Commission (planned 2023)
- Mental Health Complaints Commissioner
- NDIS Quality and Safeguards Commission
- Office of the Public Advocate
- professional bodies
- Transport Accident Commission
- Victoria Police

- Victorian Equal Opportunity and Human Rights Commission
- Victorian Institute of Teaching
- NDIS Worker Screening Unit and Working with Children Check Victoria (Department of Government Services)
- WorkSafe Victoria.

In Victoria, we also work closely with the Department of Families, Fairness and Housing.

Disability support work is complex. It needs a workforce with the skills and expertise to provide safe, quality supports.

More broadly, there are pressures on the supply of the workforce in the disability sector. Key factors affecting the size of the workforce include:

- competition for workers with other sectors including aged care and childcare
- casualisation of the workforce, which is female-dominated
- relatively low pay rates.

A high turnover rate among casual disability workers has also added pressure to the disability workforce. The turnover rate has increased from 18 per cent⁴ in December 2020 to 22 per cent in June 2021.

The past 12 months has seen the return to pre-COVID work practices. This has enabled the Commission to build on opportunities to engage with people with disability and the disability workforce, including by more face-to-face engagement with stakeholders. This is one area that will be prioritised as implementation of the Scheme continues.

The Commission and Board are committed to increasing awareness and understanding of the Scheme. Consultation on all aspects of the Scheme including registration standards is vital to ensuring registered disability workers have attributes that are important to people accessing disability services.

The Commission and Board continue to engage with and listen to the perspectives of people with disability to ensure the Scheme is implemented in a person-centred way.

During the 2022–23 financial year, the Commission made the following submissions:

Review of the Reportable Conduct Scheme (28 October 2022)

The Department of Families, Fairness and Housing undertook a statutory five-year review of the Reportable Conduct Scheme operated and implemented by the Commission for Children and Young People (CCYP). Our submission noted the critical role of the CCYP in protecting those most vulnerable and recommended that the review particularly considers the complex needs of children and young people with disability in its assessment.

Disability Inclusion Bill Exposure Draft (21 November 2022)

The Victorian Government sought feedback on the Disability Inclusion Bill Exposure Draft, which provides detail on the proposed establishment of a Disability Inclusion Act. This Act would, among other things, require disability action plans for government entities and also implement a Commissioner for Disability Inclusion. We expressed our support for the rights-based principles that underpin the proposed legislation and noted that effective collaboration between the Disability Inclusion Commissioner and existing regulators such as the Commission and Board (particularly through referrals and information sharing) will be necessary to reduce regulatory burden and ensure the new entity is effective in protecting the rights of people with disability.

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (30 December 2022)

The royal commission was established to address the high rates of harm against people with disability and will make recommendations to the federal government in its final report due in October 2023. Our submission highlighted the important role the Scheme plays in safeguarding all Victorians who use disability services by regulating Victorian disability workers irrespective of how they are funded. The submission also noted the importance of professionalising the workforce to improve quality and safeguarding

outcomes. The submission recommended that the Commission considers mandating registration for high-risk disability services. The Commissioner was also called to give evidence before the royal commission at its hearing in Brisbane on the topic of disability service providers on 14 February 2023.

Independent Review of the NDIS (two submissions made)

The Independent Review of the NDIS was established to identify ways to increase the benefits that the NDIS presents to people with disability across Australia. The Independent Review will publish its final report in September 2023, and the Commission has made two submissions.

Submission to the Independent Review (31 January 2023)

Our submission explained our role in regulating Victoria's disability workforce and the interaction between us and the NDIS Quality and Safeguards Commission. In particular, our submission raised the need to establish collaborative relationships between regulators to ensure effective regulation as well as the importance of workforce development as key issues to be addressed by the Independent Review.

Submission on the Independent Review's issues paper on the NDIS Quality and Safeguarding Framework (9 June 2023)

Our submission on the NDIS Quality and Safeguarding Framework issues paper provided feedback on the operation of the framework. Specifically, we recommended greater integration between co-regulators – including through effective referrals and information sharing – to reduce regulatory burden. We recommended that the Independent Review reconsiders the current scope of the NDIS to include registration for high-risk cohorts within the sector to increase the quality of services available to Australians with disability.

¹ Australian Bureau of Statistics 2018, *Disability, ageing and carers, Australia: summary of findings*, Australian Government, Canberra. Cited in *Department of Families, Fairness and Housing 2022, Inclusive Victoria: state disability plan 2022–2026*, State of Victoria, Melbourne, p. 12.

² Australian Institute of Health and Welfare 2020, *People with disability Australia*, Australian Government, Canberra.

³ Australian Bureau of Statistics 2018, *Disability, ageing and carers, Australia: summary of findings*, Australian Government, Canberra.

⁴ National Disability Services Victoria, *Victorian disability workforce environmental scan for 2022*, February 2022, p. 6.

Corporate plan 2022–24

The *Corporate plan 2022–24* presents in one document the *Victorian Disability Worker Regulation Scheme strategic plan 2022–23 to 2023–24* (refer to Figure 5) and the 2022–23 business plan.

The corporate plan provides additional context about the Commission but also about the wider environment in which the Scheme is being implemented. This allows for a more comprehensive view of our strategic challenges and goals.

Our corporate plan is updated every year with the new annual business plan and with the latest information about to the operating environment. Key strategic projects for 2022–23 included:






- developing a compliance framework (including a policy and regulatory approach)
- developing a stakeholder feedback survey
- establishing a fee policy
- developing written guidance of a new model of assessment
- revising the registration application and renewal process

- undertaking a project to streamline registration applications and criminal history checks where workers hold an NDIS worker screening clearance
- developing a roadmap for registration standards
- prioritising registration standards
- developing a communication and engagement plan
- strengthening collaboration and engagement with other regulators and agencies
- developing a reporting infrastructure
- developing a stakeholder engagement plan.

In 2022 the Commission and Board worked together to create a Scheme strategic plan. The plan has five pillars. The first four represent where the Scheme needs to concentrate its efforts to support people with disability. A fifth pillar describes the crucial support required to enable the functions and delivery of pillars 1 to 4, acknowledging the relationships between the Commissioner, the Board and the Commission.



Figure 5: Our strategic plan 2022 to 2024

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

Pillar 1

Safety and compliance

Outcome by 2024: We have an accessible, responsive and balanced notifications, complaints and assessment system.

Description

The Commission’s complaints and notifications service improves the safety and quality of care and service standards across the Victorian disability sector.

We established robust policies and procedures to ensure the way we receive complaints and notifications and how we assess them is accessible, responsive and proportionate.

The service is independent, impartial and free. It takes into account the obligations of disability workers and their responsibility to comply with their obligations.

Highlights in 2022–23

- We received and managed 63 complaints, 101 notifications and 302 enquiries.
- We developed and put in place a regulatory framework for regulating the conduct of registered and unregistered disability workers.
- We continue to refresh and develop procedures for receiving, assessing and acting on notifications and complaints.
- We continue to be informed by feedback and a commitment to continuous improvement. In 2022–23 we introduced a new feedback mechanism: at the end of a matter, we invite people who make complaints and notifications to provide their feedback about our processes via a feedback survey.
- We participate in engagement and community education activities to raise awareness of our complaints and notifications processes.

