

A high quality disability workforce

VCOSS submission to registration and accreditation consultation paper

October 2017



About VCOSS

The Victorian Council of Social Service (VCOSS) is the peak body of the social and community sector in Victoria. VCOSS members reflect the diversity of the sector and include large charities, peak organisations, small community services, advocacy groups, and individuals interested in social policy. In addition to supporting the sector, VCOSS represents the interests of vulnerable and disadvantaged Victorians in policy debates and advocates for the development of a sustainable, fair and equitable society.

This submission was prepared for VCOSS by VCOSS Policy Advisor Carly Nowell with input from VCOSS members.

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VCOSS acknowledges the traditional owners of country and pays its respects to Elders past and present.

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Executive summary

The Victorian Council of Social Service (VCOSS) welcomes the opportunity to provide feedback on the design and operation of the Victorian disability workforce registration and accreditation scheme.

VCOSS advocates for systemic change to improve the lives of people with a disability. We are deeply engaged in this issue through our wide range of members including disability advocacy organisations, people with disability, carer organisations, and organisations which provide disability, mental health and health services. VCOSS also delivers the Disability Advocacy Resource Unit in consortium with Disability Advocacy Victoria, and is partnering with RMIT University to deliver the Future Social Service Institute (FSSI), with funding from the state government.

VCOSS members hold diverse views on the operation of the Victorian registration and accreditation scheme, including which workers should be registered and whether minimum qualifications should be mandated. This reflects the need to balance people's choice of worker with the need for adequate protections especially for those who are most marginalised, face multiple disadvantage or have complex needs.

People with disability have the right to be safe and receive high quality services.

VCOSS believes that a robust registration and accreditation scheme can help lift quality across the sector, improve safety for people with disability and raise the status of disability caring work to improve pay and grow the workforce. The proposed National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework includes a number of powers and functions but does not incorporate worker registration and accreditation. The Victorian scheme can provide an additional level of checks and balances, helping to increase the safety and quality of service delivery.

Registering disability workers in mainstream settings, disability workers providing personal care, and all workers engaged by NDIS providers will provide a basic level of screening to prevent people who have committed violence, abuse or neglect from continuing to provide disability services.

A requirement to abide by ethical standards of practice, and the sanction of being deregistered for professional misconduct will also help deter workers from committing violence, abuse or neglect. This level of scrutiny is particularly crucial at a time when the disability workforce is growing rapidly, combined with large injection of government funding and shift to a market based approaches.

However, to avoid constraining choice, VCOSS believes the scheme should enable self-managing participants to 'opt-out' of being required to engage registered and accredited workers for services not defined as 'high risk' by the NDIS Quality and Safeguarding Framework, noting that 'high risk' is yet to be defined.

Gradual introduction of minimum qualifications for disability support workers over time will help lift service quality across the sector, and provide greater protection for both people with disability and disability workers. Currently anyone can call themselves a disability support worker and a person with disability or member of the public has no easy way to determine whether a particular worker has the right skills or knowledge to provide certain supports. The quality of disability qualifications also varies substantially and there is a lack of trust in the quality of courses. Therefore, even when workers hold a qualification there is no assurance they will have obtained certain knowledge or skills.

Improving and accrediting qualifications, and requiring all disability support workers to hold minimum qualifications, provides assurance to people with disability, their families and carers, and employers that disability workers have the requisite competence and skills. Introducing an accreditation scheme provides an opportunity to review course content and delivery and to set, monitor and enforce high standards, so graduates complete courses with the skills needed to perform effectively on the job.

We do not believe all workers who provide services under the NDIS should be accredited, such as those who undertake home maintenance or provide transport. However, where workers are providing personal care, positive behaviour support, therapeutic support or other roles which require specialist knowledge and skills, we believe there are benefits to ensuring workers have undergone relevant training. Further consultation is required to determine exactly where to draw the boundary between what types of support should require accreditation, and to determine the most suitable minimum qualifications for different roles.

We warn against rolling out an accreditation scheme too quickly as this may stifle growth within the sector or reduce the pool of available workers. A staged transition must be undertaken to ensure the workforce has time to adjust to the changes. The state government also has a responsibility to resource and assist the sector to successfully transition to the scheme. This includes providing free training and access to Recognition of Prior Learning for existing disability workers; ensuring the registration process is not onerous or costly for workers; and wages are increased to reflect qualifications. Ideally registration and accreditation of workers would be expanded nationally but in the meantime government must ensure it is designed and implemented to work effectively with the NDIS Quality and Safeguarding Framework.