Our priorities for 2022–23 to 2023–24

Implement the regulatory framework for the conduct of registered and unregistered workers.

Put in place procedures for receiving, assessing and acting on notifications and complaints.

Put in place monitoring, evaluation and continuous improvement processes for complaints and notifications.

Raise awareness of the Scheme’s complaints and notifications process.



Pillar 2 Registration



Outcome by 2024: The percentage of the disability workforce that is registered is growing steadily.

Description

Disability worker registration aims to achieve a safer, stronger disability sector. Registration supports a high-quality disability workforce by ensuring the Board independently assesses every worker's suitability.

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 provide is funded.

Highlights in 2022–23

- The number of registered workers grew in 2022–23. The public register of Victorian disability workers allows anyone to search the registration status of Victorian disability workers. View the [Register of Victorian disability workers website](https://portal.vdwc.vic.gov.au/publicregister) <portal.vdwc.vic.gov.au/publicregister>.
- Disability support workers and disability practitioners registered in 2021–22 became eligible to apply to renew their registration for another year from 1 October 2022 to 30 September 2023. This was the first renewal period since Victorian disability worker registration started. Almost 90 per cent of registered workers renewed their registration.

- Registered disability workers were required to undertake at least 10 hours of continuing professional development activities during the 2022–23 registration year.
- Disability worker registration and renewal was free. Workers without qualifications could apply and have their skills and experience taken into account.
- Legislation passed to enable the Board to accept a current NDIS worker screening clearance in lieu of checking the criminal history of an applicant for registration. Once proclaimed this will enable the Commission to streamline the application process for workers who have a current NDIS worker screening clearance.

Our priorities for 2022–23 to 2023–24

Build knowledge of the benefits of registration for disability workers, their employers and people with disability, their families, carers and advocates.

Ensure the registration process is simple, quick and easy to use.

Promote registration to disability workers.

Build demand for registered disability workers from people with disability, their families, carers, advocates and service providers.

Pillar 3 Workforce standards



Outcome by 2024: Our standards for registration and training improve the knowledge and capability of the workforce.

Description

Establishing workforce standards and appropriate training is key to improving the quality of disability work. It will also lift standards of disability services across Victoria.

These workforce standards form part of the assessment of an applicant's suitability to be registered as a disability worker. Lifting these standards contributes to disability workers delivering high-quality and safe disability services. This in turn keeps people with disability safe when receiving these services.

Lifting workforce standards also contributes to raising the perception of the workforce. It provides a mechanism for registered workers to demonstrate their competencies and professionalism in providing disability services.

Highlights in 2022–23

- The continuing professional development (CPD) standard became active on 1 October 2022 requiring registered disability workers to complete 10 hours of CPD annually.
- The Board approved and published a CPD guide to support the standard, helping disability workers to understand the requirements of the standard and providing guidance on good CPD practice and where to find suitable courses.
- The Registration Standards Guidelines and Accreditation Committee is working with the Commission to develop an online resource of training and education courses. This resource will assist registered disability workers to more easily source CPD and encourage all disability workers to continue to improve their skills and knowledge for providing quality support services to people with disability.

Our priorities for 2022–23 to 2023–24

Develop a roadmap to guide the development of guidelines, standards and accreditation.

Prioritise standards for registration of disability support workers.

Collaborate with organisations, including employers, to develop the workforce through curricula, qualifications and training.

Strengthen the Commission's capability, capacity and resources to develop standards.

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:

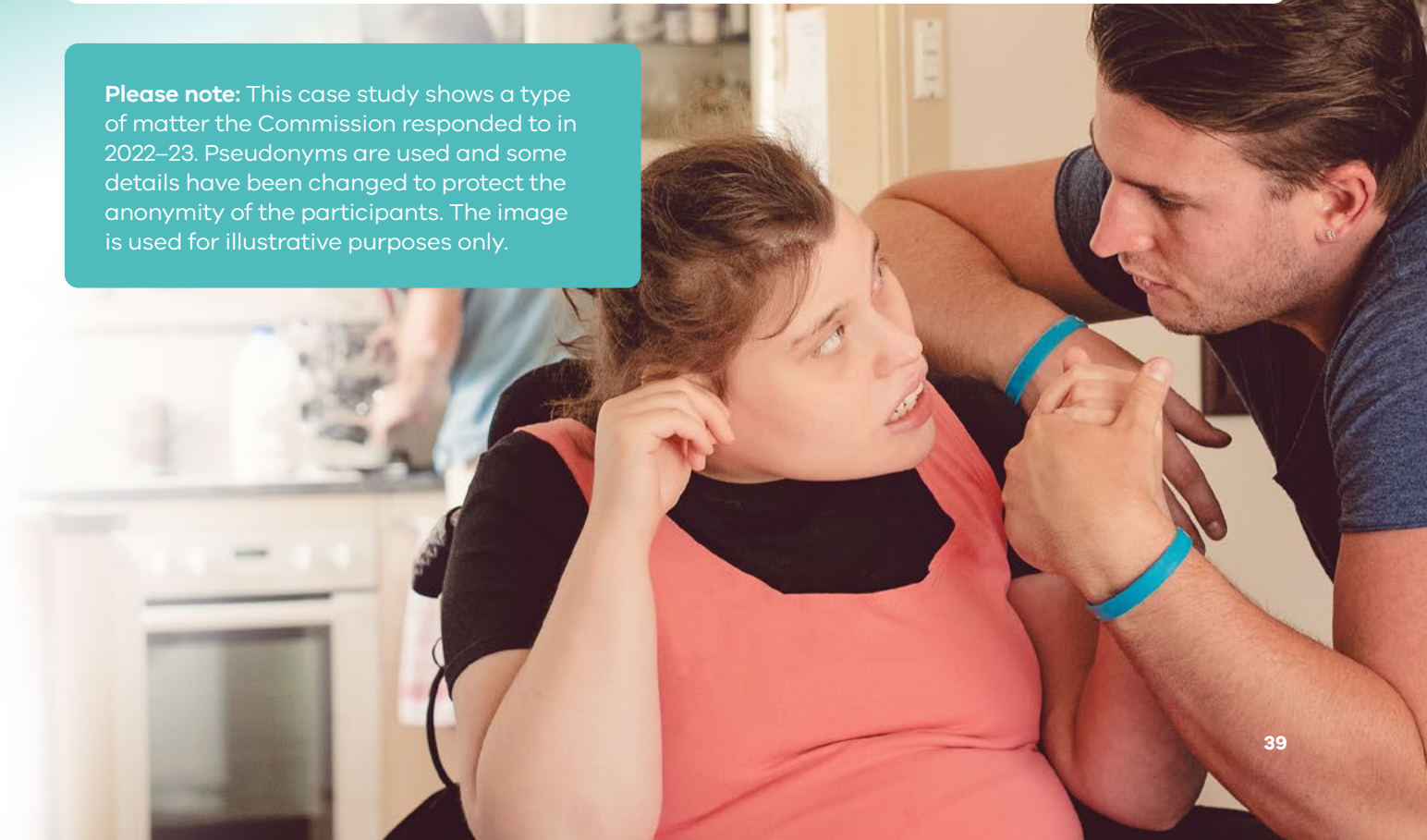
Clause 3: Provide support and services in a safe and competent manner with care and skill

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.