We also believe increased oversight would be complemented by measures to empower people with disability, including increasing funding for independent disability advocacy and building people's skills to select and engage suitable workers.

Recommendations

Registration

- Register all disability workers in mainstream settings.
- Require all registered NDIS providers to engage registered workers.
- Require all workers providing personal care to become registered.
- Consider extending mandatory registration to all workers who provide NDIS services, regardless of the type of support.
- Register all disability supervisors, managers and executives of registered NDIS providers
- Enable self-managing NDIS participants to 'opt out' of engaging registered and accredited workers for activities not deemed high risk. We recommend further work to be undertaken to define 'high risk' including involvement of family violence experts

Accreditation

- Consult and develop the registration and accreditation scheme during the rollout of the NDIS.
- Introduce a staged transition to accreditation which requires disability support workers to hold minimum qualifications 5 years after the rollout of the NDIS across Victoria.
- Allow workers to voluntarily become accredited before the mandatory timeframe.
- Undertake further consultation to define 'a professional disability worker'.
- Use the accreditation process to help raise the profile of the disability sector and improve pay and conditions.
- Enable and assist formal volunteers and carers to voluntarily work towards accreditation.
- Embed values and attitudes into the scheme.
- Use the registration and accreditation scheme to capture comprehensive workforce data and inform workforce development.

Scheme design

- Ensure the financial and administrative requirements to apply and maintain registration are not onerous.
- Provide workers with access to Recognition of Prior Learning to help them gain formal qualifications.
- Provide existing disability workers with access to free training to gain minimum qualifications.
- Enhance course design and delivery so courses have integrity and are fit for purpose.

- Further invest in co-designing course curriculum and delivery with people with lived experience of disability.
- Consider how to support students and existing workers living in rural areas to access training.
- Hold strong powers to investigate issues and to suspend, restrict, deregister or ban workers and managers.
- Be designed to work effectively with the NDIS Quality and Safeguarding Commission, and other regulators and complaints bodies including the Mental Health Complaints Commissioner.
- Regularly review the registration and accreditation scheme.

Measures to support the scheme

- Amend NDIS pricing to ensure funding rates reflect the skills and expertise required to deliver effective support.
- Empower people with disability to make informed decisions about workers.
- Increase funding for independent disability advocacy to assist more people to understand their rights and make a complaint.

Scheme design

Registration

Register disability support workers to improve participant safety

Recommendations

- Register all disability workers in mainstream settings.
- Require all registered NDIS providers to engage registered workers.
- Require all workers providing personal care to become registered.
- Consider extending mandatory registration to all workers who provide NDIS services, regardless of the type of support.

VCOSS believes requiring registration of all disability workers providing personal care, and all workers engaged by registered NDIS providers, can help improve safety for NDIS participants. We also believe people delivering disability support in mainstream settings, such as behaviour support in schools or disability programs in justice, should be registered through the scheme. These workers are often in a position of power and working in closed environments with people with disability, which can increase the risk of harm.

By incorporating a criminal history, working with children check, and reference check the scheme will provide a basic level of screening to prevent workers who have committed violence, abuse or neglect from continuing to provide disability services. The requirement to abide by ethical standard of practice, and the threat of being deregistered for professional misconduct will also help deter workers from committing violence, abuse and neglect.

This level of scrutiny is crucial at a time when the disability workforce is growing rapidly, combined with large injection of government funding and shift to a market based approach. Together these factors increase the risk of unscrupulous providers and unsuitable workers entering the sector as occurred in the Vocational Education and Training (VET) sector.¹

We believe the government should consider extending mandatory registration to all workers who provide NDIS services, regardless of the type of support. We acknowledge supports which do not provide direct care, such as home maintenance or transport are generally at lower risk of causing

¹ For example, Farrah Tomazin, Stop the rorts: \$30 million crackdown looms for vocational sector's dodgy training providers, The Age, 20 September 2015, <http://www.theage.com.au/victoria/stop-the-rorts-30-million-crackdown-looms-for-vocational-sectors-dodgy-training-providers-20150919-giqbuk.html>, accessed 24 July 2017.

harm. However, workers may still enter people's home and work alone, or have access to personal information potentially placing people at risk of financial, emotional or physical abuse.