Pillar 4 Engagement and communications

Outcome by 2024: People with disability, their families, carers and advocates, disability workers and service providers understand and have confidence in the Scheme and its processes.

Description

The primary aim of the Commission’s communications and engagement is to build awareness and understanding of the Scheme and the roles of the Commission and the Board across the disability sector and the broader community.

A core part of this work is providing information and resources and communicating our role through engagement activities.

Strengthening our relationships with the community, disability sector and other major stakeholders is essential to meeting our objectives.

Highlights in 2022–23

- We conducted a public awareness and information campaign for disability worker registration (throughout June–August 2022).
- We engaged the Department of Premier and Cabinet’s Behavioural Insights Unit to recommend strategies to increase worker registration numbers and engaged the Board’s Communications Advisory Group on registration communication and engagement activities including these strategies.
- We provided a range of ways for the community to contact us for enquiries or information, including through e-newsletters, our website and social media.

- We hosted and took part in various information sessions about the Scheme for the disability sector, often in partnership with other stakeholders.
- We participated in major disability conferences and events including speaking engagements, workshops, exhibition booths and providing educational resources.
- We produced extensive in-language and Auslan resources, as well as closed captioning for events.
- We made submissions to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and to other regulators and legislative reviews.

Our priorities for 2022–23 to 2023–24

Work with other regulators and agencies in Victoria and nationally to:

- achieve quality and safety outcomes for people with disability
- avoid unnecessary duplication of effort.

Build awareness of the role of the Board and Commission.

Further strengthen our relationships with the community, sector and our stakeholders.

Build our capability to engage and consult.

Pillar 5 Enablers

Outcome by 2024: The Board, Commissioner and Commission work collaboratively and are well supported to develop and operate the Scheme.

Description

The strong performance of and working relationship between the Commissioner, the Board and the Commission is fundamental to an accessible, effective and sustainable Scheme.

The work under this pillar is central to the success of the Scheme, from maintaining strong values and principles, to supporting the Commission with the necessary technology and evidence that can showcase our impact.

Highlights in 2022–23

- We developed a regulatory approach that underpins the way we implement the Scheme.
- We improved the way we present our performance data as part of a wider effort to improve the use of our data and evidence. This was followed by monthly performance meetings discussing trends and performance indicators.
- The way we capture, store, report and monitor information out of our central database was considerably improved.
- We successfully completed the transition from COVID and working from home, to post-COVID, and combining working from home and working from the office.
- The Board and the Commission explored and implemented new ways of working together to boost internal efficiencies.

- The Board and Commission prepared quarterly regulatory management agreement reports.
- The Commission developed a stakeholder engagement plan, which will be implemented in 2023–24.

Our priorities for 2022–23 to 2023–24

The Board, Commissioner and Commission have:

- shared values and principles
- a complementary partnership, underpinned by a respectful empowering and learning culture
- high-performing teams that draw on each other’s strengths
- the necessary resources, capacity and capability
- supporting technology hardware systems and applications

The Board, Commissioner and Commission collaboratively develop a regulatory approach that, is evidence-informed, risk-based, responsive and balanced.

Progressively build an evidence-based understanding of the Scheme’s impact, strengths and shortcomings, and ways these may be addressed.

2022–23 financial information

Financial performance

Pursuant to a determination by the Assistant Treasurer on 21 March 2021, the financial statements of the Board and the Commission are prepared and consolidated with the financial statements of the Department of Families, Fairness and Housing. Disclosures required under the Financial Management Act, Standing Directions and Financial Reporting Directions as notes to the financial statements are referenced in the department's annual report.

Table 2 lists the principal operating expenses the Commission and Board incurred in 2022–23.

Table 2: Commission and Board operating expenses, 2022–23

Expenditure item	Amount (\$)
Staffing employee expenses	6,000,874
Other operating expenses	4,112,610
Depreciation	10,287
Grants and sponsorships	34,000
Total	10,157,771

Scheme funding

The DSS Act establishes a Disability Worker Regulation Fund, administered by the Commission (s 277).

Payments to the fund include:

- all fees, fines and penalties paid to the Board or the Commission
- any other funds the Board receives
- any money the Commission receives from the public account.

A budget of \$10.094 million for 2022–23 was identified in the 2021–22 State Budget. Funding of \$11.4 million was allocated in the 2023–24 State Budget to further establish and operate the Scheme.

Financial management compliance attestation

I, Daniel Stubbs, on behalf of the Responsible Body, certify that the Victorian Disability Worker Commission has no material compliance deficiency with respect to the applicable Standing Directions under the *Financial Management Act 1994* and Instructions.



Dan Stubbs
Victorian Disability Worker Commissioner
Victorian Disability Worker Commission

Date signed: 29 September 2023

I, Melanie Eagle, on behalf of the Responsible Body, certify that the Disability Worker Registration Board of Victoria has no material compliance deficiency with respect to the applicable Standing Directions under the *Financial Management Act 1994* and Instructions.



Melanie Eagle
Chairperson
Disability Worker Registration Board of Victoria

Date signed: 29 September 2023

Compliance

Amending Scheme legislation

The *Disability and Social Services Regulation Amendment Act 2023* received royal assent on 23 May 2023. It made changes to various Acts to improve safeguards, rights and protections for Victorians with disability.

It amended the DSS Act to remove duplicative requirements for criminal history checks for people applying to become registered disability workers.

The changes enable the Board to check applicants' NDIS worker clearance status instead of obtaining and assessing their criminal history. This reflects that the NDIS and Scheme have the same criminal history requirements.

These changes come into operation upon proclamation, which did not take place in the reporting period.

Government advertising expenditure

The advertising and campaign expenditure for the Commission in 2022–23 is listed in Table 3.

Table 3: Advertising and campaign expenditure 2022–23

Campaign	Summary	Start and end dates	Advertising (media) expenditure (excl. GST)	Creative and campaign development expenditure (excl. GST)	Research and evaluation expenditure (excl. GST)	Print and collateral expenditure (excl. GST)	Other campaign expenditure (excl. GST)	Total
Disability Worker Regulation Scheme Public Awareness Campaign – Phase 4 (Complaints Campaign)	To build awareness and understanding of the complaints process and to motivate audiences to seek information	March to April 2022*	\$69,852	Nil	Nil	Nil	Nil	\$69,852
Disability Worker Regulation Scheme Public Awareness Campaign – Phase 5 (Registration)	To build awareness and understanding of registration and how to register	June to August 2022	\$135,414	\$46,286	\$79,977	\$6,834	\$29,874	\$298,386

Notes: *Some invoices received in 2022-23 financial year.

Disclosure of ICT expenditure

The ICT expenditure for the Commission in 2022–23 is listed in Table 4.

Table 4: ICT expenditure 2022–23

Business as usual ICT expenditure (\$)	Non-business as usual ICT expenditure			Total ICT expenditure (\$)
	Operational (\$)	Capital (\$)	Sub-total (\$)	
509,689	343,636	Nil	343,636	853,325

Disclosure of major contracts

The Commission and Board did not enter into any major contracts during 2022–23. A major contract is one valued at \$10 million or more.

Public sector values and employment principles

The Public Administration Act outlines the values and employment principles that apply to the public sector.

The Commission complies with these employment principles and regularly updates its policies and procedures to advance them. Our employment policies and practices, including the Victorian public service common policies, are consistent with the principles. For example, merit and equity in selection processes ensure applicants are assessed and evaluated fairly and equitably based on key selection criteria and other accountabilities without discrimination.

The Commission's staff are employed under the Victorian Public Service Enterprise Agreement 2020.

No time has been lost as a result of industrial relations disputes.

The Commission makes the health, safety and wellbeing of our staff a priority.

Workforce data

Appendix 2: Workforce data provides an analysis of the Commission's employee workforce composition such as gender balance, age demographics, headcount and other workforce-related analytics.

The Board has no employees.

Occupational health and safety

The Commission makes the health, safety and wellbeing of our staff a priority. This commitment as an employer is embedded in the Victorian Public Service Enterprise Agreement 2020 and associated common policies.

The goal of the Commission's occupational health and safety policy is to ensure all staff (and all others who access the Commission's premises), remain safe and healthy at work with a continued commitment to occupational health and safety compliance, active risks and hazards assessment and control.

The Commission works closely with the Department of Families, Fairness and Housing's Health, Safety and Wellbeing team to adopt their up-to-date health and safety procedures and guides. A focus on mental wellbeing is also part of the Commission's strategy. Two staff members completed their mental health first aid certification to help support and create a safe workplace for employees, with particular focus on their mental wellbeing.

In relation to COVID-19, the Commission continues to apply relevant COVIDSafe procedures, consulting with staff, adapting any relevant or pertinent measures and implementing these measures as needed. We are keeping pace with contemporary requirements and operational practice.

Staff elect a health and safety representative to represent their views on health and safety to the Commission. The representative can inspect any Commission and Board workplace in the event of an incident or a situation where there is an immediate risk to health and safety. They can also take part in investigations when an incident or injury has occurred. Various occupational health and safety positions, namely fire wardens, floor warden, designated management representative and first aid representative, were recently reviewed and filled. Elected representatives undergo relevant certifications and refresher training.

The performance outcomes for 2022–23 were:

- number of reported hazards or incidents – **nil**
- number of 'lost time' standard claims – **nil**
- average cost per claim (including payments to date and an estimate of outstanding claim costs as advised by WorkSafe) – **nil**.

Freedom of Information Act

The *Freedom of Information Act 1982* (FOI Act) gives the public access to documents held by the Commission and the Commissioner.

The purpose of the FOI Act is to extend, as far as possible, the right of the community to access information held by:

- government departments
- local councils
- ministers
- other bodies subject to the FOI Act.

This applies to documents both created by agencies and supplied to agencies by an external organisation or individual.

Information about the type of material produced by the Commission and Commissioner is available on our website <www.vdwc.vic.gov.au/about/part-ii-statement-under-freedom-information-act>.

The FOI Act allows an agency to refuse access to certain documents or information, either fully or partially. Examples of documents that may not be accessed include:

- Cabinet documents
- some internal working documents
- law enforcement documents
- documents covered by legal professional privilege such as legal advice
- personal information about other people
- information given to an agency in confidence.

FOI requests must generally be processed within 30 days. However, when external consultation is needed, processing time is 45 days. These timeframes may be extended in consultation with the applicant.

If an applicant is not satisfied with a decision we make about an FOI request, they can seek a review by the Office of the Victorian Information Commissioner (OVIC) within 28 days of receiving a decision letter (s 49A of the FOI Act).

Making a request

To make an FOI request, email the Commission's FOI Officer <foi@vdwc.vic.gov.au>.

An application fee applies. Access charges may also be payable if the document request is large and the search for material is time consuming.

When making FOI requests, applicants should ensure requests:

- are in writing
- clearly identify the type of material or documents being sought
- include the relevant fee.

Freedom of information statistics

During the reporting period, the Commission and Commissioner received no requests under the FOI Act. The Commission and Commissioner were not required to make any FOI decisions in the reporting period.

During the reporting period, no requests were subject to a complaint or internal review by OVIC. No requests went to the Victorian Civil and Administrative Tribunal.

More information

More on the operation and scope of FOI is on the OVIC website <<https://ovic.vic.gov.au/freedom-of-information>>.

Access to information

The Commission and Board disclose information online and through printed publications.

We also provide information services:

- in person
- by phone
- in our annual report
- on our website <www.vdwc.vic.gov.au>.

Competitive neutrality policy

Where services compete or may compete with the private sector, government businesses must ensure any advantage arising solely from government ownership be removed if it is not in the public interest.

Government businesses must cost these services as if they were privately owned.

Competitive neutrality policy supports fair competition between public and private businesses. It gives government businesses a tool to improve resource allocation decisions. This policy does not override other policy objectives of government. It focuses on efficiency in providing services.

The nature of the functions of the Board and Commission as independent regulators do not fall within the scope of the competitive neutrality policy.

Public Interest Disclosures Act

The *Public Interest Disclosures Act 2012* (PID Act) encourages and helps people to make a disclosure about corrupt or improper conduct by a public officer or a public body.

The PID Act protects people who make disclosures in line with the Act. It also sets up a system for the matters disclosed to be investigated and rectified.

The Commission, the Commissioner and the Board are subject to the PID Act.

The entities are committed to the aims and objectives of the PID Act. They recognise the

value of transparency and accountability in administrative and management practices. They support disclosures that reveal improper conduct or detrimental action.

The entities have established procedures for public interest disclosures. They have processes to protect people from detrimental action in reprisal for making a public interest disclosure.

The procedures are available on our website <www.vdwc.vic.gov.au/about/public-interest-disclosures>.

Making a public interest disclosure

Under the PID Act, the Commission and Board cannot receive public interest disclosures.

Contact the Independent Broad-based Anti-Corruption Commission (IBAC) to make a public interest disclosure about improper conduct or detrimental action committed by:

- the Board or its members
- the Commission or its officers or employees
- the Commissioner.

Contact IBAC:

- **by mail** – Independent Broad-based Anti-Corruption Commission, GPO Box 24234, Melbourne VIC 3001
- **online** – IBAC website's 'Report corruption or misconduct' page <www.ibac.vic.gov.au/report>
- **by phone** – 1300 735 135.

Additional information available on request

In compliance with the requirements of the Standing Directions 2018 of the Minister for Finance (FRD 22), details in respect of the following items (where applicable to the entities) have been retained:

- a statement that declarations of pecuniary interests have been duly completed by all relevant officers
- details of shares held by a senior officer as nominee or held beneficially in a statutory authority or subsidiary
- details of publications produced by the entities and how these can be obtained
- details of changes in prices, fees, charges, rates and levies charged by the entities

- details of any major external reviews carried out on the entities
- details of major research and development activities undertaken by the entities
- details of overseas visits undertaken, including a summary of the objectives and outcomes of each visit
- details of major promotional, public relations and marketing activities undertaken by the entities to develop community awareness of the entities and their services
- details of assessments and measures undertaken to improve the occupational health and safety of employees
- a general statement on industrial relations within the entities and details of time lost through industrial accidents and disputes
- a list of major committees sponsored by the entities, the purposes of each committee and the extent to which the purposes have been achieved
- details of all consultancies and contractors including consultants or contractors engaged, services provided and expenditure committed for each engagement.