Introducing broad registration also provides other benefits. Maintaining a searchable public register of all disability workers will make it easier for NDIS participants to select suitable workers regardless of the type of support being delivered. This register could enable NDIS participants to easily identify workers with particular skill sets or qualifications, assisting people to make an informed choice about who to engage. It also removes the onus on self-managing participants to have to encourage workers to undergo screening as currently intended in the NDIS Quality and Safeguarding Framework.² Although, we do support allowing self-managing participants to be able to 'opt out' of having to select registered workers if they choose to do so, as discussed below.

The scheme should not apply to the delivery of mainstream services to people with disability such as swimming or gym instructors as this could have the unintended consequences of limiting people's options to engage in these services or segregating people with disability.

Register supervisors and managers

Recommendation

- Register disability supervisors, managers and executives of registered NDIS providers

Extending registration to all supervisors, managers and executives of registered NDIS providers would help improve the safety and quality of disability supports. People at every level of an organisation can contribute to abuse, neglect and poor practice, from the staff delivering direct services to participants through to management, CEO and Board Members. VCOSS members too often report management and senior executives have not acted on early warning signs of abuse, have ignored or dismissed concerns about suspected abuse or poor practices, or worse, have actively 'covered up' reports concerning people with disability.^{3,4,5}

If they not included in screening and compliance processes, there is a risk only workers will be penalised, and managers and executives who were aware of the behaviour will continue to operate in the same organisation or move to a new organisation. VCOSS strongly supports the Victorian Parliamentary inquiry into abuse in disability services recommendation that "boards of management, CEOs, and service managers are to be held accountable for the services that they provide."⁶

² Department of Social Services, NDIS Quality and Safeguarding Framework, 9 December 2016, p.39

³ Parliament of Victoria Family and Community Development Committee, *Inquiry into abuse in disability services Final Report*, May 2016.

⁴ Community Affairs References Committee, *Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability*, Commonwealth of Australia 2015, November 2015, p.xxvi

⁵ For example, ABC News, [Abuse in the disability sector has been exposed](#), 26 November 2014.

⁶ Parliament of Victoria Family and Community Development Committee, *Inquiry into abuse in disability services Final Report*, May 2016, p. 147

Retain choice through an ‘opt out’ clause

Recommendation

- Enable self-managing NDIS participants to ‘opt out’ of engaging registered and accredited workers for activities not deemed high risk. We recommend further work in undertaken to define ‘high risk’ including involvement of family violence experts.

Some VCOSS members warn mandating registration and accreditation for all workers will reduce people’s choice of workers. They spoke about the ‘dignity of risk’ when making a decision about whether to engage a particular person to deliver support. VCOSS members report some people with disability value choosing a support worker who feels like a natural support and shares the same interests as them, rather than being constrained by having to select people who are registered. For instance being able to pay a neighbour or friend to perform certain tasks, or to engage a mainstream service such as a local gardening service.

Provided the cost is not prohibitive and the administration process to become and remain registered is simply (as we recommend in the next section) we believe there are opportunities for natural supports to become registered. For example, the NSW online platform Hire Up helps people with disability find workers who fit their needs and share their interests, while also providing worker screening. Workers provide a profile of themselves and individuals select the workers based on their fit. Anyone can apply to become a worker, and the types of support vary from home maintenance and support to attend a class through to high needs support. The organisation checks the workers credentials including undertaking two professional referees, verifying the workers personal ID, a Police Criminal Record check, a Working with Children/Vulnerable People check (if applicable), a CPR and/or First Aid certificate and a current résumé.⁷

We believe there is mutual benefit from workers becoming registered and propose this is the default position, but we do not want to constrain people’s choice. Therefore, we recommend enabling self-managing participants to elect to ‘opt-out’ of being required to engage registered or accredited workers for services not considered ‘high risk’ in line with the NDIS Quality and Safeguarding Framework. The Framework indicates supports deemed ‘high risk’ can only be delivered from a provider registered with the NDIS registrar, but is yet to define ‘high risk’. The Victorian government can take the lead on defining high risk and how it would apply to the ‘opt out’ provision from a registration and accreditation scheme. VCOSS members also warn of the potential risk of family violence when families are managing NDIS participant plans. We recommend family violence experts are involved in the developing the ‘opt out’ process and definition of high risk supports.