This information is available on request, subject to the provisions of the FOI Act, other applicable laws and policies. To request this information, email the Commission's FOI Officer <foi@vdwc.vic.gov.au>.

Building Act

The Commission and Board do not own or control any government buildings. Because of this, we are exempt from notifying compliance with the building and maintenance provisions of the *Building Act 1993*.

Local Jobs First Act

The *Local Jobs First Act 2003*, introduced in August 2018, brings together the Victorian industry participation policy and Major project skills guarantee policy. These were previously administered separately.

Government departments and public sector bodies must apply the Local jobs first policy in all projects valued at:

- \$3 million or more in metropolitan Melbourne or for statewide projects
- \$1 million or more for projects in regional Victoria.

No procurements initiated by the Commission or Board in the reporting period were assessed as falling within the policy.

Disability Act

The *Disability Act 2006* reaffirms and strengthens the rights of people with disability. The Act recognises that this needs support across the government sector and within the community.

The Commission and Board actively seek to provide services in a way that reduces barriers and promotes the inclusion and participation of people with disability.

The Commission supports the government's *Inclusive Victoria: state disability plan 2022–26* and *Getting to work: Victorian public sector disability employment action plan 2018–2025*. This is a long-term employment plan for people with disability in the public sector.

The government's action plan target was 6 per cent representation by 2020 and 12 per cent by 2025. The Commission's priority and target for employing people with disability is 20 per cent. This target was met in 2022–23.

The Commission has also adopted the *Disability confident recruitment guide*, which helps recruiting managers to:

- improve their ability to recruit talented people with disabilities
- ensure recruitment processes are inclusive and barrier-free for all candidates.

The Commission also participates in the Australian Network on Disability's Stepping Into intern program. This is a paid internship scheme that matches talented university students with disability with supporting organisations.

Consistent with the functions of the Board, the Act requires that at least three members of the Board are people with disability.

Carers Recognition Act

The Commission and Board support the principles of the *Carers Recognition Act 2012* to recognise the importance of carers and care relationships in our community.

The principles and obligations of the Act are encompassed within:

- the VPS Enterprise Agreement
- VPS common policies
- flexible working arrangement guidelines, which support staff in their roles as carers.

Office-based environmental impacts

The Commission is committed to reducing our environmental footprint by promoting awareness and reducing environmental impacts.

The Commission has 51 personnel (VPS and contractors) and an accommodation space of 578 square metres.

The Commission aims to minimise electricity use by using efficient appliances and office equipment, including energy-efficient lighting.

The Commission uses 100 per cent recycled paper, creates and stores records electronically and encourages double-sided printing.

The Commission also separates waste systems into recycled, glass, landfill and compost.

Staff are encouraged to use public transport for business activities.

Consultancy expenditure

Details of consultancies valued at \$10,000 or greater

In 2022–23 there were three consultancies where the total fees payable to the consultants were \$10,000 or greater. The total expenditure incurred during 2022–23 in relation to these consultancies is \$66,037 (excluding GST).

Table 5: Consultancies valued at \$10,000 or greater 2022-23

Consultant	Purpose of consultancy	Total approved project fee (\$) (excl. GST)	Expenditure 2022–23 (\$) (excl. GST)	Future expenditure (\$) (excl. GST)
M Blomfield Consulting	Options for organisation structure	31,426	29,637	Nil
Simon Corden Public Policy Consulting	Options for organisational structure and current state mapping and design	18,975	18,000	Nil
Votar Partners	Business continuity plan and disaster recovery review	20,240	18,400	Nil

Details of consultancies under \$10,000

No consultancies were engaged in 2022–23 where the total fees payable to the individual consultancy were less than \$10,000.

Declaration of pecuniary interests

All Commission officers exercising a financial delegation have completed a declaration of pecuniary interest in line with the Commission's delegation and conflict of interest policies.

Disclosure of grants and sponsorships

In 2022–23 the Commission provided sponsorships totalling \$34,000 (excluding GST).

Table 6: Sponsorships 2022-23

Sponsorship	Purpose	Date	Expenditure 2022–23 (\$) (excl. GST)
University of Melbourne	Virtual Disability Conference	21 September 2022	3,000
VALID	Having a Say Conference	20–21 February 2023	25,000
National Disability Services	National Disability Practitioners Workforce Virtual Conference	20 June 2023	6,000

Compliance with DataVic access policy

The Commission and Board are subject to the DataVic access policy. No data was provided to DataVic in the reporting period.

Case study

Notification from an employer

Notification

We received a mandatory notification from an employer about a disability worker, Adam, who was rostered on a sleepover shift at Billy's accommodation service.

The notifiable conduct alleged Adam had left the accommodation service for approximately 45 minutes, leaving Billy alone and unsupervised.

What we did

We advised Adam of the alleged notifiable conduct reported to the Commission.

Adam initially said he was out the front of the accommodation service on his phone but later acknowledged that he'd left the premises to buy takeaway food after Billy had gone to bed.

We obtained a copy of Billy's individual support profile, which detailed his requirement for one-to-one supervision overnight.

We further obtained a copy of the incident report made by the disability service provider's regional manager, who had visited the accommodation service after 10.00 pm to find Billy alone and unsupervised.

Outcome

Adam was counselled on 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 Adam was made on the available evidence that showed he had left Billy unsupervised for a period of approximately 45 minutes and he had failed to inform a manager that he was leaving the accommodation service.

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.

Appendix 1: Disclosure index

The Commission and Board's consolidated annual report is prepared in line with all relevant Victorian legislation and pronouncements. This index helps identify the Commission and Board's compliance with statutory disclosure requirements, particularly Financial Reporting Directions (FRD) and Ministerial Standing Directions (SD).

Charter and purpose

Legislation	Requirement	Page
FRD 22I	Manner of establishment and responsible minister	11–15
FRD 22I	Nature and range of services provided	11–15
FRD 22I	Functions, powers and duties	11–15, 22–25
FRD 22I	Performance reporting (non-financial) – operational	30–37, 40–41
FRD 22I	Summary of the financial results for the year	42
FRD 22I	Major changes or factors affecting performance	30

Governance and organisational structure

Legislation	Requirement	Page
FRD 22I	Organisational structure and corporate governance	13–15, 20–23
FRD 22I	Board's role and membership	20–22
FRD 22I	Audit and Risk Committee membership	22
FRD 22I	Employment and conduct principles	45

Workforce data

Legislation	Requirement	Page
FRD 22I	Public sector values and employment principles	45
FRD 22I	Occupational health and safety	45
FRD29B/FRD 22I	Workforce data disclosures	45, 54–56
FRD 22I	Workforce inclusion policy	45
FRD 10A	Disclosure index	52–53
FRD 15	Executive officer disclosure	55

Other disclosures as required by FRDs

Legislation	Requirement	Page
FRD 25D	Local Jobs First	48
FRD 29	Workforce data disclosures	54–56
FRD 22I	<i>Disability Act 2006</i>	48
FRD 22I	Disclosure of government advertising expenditure	44
FRD 22I	Details of consultancies over \$10,000	50
FRD 22I	Details of consultancies under \$10,000	50
FRD 22I	Disclosure of ICT expenditure	45
FRD 12B	Disclosure of major contracts	45
	Declaration of pecuniary interests	47, 50
FRD 22I	Application and operation under the <i>Freedom of Information Act 1982</i>	46–47
FRD 22I	Compliance with the <i>Building Act 1993</i>	48
FRD 22I	Statement on competitive neutrality policy	47
FRD 22I	Application of the <i>Public Interest Disclosures Act 2012</i>	47
FRD 24D	Reporting on office-based environmental impacts	45
FRD 22I	Statement of availability of other information available on request	47

Compliance attestation and declaration

Legislation	Requirement	Page
SD 5.1.4	Attestation for compliance with Ministerial Standing Directions	62–64
SD 5.2.3 (c)	Declaration in the report of operations	1

Legislation

Legislation	Page
<i>Freedom of Information Act 1982</i>	46–47
<i>Building Act 1993</i>	48
<i>Public Interest Disclosures Act 2012</i>	47
<i>Local Jobs First Act 2003</i>	48
<i>Financial Management Act 1994</i>	1, 12, 22, 42–43
<i>Public Administration Act 2004</i>	14, 15, 22, 45, 54
<i>Disability Act 2006</i>	48
<i>Carers Recognition Act 2012</i>	49

Appendix 2: Workforce data

The workforce data in Tables 7 and 8 captures the headcount (number of employees) and full-time staff equivalent (FTE) / time fractions of all active Commission employees. The data reflects the last full pay period in June 2023.

The data does not capture:

- external contractors or consultants
- temporary staff employed through employment agencies
- people who are not employees but are appointees to a statutory office, as defined in the *Public Administration Act 2004*.

Table 7: Workforce data as of June 2023

	All employees		Ongoing			Fixed term and casual	
	Number (headcount)	FTE	Full-time (headcount)	Part-time (headcount)	FTE	Number (headcount)	FTE
Gender							
Women	29	26.2	17	8	22.9	4	3.3
Men	12	12.0	9	0	9.0	3	3.0
Self-described	0	0.0	0	0	0.0	0	0.0
Age							
15–24	0	0.0	0	0	0.0	0	0.0
25–34	5	5.0	5	0	5.0	0	0.0
35–44	17	14.6	7	6	11.3	4	3.3
45–54	11	10.8	8	1	8.8	2	2.0
55–64	6	6.0	5	0	5.0	1	1.0
65+	2	1.8	1	1	1.8	0	0.0
Classification							
VPS 1–6 grades	40	37.2	26	8	31.9	6	5.3
VPS 3	5	4.6	2	0	2.0	3	2.6
VPS 4	11	10.7	9	1	9.7	1	1.0
VPS 5	15	13.8	10	4	12.8	1	1.0
VPS 6	9	8.1	5	3	7.4	1	0.7
Executives	1	1.0	0	0	0.0	1	1.0
Total employees	41	38.2	26	8	31.9	7	6.3

Table 8: Workforce data as of June 2022

	All employees		Ongoing			Fixed term and casual	
	Number (headcount)	FTE	Full-time (headcount)	Part-time (headcount)	FTE	Number (headcount)	FTE
Gender							
Women	25	22.5	12	7	17.1	6	5.4
Men	13	13.0	10	0	10.0	3	3.0
Self-described	0	0.0	0	0	0.0	0	0.0
Age							
15–24	0	0.0	0	0	0.0	0	0.0
25–34	4	4.0	3	0	3.0	1	1.0
35–44	17	15.7	9	4	12.9	4	2.8
45–54	12	11.2	6	3	8.2	3	3.0
55–64	4	4.0	4	0	4.0	0	0.0
65+	1	0.6	0	0	0.0	1	0.6
Classification							
VPS 1–6 grades	37	34.5	22	7	27.1	8	7.4
VPS 2	0	0	0	0	0	0	0
VPS 3	3	3.0	2	0	2.0	1	1.0
VPS 4	11	11.0	10	0	10.0	1	1.0
VPS 5	12	10.8	6	4	8.8	2	2.0
VPS 6	11	9.7	4	3	6.3	4	3.4
Executives	1	1.0	0	0	0.0	1	1.0
Total employees	38	35.5	22	7	27.1	9	8.4

Table 9 shows the annualised total salary for the Commission's senior employees (by \$20,000 bands, for executives and other senior non-executive staff).

Table 9: Annualised total salary of senior employees

Income band, 2022–23 (full-time annualised salary)	Executive officers	Senior technical specialists
\$220,000–\$239,999	1	Nil
Total	1	Nil

Appendix 3: Scheme safety and compliance, and registration data

Disability worker registration

Table 10: Disability workers registered as of 30 June 2023

Number of registrations	
Total	572

Registration applications: 1 July 2022 to 30 June 2023

Table 11: Applications received, 2022–23

Application status	Number of applications	% Per cent
Registration granted	232	56.9
Withdrawn under section 153(5)	64	15.7
Withdrawn by applicant	56	13.7
Application remains open	56	13.7
Total applications received	408	100.0

Table 12: Applications received by division, 2022–23

Division	Number of applications	% Per cent
Disability practitioner	47	11.5
Disability support worker	361	88.5
Total	408	100.0

Table 13: Applications received by pathway, 2022–23

Pathway	Number of applications	% Per cent
Training	25	6.1
Experience	84	20.6
Qualifications	299	73.3
Total	408	100.0

Table 14: Applicant received by demographics – age, 2022–23

Age range	Number of applications	% Per cent
Under 20 years	5	1.2
20 to 29 years	74	18.1
30 to 39 years	108	26.5
40 to 49 years	120	29.4
50 to 59 years	79	19.4
60 years or older	22	5.4
Total	408	100.0

Table 15: Applicant received by demographics – gender, 2022–23

Gender	Number of applications	% Per cent
Women	270	66.18
Men	138	33.82
Total	408	100.0

Table 16: Applications decided, 2022–23

Application status	Number of applications	% Per cent
Registration granted	254	63.50
Withdrawn under section 153(5)	80	20.00
Withdrawn by applicant	64	16.00
Application remains open	2	0.50
Total applications decided	400	100.0

Registration renewal applications 1 July 2022 to 30 June 2023

Table 17: Applications granted, 2022–23

Application status	Number of applications	% Per cent
Registration granted	331	100.0
Total	331	100.0

Enquiries, complaints and investigations

The Commission is committed to ensuring our service is accessible and responsive.

We continue to provide guidance on the Disability Worker Regulation Scheme for people with disability, families, carers, disability workers and service providers. This includes advice to disability workers and their employers on their obligations under the *Disability Service Safeguards Act 2018*.