⁷ HireUp, FAQs, <https://hireup.com.au/faqs/>, accessed 12 October 2017.

Accreditation

Lift quality through a staged transition to accreditation

Recommendations

- Consult and develop the registration and accreditation scheme during the rollout of the NDIS.
- Introduce a staged transition to accreditation which requires disability support workers to hold minimum qualifications 5 years after the rollout of the NDIS across Australia.
- Allow workers to voluntarily become accredited before the mandatory timeframe.

Introducing minimum qualifications for disability support workers will help lift service quality across the sector, and provide greater protection for both people with disability and workers. Disability support workers having varying levels of skills, qualification and experience working with people with disability. Currently, anyone can call themselves a disability support worker. A person with disability or member of the public has no easy way to determine whether a particular worker has the right skills or knowledge to provide certain supports. The quality of disability qualifications also varies substantially and there is a lack of trust in the quality of courses. Therefore, even when workers hold a disability worker certificate there is no assurance they will have obtained requisite knowledge or skills.

Improving the quality of qualifications, accrediting disability qualifications and requiring all disability support workers to hold minimum qualifications, will help provide assurance to people with disability, their families and carers, and employers that disability workers have a certain level of competence and understanding. Introducing an accreditation scheme provides an opportunity to review course content and delivery, and to set, monitor and enforce high standards so graduates complete courses with the skills needed to perform effectively on the job. The registration and accreditation process could also require workers to demonstrate 'recency of practice' and undertake continuous professional development. This will help provide assurance that workers knowledge and skills are current.

The scheme could also introduce voluntary higher level qualifications or additional skill sets which could set a 'gold standard' and provide more specialised workers. Publishing this information allows people with disability to select workers with expertise in particular areas of support.

Increased accountability and transparency for disability support workers is likely to benefit all people with disability, but is particularly important for people who are less able to advocate for themselves. Already, there are early indications people with complex needs or those who are marginalised are likely to receive worse outcomes under the NDIS. For example, the average NDIS package for people with lower levels of functioning is \$30,000 less than anticipated, yet average package costs for people with medium or high levels of functioning are higher than

modelling assumptions.⁸ There is a risk these people will also receive lower quality services or be at greater risk of harm. Ensuring all workers have at least a basic level of competence will help ensure services are high quality and reduce the chance of harm.

It is crucial the Victorian Government takes a staged transition to the scheme to provide the workforce with time to adjust and not stifle workforce growth. We recommend minimum qualifications are not mandated until five years after the rollout of the NDIS Victoria wide, i.e. July 2025. During this time the Victorian Government can develop the scheme in consultation with people with the disability and the disability sector. Workers could be encouraged and assisted to voluntarily become accredited ahead of this timeline. Having a long lead time would also provide other people interested in entering the sector, including young people still at school time to enroll and complete disability qualifications.

We acknowledge concerns introducing accreditation will further constrain an individual's choice of disability support worker. However, as with other professions, such as childhood educators or occupational therapists, people are able to choose which individual from a particular profession they engage but cannot choose any member of the public to provide them with the service. This is in recognition that certain occupations require skills and knowledge and we believe disability support should be viewed in the same way. However, to maximise choice and control, we believe self-managing participants should be able to 'opt out' of the registration and accreditation and engage unregistered workers for low-risk activities if they wish.

Define a professional disability worker

Recommendation

- Undertake further consultation to define 'a professional disability worker'.

We do not believe all workers who provide services under the NDIS should be accredited, such as those who undertake home maintenance or provide transport. However, where workers are providing personal care, positive behaviour support, therapeutic support or other roles which require specialist knowledge and skills, we believe there are benefits to ensuring workers have undergone relevant training. The particular qualifications or skill sets required may vary based on the occupation or nature of work. Further consultation is required to determine exactly where to draw the boundary between what types of support should be accredited and what could be unaccredited. Determining the nature of the minimum qualifications requires further consultation.

⁸ *National Disability Insurance Scheme (NDIS) Costs*, Position Paper, Canberra, 2017, p.17.

Professionalise the workforce to improve status and worker safety

Recommendation

- Use the accreditation process to help raise the profile of the disability sector and improve pay and conditions.

Women continue to be overrepresented in the disability workforce and the majority of roles are part-time or casual employment, and are generally low paid.⁹ The gendered nature of care-based roles is widely acknowledged as contributing to the sector being undervalued.¹⁰ Introducing robust standards could help professionalise the sector, and lift its status and recognition as a skilled occupation. This in turn could make the case for increasing wages and conditions for workers and help 'caring roles' be viewed as more attractive career prospect for young people.

Registration and accreditation may also improve safety for workers. Workers can be at risk of harm when delivering disability services, such as physical injuries from lifting people incorrectly or performing repetitive movements without sufficient breaks. These risks are heightened when delivering services in the home without other staff present, such as experiencing challenging or aggressive behaviour from people with disability without the knowledge or training to effectively respond. A registration and accreditation provides an opportunity to ensure workers are competent and equipped to deal with different caring environments and provides some level of protection to workers, and better responses for people with disability.

Enable carers and volunteers to voluntarily participate

Recommendation

- Enable and assist formal volunteers and carers to voluntarily work towards accreditation.

There are opportunities to encourage and assist formal volunteers attached to an organisation, and informal carers, to voluntarily elect to gain accreditation and become registered. Some volunteers and informal carers may wish to pursue a career in caring. Enabling volunteers and carers to voluntarily work towards accreditation may provide them with a pathway to employment in a disability support career and help grow the disability workforce. Where volunteers and informal carers have been providing support they could be assisted to gain Recognition of Prior Learning for some units of competency, as well as access to traineeships to study while gaining on the job experience. VCROSS members also report caring roles can sometimes be isolating. Enabling interested carers to voluntarily enter the scheme may provide them with opportunity to engage with others and learn valuable skills.

⁹ National Disability Services, *Australian Disability Workforce Report, July 2017*, February 2018, p. 4

¹⁰ F MacDonald, *New risks for disability care workers under the NDIS*, The Conversation, August 2016.

If the registration scheme extends to include formal volunteers then the costs must be low and not fall on individual volunteers. Otherwise, financial and administrative burden risks becoming a barrier to retaining volunteers. Volunteers help support people with disability to fully participate socially and economically in their communities and can enhance the role of paid, trained workers. However, volunteering is not cost neutral and there are substantial costs involved in recruiting, managing, training and developing volunteers. Any additional compliance requirements will substantially add to these costs. Many small community services organisations already do this work and should be resourced to continue.

Embed values

Recommendation

- Embed worker values and attitudes into the scheme.

VCOSS members report the safety and quality of services is closely tied to the motivation, attitude and values of workers. We believe there is opportunity to introduce values based screening into the registration and accreditation scheme. A range of tools have been developed to do this. For instance, the Values Based Recruitment Toolkit developed by National Disability Services with support from the Australian Government and Disability Services Commission of Western Australia, discusses how this approach can be applied in recruiting the right workers and then reinforced throughout the employee's tenure.¹¹ Reforms to the current qualifications could also embed values within the framework, such as including human rights and person-centred services as core elements of the qualification.

Capture detailed workforce data

Recommendation

- Use the registration and accreditation scheme to capture comprehensive workforce data and inform workforce development.

There is a lack of comprehensive data on the disability workforce. The Australian Bureau of Statistics only captures high level data on the social assistance services industry. Some valuable data on the Australian disability workforce exists, such as workforce data recently captured by the NDS,¹² but this only includes a sample of the workforce to identify trends, and does not collect data on the entire workforce.

¹¹ National Disability Services, *Values Based Recruitment Toolkit*, <https://www.nds.org.au/value-based-recruitment>, accessed 18 October 2017.

¹² National Disability Service, *Australian Disability Workforce Report July 2017*, 2017.

By registering all disability workers, the regulator could systematically collect data on the Victorian disability workforce, the sector generally, and for particular professions. This could help inform sector-wide planning, evidence-based policy, and decision making. For example, early identification of emerging gaps in service coverage or types of disability support can help government implement strategies to remedy this. Given the shift to individualised funding models, and the large growth required in the disability services sector and other Victorian health and social services sectors, obtaining a detailed understanding of the workforce is crucial. The Productivity Commission recognises the “present policy settings are unlikely to see enough providers and workers as the (NDIS) rolls out”.¹³ Additional workforce data may help to inform policy responses.