We offer a range of ways for people to contact us:

- our website
- dedicated phone line
- emails
- referrals.

To ensure responsiveness, we have a ‘no wrong door’ approach. This means that not only do we support people contacting us, we work closely with other entities to help people to get to the right place.

In our third year of operations, the reason for most people contacting us (64.81 per cent) was to make an enquiry, as the sector continued to engage with us to understand the Scheme.

Table 18: Number of contacts, 2022–23

Type of contact	Number	% Per cent
Complaint	63	13.5
Enquiry	302	64.8
Notification	101	21.7
Total	466	100.0

Table 19: Complaints by mode of submission, 2022–23

Mode of submission	Number	% Per cent
Email	10	15.9
Phone	28	44.4
Website	23	36.5
In person	1	1.6
Referral from other entity	1	1.6
Total	63	100.0

Most notifications were made using the complaints and notification form on our website or were received by email. Feedback from service providers suggests they have found the website to be more convenient, particularly as they become more familiar with the Scheme and their notification obligations.

Enquiries regarding complaints or notifications

Table 20: Enquiries by mode of submission, 2022–23

Mode of submission	Number	Per cent
Email	66	21.9
In person	4	1.3
Phone	95	31.5
Referral from other entity	11	3.7
Website	126	41.7
Total	302	100.0

Table 21: Notifications by mode of submission, 2022–23

Mode of submission	Number	Per cent
Email	28	27.7
Phone	16	15.8
Website	57	56.4
Total	101	100.0

Table 22: Mode of submission for all matters, 2022–23

Mode of submission	Number	Per cent
Email	104	22.3
In person	5	1.1
Phone	139	29.8
Referral from other entity	12	2.6
Website	206	44.2
Total	466	100.0

Table 23: Notifications by type of conduct for matters closed, 2022–23

Conduct	Number	Per cent
Sexual misconduct – s 58(b)	12	10.1
Worker’s capacity to practice as a disability worker – s 58(c)	3	2.5
Intoxication while practising – s 58(a)	4	3.4
Significant departure from accepted professional standards – s 58(d)	100	84.0
Total	119	100.0

Table 24: Notifications by type of service given by unregistered disability worker, 2022–23

Type of service	Number	Per cent
Accommodation supports (including specialist disability accommodation and supported independent living)	66	65.3
Day services	2	2.0
In-home supports	24	23.8
Facility-based respite care	5	5.0
Employment assistance	2	2.0
Support to participate in community, social and civic activities	2	2.0
Total	101	100.0

As shown in Table 24, notifications received about unregistered disability workers were mostly about:

- disability services in supported independent living (or group homes) – 65 per cent
- in-home support – 24 per cent.

Table 25: Notifications received by notifier type, 2022–23

Notifier	Number	Per cent
Colleague or other disability worker	14	13.9
Employer	87	86.1
Total	101	100.0

Table 25 shows that most notifications received in 2022–23 about disability workers were made by the employer (86 per cent).

Table 26: Outcomes of notifications closed, 2022–23

Action taken	Number	Per cent
Counselling	71	59.7
No further action	48	40.3
Total	119	100.0

Table 26 shows that of the 119 closed notifications, 71 (60 per cent) were closed with the Commission deciding to counsel the disability worker. This means that the disability worker was given education on the Code of Conduct and their obligations under the Disability Service Safeguards Act.

Making a complaint

The Commission manages complaints about disability workers providing disability services. Complaints can be made by anyone in the community who is concerned about the professional conduct of a worker.

A person can make a complaint about a disability worker’s professional conduct including:

- the standard of the disability services provided by the disability worker
- the knowledge, skill or judgement possessed by the disability worker
- the disability worker’s suitability to hold registration
- the disability worker’s capacity to practise in a safe manner
- alleged breaches of the Disability Service Safeguards Act, or an approved code of conduct
- notifiable conduct.

Notifications

Disability workers and employers must tell us about any concerns that a disability worker may be putting safety at risk. These matters are called ‘notifications’. There are four types of notifiable conduct:

- intoxication when practising
- sexual misconduct while practising
- having an impairment that detrimentally affects a worker’s capacity to practise safely
- placing a person or the public at risk of harm because of a significant departure from accepted professional standards.

Most mandatory notifications about unregistered disability workers closed in 2022–23 were about conduct considered a significant departure from accepted professional standards (82 per cent). Smaller numbers of reports were about:

- alleged sexual misconduct while practising
- an impairment that may detrimentally affect a worker’s capacity to practise safely
- being intoxicated by alcohol or drugs while practising.

Unregistered disability workers were employed by an NDIS provider in 98 per cent of notifications closed during 2022–23.

All matters about workers employed by NDIS registered service providers were referred to the NDIS Quality and Safeguards Commission, as required by the *Disability Service Safeguards Act 2018*.

Forty-eight matters needed no further action. This is mostly because there was not enough information available to the Commission about the alleged conduct.

With the Disability Service Safeguards Act imposing new obligations, deciding to counsel the worker may often be a proportionate response. This compliance focus aims to ensure disability workers fully understand their obligations. As the Scheme becomes more mature and expectations and understanding of regulatory obligations improve, a proportionate response is likely to include a wider range of compliance and enforcement tools.

Complaints

Table 27: Complaints received in 2022–23, by initiator

Initiator	Number	Per cent
Service user	36	57.1
Advocate	2	3.1
Family member or friend	19	30.2
Other – community member	1	1.6
Other – government entity	5	7.9
Total	63	100.0

Table 27 shows that we received 63 complaints about unregistered disability workers.

57 per cent of complaints were made by a person receiving disability services in 2022–23.

This contrasts with only 72 per cent of complaints in 2021–22 from a person receiving a disability service.

The majority of complaints (49 per cent) related to services provided in the home.

For complaints closed in 2022–23, the vast majority of the unregistered disability workers worked for a registered NDIS service provider (63 per cent). In notifications closed, the unregistered disability workers worked for a registered NDIS service provider (98 per cent).

All matters about workers employed by NDIS registered service providers were referred to the NDIS Quality and Safeguards Commission, as required by the *Disability Service Safeguards Act*.

Similar to 2021–22, people raised a range of issues in complaints – some may have raised multiple issues.

The Commission classifies complaints by the primary issue raised by the complainant. In 2022–23 most complaints related to standard disability services, or the knowledge skills and judgement of the worker (Table 28).

Table 28: Primary issue raised in complaints closed, 2022–23

Type of conduct	Number	Per cent
Alleged contravention of the code of conduct s 33(e) Clause 1	2	3.9
Alleged contravention of the code of conduct s 33(e) Clause 6	1	1.9
Knowledge, skills or judgement of the disability worker	14	26.9
Standard of disability services	25	48.1
The disability worker's capacity to provide services safely	10	19.2
Total	52	100.0

As shown in Table 29, for complaints closed in 2022–23, 35 per cent were resolved by a worker being counselled. With the Code of Conduct being a new obligation, deciding to counsel the worker may often be a proportionate regulatory action. It is appropriate that the Commission educates workers on their obligations under the Act and the Code of Conduct. This focus aims to ensure disability workers fully understand their obligations.