Collecting data on worker qualifications would also allow analysis of how particular qualifications impact on service quality and safety for people with disability, to inform future decisions about accreditation. It may also help to identify and respond to emerging risks and trends, such as increased likelihood of abuse within certain settings or a pattern of workers involved with a particular employer being more likely to engage in professional misconduct.

A Social Policy Research Centre report on workforce indicators suitable for the ageing, disability and home care sectors identifies a good list of core and supplementary indicators which could inform the Victorian regulator. The indicators capture data on the following areas:

- workforce size;
- worker demographics (age, sex, Aboriginal and Torres Strait Islander identity and culturally and linguistically diverse status);
- education and training (including highest qualification level, field of study, and current studies);
- employment characteristics (including nature of employment, hours, occupation and pay);
- skill shortages (including vacancies);
- staff retention (including time in organisation and industry, intention to stay and satisfaction); and
- labour dynamics (including source of recruitment, reason for leaving and destination after leaving).¹⁴

¹³ Productivity Commission, op. cit., 2017, p.2.

¹⁴ F Hilferty and N Cortis, *Analysis of Workforce Indicators Suitable for the Ageing, Disability and Home Care Sectors*, Social Policy Research Centre for Ageing, Disability and Home Care, Department of Families and Communities, NSW, March 2012.

Scheme implementation

The state government has a responsibility to resource and assist the sector to successfully transition to the scheme. This includes providing free training and access to Recognition of Prior Learning for existing disability workers; ensuring the registration process is not onerous or costly for workers; and wages are increased to reflect qualifications. Ideally registration and accreditation of workers would be expanded nationally, but in the meantime government must ensure it is designed and implemented to work effectively with the NDIS Quality and Safeguarding Framework.

Keep registration free or low cost

Recommendation

- Ensure the financial and administrative requirements to apply and maintain registration are not onerous.

VCOSS members report the potential costs and administrative burden of registration may pose a barrier to retaining existing workers and may deter future workers from entering the workforce. Other similar registration and accreditation schemes usually have both an initial registration fee and an annual to maintain registration. There is also a requirement to undertake a specified number of hours of professional development each year to maintain registration. For example, under the Australian Health Practitioner Regulation Agency, Occupational Therapists pay an application fee of \$110, pay an annual renewal fee of \$110,¹⁵ and must complete a minimum of 30 hours of Continuing Professional Development.¹⁶ Other professions pay much more, for instance Chiropractic renewal fees are \$566 and Osteopathic renewal fees are \$376 per year.

While these fees may be reasonable for professionals in fields which are relatively well remunerated, the combined costs of training and annual fees for disability support worker who generally receive low wages and are employed on a casual or part-time basis could be prohibitive. It is crucial the government keeps application and renewal fees very low and comparable to average wages of disability workers. Ideally the government should provide free registration to disability workers in recognition of their low pay and often precarious employment. Subsidies could also be made available to assist workers to undertake quality professional development. Consideration must be given to how to support workers in rural and remote area to continue their professional development, such as access to distance learning, community of practice involvement

¹⁵ Australian Health Practitioner Regulation Agency, Media release: National Boards fees set for 2016/17, September 2016.

¹⁶ Occupational Therapy Board of Australia, Guidelines on Continuing Professional Development, November 2014.

and supervision by phone or internet. Applications forms and process must be streamlined so it is easy for workers to apply and maintain registration.

Assist existing workers to transition

Recommendations

- Provide workers with access to Recognition of Prior Learning to help them gain formal qualifications.
- Provide existing disability workers with access to free training to gain minimum qualifications.

There are many excellent but unqualified workers in the disability services sector. These workers may be lost to the sector if minimum qualifications are required without assisting workers to meet these requirements over time. Many of these existing workers have gained substantial skills and knowledge on the job. They should be provided the opportunity to have their skills and knowledge formally recognised through Recognition of Prior Learning (RPL) by reputable training organisations. This may result in workers being awarded units of competency, skills sets, or in some cases, the entire qualification. This could shorten the period of training they need to complete.

RPL and any additional study required can still come at a considerable cost. To help assist existing workers remain in the sector and meet minimum qualifications we believe the government has a responsibility to provide free training in accredited courses, with suitable training providers. This is not unprecedented. Government has provided subsidised training to workers in other industries where changes have occurred, such as assisting workers in the Victorian automotive supply chain.¹⁷

Develop robust disability qualifications

Recommendations

- Enhance course design and delivery so courses have integrity and are fit for purpose.
- Further invest in co-designing course curriculum and delivery with people with lived experience of disability.
- Consider how to support students and existing workers living in rural areas to access training.

There is widespread concern about the quality and suitability of existing disability course content and course delivery. For an accreditation scheme to lift the standard of quality across the sector

the course must be fit for purpose with interesting, challenging and evidenced-based content. Course delivery must also be robust, with adequate contact hours, work placements and comprehensive assessments against consistent standards.

Involving people with disability in the design of the curriculum and delivery of education and training, will help ensure it is relevant. VCOSS members also suggest the course should include a human rights focus and help students gain a better understanding of complexity and co-morbidity.

The Future Social Service Institute (FSSI) has commenced a process of gaining feedback on current disability courses to improve the design of these programs. Continuing this work can inform the accreditation process.

Consideration must also be given to how to support learners living in rural and regional areas to access local, high quality and affordable training. Students and existing workers in rural areas may face considerable distances to access education and training facilities. Limited public transport options can create further barriers, particularly for people who do not own a private vehicle. In some cases, people may have to move away from home to attend further education and training, creating further financial difficulties. VCOSS members report this could be a major practical and financial barrier to current and future workers undertaking disability qualifications. Often rural communities have a limited disability workforce and the introduction of a registration and accreditation scheme should not place further pressure on the workforce in these areas.

Clear functions and strong powers

Recommendations

- Hold strong powers to investigate issues and to suspend, restrict, deregister or ban workers and managers.
- Be designed to work effectively with the NDIS Quality and Safeguarding Commission, and other regulators and complaints bodies including the Mental Health Complaints Commissioner.

Strong powers to investigate and take action

We recommend the Victorian regulator has own motion powers to enable them to investigate systemic issues, complaints and allegations or concerns about worker misconduct. The ability to investigate should not be reliant on having received a complaint, particularly given the widespread under-reporting of abuse from the workers, people with disability and their families.^{18,19}

The regulator must also have the power to take quick and decisive action including suspending, restricting or deregistering workers and managers from providing services to people with disability.

¹⁸ Parliament of Victoria, Family and Community Development Committee, *Inquiry into abuse in disability services*, Final Report, 26 May 2017.

¹⁹ Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 2 – incident reporting*, December 2015, p.18.

VCOSS members advise too often reports or complaints are not dealt with in an effective, fair and prompt manner. There is too much emphasis on seeking conciliation rather than making a finding and taking action against perpetrators.²⁰ We support the proposal to extend the code-regulation and prohibition order to cover all disability workers and to enable the regulator to ban a person from providing services more broadly in health and human services.²¹ This would help prevent workers who have committed violence, abuse and neglect from ‘sector hopping’ and placing other members of the public at risk. Information from other similar sectors such as aged care and health services should be shared with the Victorian regulator so that people with disability are not subject to workers who have been deregistered in other sectors.

We support the proposed powers to register workers and accredit courses. Setting high standards, accrediting training programs and monitoring their performance against these standards builds the sectors’ and communities’ trust in these qualifications and lifts the quality of standards across the workforce. We also support the powers to publish a searchable list of registered workers with details of any specialised qualifications or skill sets, and a separate list of workers who have had their registration cancelled or suspended. This will help people with disability and the public to make informed choices in engaging workers.

Effective interaction with the NDIS quality and safeguarding framework

The Victorian regulator must be established to share information and effectively interact with the NDIS Quality and Safeguarding Commission. The proposed regulation and accreditation scheme is designed to complement the proposed NDIS quality and safeguarding framework however there are some areas of potential overlap between the two schemes. For instance, in some cases a complaint may relate to both an individual worker and an NDIS provider. The Victorian regulator and the NDIS Quality and Safeguarding Commissioner must be able to share information and decide which authority is best placed to lead the investigation.

The Victorian regulator will also require the power to share information with other regulators and complaints bodies, such as the Mental Health Complaints Commissioner or the Australian Health Practitioner Regulation Agency (APHRA). Health practitioners and mental health workers will be providing support to people with disability under the NDIS and issues of misconduct should be reported to all relevant regulators. A no-wrong door policy is required so that all complaints, regardless of their nature or who they are lodged with are appropriately responded to by the relevant authority.