Table 29: Outcomes of complaints closed, 2022–23

Action taken	Number	Per cent
Counselling	18	34.6
Settle by agreement	13	25.0
No further action taken	21	40.4
Total	52	100.0

Investigations

In 2022–23 the Commission worked on 18 investigations into the conduct of unregistered disability workers. Three of these investigations were started in 2022–23 (Table 30). Five investigations were completed in 2022–23.

The Commissioner issued 25 interim prohibition orders against 9 unregistered disability workers in 2022–23. An interim prohibition order prohibits an unregistered disability worker from providing all or specified disability services for up to 12 weeks.

Following an investigation, the Commissioner made one prohibition order against an unregistered disability worker prohibiting them from providing all disability services in Victoria for 8 years to avoid a serious risk to life, health, safety or welfare of a person or the health, safety or welfare of the public.

Table 30: Investigations started in 2022–23 – basis of investigation

Source	Number	Per cent
Notification	0	0.0
Own motion or Commissioner initiated	3	100.00
Total	3	100.0

Appendix 4: Progress against Ministerial Statement of Expectations

In April 2022, the Minister for Disability, Ageing and Carers issued Statements of Expectations, to the Commissioner and Board (Statement of expectations for the Commission and Commissioner, Statement of expectations for the Board).

The table shows our progress against these expectations in 2022-23.

Expectation	Progress at 30 June 2023
Regulatory practice	
Develop a risk-based and proportionate regulatory approach that prevents or minimises the risk of harm to people with a disability.	✓ Scheme regulatory approach published on website in May 2023.
Apply appropriate regulatory tools, ranging from education and guidance through to compliance and enforcement, to support a safer, stronger disability sector.	✓ Scheme regulatory approach sets out compliance and enforcement framework and regulatory tools including education, counselling, undertakings, reprimands, and prohibition orders which are available to disability workers, service users and external stakeholders.
Emerging risk and priorities	
Work effectively and collaboratively with State and Commonwealth government departments, peer agencies and the disability services sector to streamline information-sharing and administrative processes, prevent unnecessary duplication and minimise regulatory burden.	✓ Memorandum of understanding and informal ways of sharing information with state and Commonwealth regulators in place, including NDIS Quality and Safeguards Commission, Commission for Children and Young People, Mental Health Practitioner Regulation Agency and Victoria Police. Made 5 submissions to State and Commonwealth agencies and reviews in 2022-23.
Work with the Government, the disability sector and wider community to promote widespread uptake of registration.	✓ Produced and delivered: fact sheets, guidance materials, stakeholder engagement, events, sponsorship, social media, website content and e-newsletters to promote disability worker registration.
Implement efficient, accessible mechanisms for dealing with complaints and notifications about disability workers (including registered disability workers), supported by communication and engagement with persons with a disability and service providers to promote these channels so that: <ul style="list-style-type: none"> • persons with a disability can easily access and navigate the complaints channels and are supported to actively participate in the complaints resolution process • disability service providers and disability workers are aware of their mandatory notification obligations • disability workers understand the complaints and notifications processes, are treated with procedural fairness, and are advised of their rights to independent review of outcome decisions. 	✓ Implemented a no-wrong-door approach to complaints and notifications and implemented a wide range of channels that complaints and notifications can be made, including web portal, phone, email and in-person. ✓ Developed and implemented a communication and engagement strategy with a range of educational and information resources, available via the website, social media, and e-newsletters. All resources are available in different formats with a focus on accessibility and tailored to specific audiences including people with disability, their families and carers, disability workers and service providers. Also actively engaged with the sector and stakeholders by hosting or sponsoring events and information sessions as well as participating in external events.

Expectation	Progress at 30 June 2023
Emerging risk and priorities	
Analyse and report on data from complaints, notifications and investigations	<ul style="list-style-type: none"> • Annual public reporting in annual reports (2019-2021, 2021-22 and 2022-23).
Support the achievement of the following objectives in accordance with statutory role and functions, working with the disability sector and wider community. The Government’s objectives are to: <ul style="list-style-type: none"> • build the evidence base to better understand the drivers of job attraction for disability workers, satisfaction, and retention across the sector • improve sector attractiveness and creating the potential for a fulsome career • identify data gaps and coordinate the collection of consistent data across government entities and other agencies. This will also support more robust forecasts for sector supply and demand to enable workforce planning and inform government decision making and investment. 	<ul style="list-style-type: none"> • Engaged the Department of Premier and Cabinet's Behavioural Insights Unit to better understand the disability workforce to assist with identifying barriers to registration, and ways to address these barriers and increase the uptake of registration under the Scheme. Reviewing and clarifying registration standards to professionalise and upskill the disability workforce. Developing an online education and training resource to assist the disability workforce to identify and access relevant education and training opportunities.
Maintain and promote the register of prohibited unregistered disability workers to enable informed choice for persons with a disability and service providers in choosing disability workers: <ul style="list-style-type: none"> • keep the public register of unregistered workers subject to prohibition orders and interim prohibition orders in a manner that is accessible, accurate and up to date • publicise the register to the community, people with disability and disability service providers and provide guidance on how the register may be used. 	✓ The register of prohibited disability workers is accessible, accurate and up to date and is regularly promoted via newsletters, webinars, social media and other material. Over 400 people subscribe to receive updates when this register is updated when the Commissioner has prohibited a worker from working in the Victorian disability sector.
Maintain and promote the register of registered disability workers to enable informed choice for service users and to give service providers assurance when employing disability workers: <ul style="list-style-type: none"> • keep the public register of registered workers in a manner that is accessible, accurate and up to date • publicise the register of registered disability workers to the community, persons with a disability and disability service providers and provide guidance on how the register may be used. 	✓ The register of registered disability workers is accessible, accurate and up to date and is regularly promoted via newsletters, webinars, social media and other material.

Expectation	Progress at 30 June 2023
Emerging risk and priorities	
<p>Promote its work to Victorian disability workers, the community and other stakeholders to increase the number of complaints, notifications and investigations.</p>	<p>✓ Developed and implemented a communication and engagement strategy with a range of educational and information resources, available via the website, social media, and e-newsletters. All resources are available in different formats with a focus on accessibility and tailored to specific audiences including people with disability, their families and carers, disability workers and service providers. Also actively engaged with the sector and stakeholders by hosting or sponsoring events and information sessions as well as participating in external events.</p>
Reporting	
<p>Publish Statement of Expectations on the website as soon as practicable.</p>	<p>✓ Published on website in May 2022.</p>
<p>Incorporate these expectations into business plans and provide me with an indicative timeframe describing when it expects to meet these expectations. The business plans should also include appropriate milestones to review the content of this letter and to advise me when it needs to be updated or renewed.</p>	<p>✓ Statements of expectations were used in business planning in early 2023 for 2023-24.</p>
<p>In conjunction with the Department of Families, Fairness and Housing, undertake a review of the expectations in this letter as part of their annual reporting obligations and to advise me if there are any refinements they would recommend.</p>	<p>✓ To occur after the statements of expectations has been in place for 2 years or after the 3-year scheme review is completed.</p>

Notes: ✓ Completed