²⁰ Community Affairs References Committee, *Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability*, Commonwealth of Australia 2015, November 2015, p.269

²¹ Victorian Government, A registration and accreditation scheme for the Victorian disability workforce: consultation paper, 20 17, p.22

Regularly review the scheme

Recommendation

- Regularly review the registration and accreditation scheme.

VCOSS members report it is difficult to make definitive recommendations about the Victorian registration and accreditation scheme when the details of the NDIS Quality and Safeguarding Framework are not yet finalised. Once the schemes are operating in practice we may identify unintended negative consequences from the registration and accreditation scheme or identify issues in how the two schemes operate together. It is essential the Victorian registration and accreditation scheme is comprehensively reviewed, with input from people with disability, on a regular basis.

Measures to support the scheme

Amend NDIS pricing to sustain qualified staff

Recommendation

- Amend NDIS pricing to ensure funding rates reflect the skills and expertise required to deliver effective support.

VCOSS members report the comparatively low pay within the disability sector makes it difficult for workers to justify the time and cost to gain formal qualifications. For example, full-time non-managerial workers in social assistance services, which includes disabilities assistance, receive on average \$9.30 less per hour than workers in other industries.²² It remains one of the lowest paid industries along with manufacturing, hospitality and retail.²³

Current NDIS pricing constraints exacerbate this issue. VCOSS members report the NDIA pricing structures are inadequate to sustain a qualified workforce and does not provide adequate funding for ongoing professional development, or other costs such as supervision. VCOSS members report the standard hourly rate of \$44.72 and the high intensity rate of \$47.20²⁴ are too low to employ specialised or appropriately qualified workers and may result in employing less qualified staff.

Seeking to grow a qualified workforce under these conditions will be problematic. Without increasing pay there is little incentive for workers to voluntarily upskill and become accredited. Mandating minimum qualifications, particularly without addressing low pay, could stifle workforce growth by driving some workers to enter similar sectors which do not have this requirement, such as aged care. We believe the Victorian Government must advocate to amend NDIS pricing so it is commensurate with the skills and expertise required to deliver effective support and adequately cover overheads including ongoing training.²⁵

²² Australian Bureau of Statistics, Employee Earnings and Hours, Australia, May 2016, 63060DO015_201605, January 2017.

²³ Australian Bureau of Statistics, Employee Earnings and Hours, Australia, May 2016, 63060DO015_201605, January 2017.

²⁴ NDIA, *NDIS Price Guide VIC/NSW/QLD/TAS, Valid from: 1 July 2017, 1 July 2017.*

²⁵ VCOSS, VCOSS submission to the NDIS 2017 Price Controls Review, April 2017.

Empower people with disability

Recommendations

- Empower people with disability to make informed decisions about workers.
- Increase funding for independent disability advocacy to assist more people to understand their rights and make a complaint.

Increasing oversight of the disability sector is crucial to preventing violence, abuse and neglect, but should also be accompanied by measures to help empower people with disability. Building people's skills to make safe and effective choices about workers could help support the aim of the registration and accreditation scheme. This could include assistance to change administrators, or to draw up and manage contracts. One way of achieving this is by including a line item in participant's NDIS plans under capacity building supports to build participants' knowledge and confidence to understand and assert their rights, how to engage workers and how to make a complaint. This proposal is explored in more detail in our recent submission on the NDIS Quality and Safeguarding Legislation.²⁶

Access to independent disability advocacy can also help improve the safety of people with disability, particularly those who are most marginalised or those with complex needs. Advocacy organisations can help identify circumstances of violence, abuse and neglect, build people's capacity to understand their rights and assist people to make a complaint. There are not enough disability advocacy services and VCOSS members advise there is large unmet demand which is likely to grow as the NDIS rolls out. Investing in a strong and diverse disability advocacy sector can enable advocacy organisations to perform this work and reach more people. The recent Productivity Commission report on NDIS recommends the Victorian Government provides an additional \$2.1 million annually towards disability advocacy.²⁷

²⁶ VCOSS, Safeguarding quality services for people with disability VCOSS submission on the National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017, July 2017, p.20-21.

²⁷ Productivity Commission, National Disability Insurance Scheme (NDIS) Costs, October 2017, p.387.

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