



## Senate Inquiry into violence, abuse and neglect against people with disability in institutional and residential settings

### Optia Inc. Submission

#### About Optia

Optia is Tasmania's leading disability services provider offering a comprehensive range of services across the state. We have operated in Tasmania for 25 years and currently employ 176 (FTE) staff who provide services to more than 400 clients.

Our mission is to empower people with additional needs to achieve their vision of a good life by delivering excellence in support. Our services include Supported Accommodation, Respite, Community Access and Support, Leisure and Recreation, Specialist Support Services, Skill Development, Case Management and Out of Home Care.

#### Overview

Optia has an unwavering commitment to uphold the fundamental human and civil rights of people with a disability, which includes the right to live safely in their home and the community.

We are acutely aware that our clients, most of whom have intellectual disabilities, are significantly more vulnerable to abuse than the general community and often find it difficult to report abuse. As a result we are extra vigilant in taking every possible action we can to uphold their rights and keep them safe.

We recognise we need strong policies and procedures to protect the rights of clients, but most importantly we need a staff culture that treats clients with respect, empowers them to speak out and supports whistle-blowers to raise issues (whether clients, family members or staff).

We also recognise clients might need support to speak out about issues. That is why we encourage the development of self-advocacy, access to independent advocates and operate our client voice program.

Optia has a zero tolerance approach to client abuse and neglect. We fully investigate complaints relating to alleged abuse or neglect and upon completion of past investigations have terminated the employment of staff and referred matters to police.

We firmly believe the new national quality and safeguarding system established under the National Disability Scheme must further strengthen the current safeguards.

## Optia's approach

Optia has a multi-faceted approach to protecting clients' rights and keeping them safe. As outlined below, every individual in the organisation has a role to play, from the board to support workers. We also have processes and programs to empower clients, to increase their skills and capacity to be self-advocates and speak out on matters of concern.

### Board leadership

Our commitment to the protection of the human rights and dignity of clients is led by the Board, which has a 'Charter of Human and Civil Rights of People with Disability', signed by all directors as a measure of their individual commitment.

The 'Charter of Human and Civil Rights of People with Disability', outlines the Board's commitment to the rights of clients including:

"It is the responsibility of all Optia employees/agents including board members, management, indirect and direct support staff and volunteers to intervene and/or report breaches of human or civil rights that they observe or become aware of. Failure to act makes the person complicit in the breach. Optia will apply the same Zero Tolerance approach to passive observers of rights violations as to the violators."

### Staff recruitment

Before commencing their employment with Optia all new staff members must undergo a National Police Check and staff working with children are also required to undertake a Working with Children Check. Current staff are re-checked every three years.

We place strong importance on staff sharing our organisational culture. Our recruitment process assesses applicants' alignment with organisational values and behaviours, as well as their skills and experience. Where possible we include clients in the recruitment of their own support workers.

### Policies and procedures

When staff commence employment at Optia, they undertake an induction that outlines their responsibilities and expectations under our policies and procedures. All staff sign their agreement to follow these policies and procedures once they have read and understood them.

Optia complies with relevant State Government policies and has in place our own detailed policies to support staff in identifying and reporting abuse of clients. The most relevant are listed below:

- **Advocacy:** We encourage and support clients to access the services of an independent advocate, to ensure the rights and interests of all clients, their families and carers are promoted and supported.

- **Anti-Discrimination:** Optia is committed to providing all staff and clients with a work or service environment free from any form of discrimination, harassment and vilification to ensure they are able to function effectively and participate fully within the organisation.
- **Preventing and responding to abuse:** The policy aims to prevent abuse, however we acknowledge the reality that allegations of abuse may arise. The policy extends to our commitment to report allegations, apply procedural fairness and fully investigate allegations to ensure any actual abuse is appropriately and effectively addressed.
- **Decision-making and choice:** We support the rights of all clients to make informed decisions and choices, without interference, about how they live their life.
- **Rights Statement:** Optia recognises people's inherent rights to confidentiality and privacy, freedom of expression, self-determination, be treated with dignity and respect, choice and control, take risks, freedom from discrimination, exploitation, harm, neglect, abuse and violence.
- **Grievances:** There is a clear process for complaints and feedback that is communicated to clients and next of kin verbally and in our Client Policy Manual, which is available in Easy English.
- **Whistleblowing:** This policy supports the development of a culture of openness, honesty and accountability. We recognise that any genuine commitment to detecting and preventing misconduct and wrongdoing must include a mechanism so employees can report genuine concerns freely and without fear of reprisal.

Optia's management team has strengthened its focus on implementing these policies and procedures over the past two years. As a result, a number of staff have been stood down for internal investigations and then dismissed for breaches of our Code of Conduct or policies and procedures. On more than one occasion Optia has also referred complaints to Tasmania Police.

### Best practice

We have a strong focus on best practice, undertaking research, keeping abreast of best practice elsewhere and incorporating these into our practices. We have in place a Practice Framework for Disability Services, which provides a best practice guide to staff based on research and demonstrable evidence. Staff are provided with training and a tool kit of practical information to support them in implementing the Practice Framework and this is embedded into staff supervision and performance management processes.

### Staff culture

Processes and procedures are necessary, but not sufficient to keep our clients safe. The most effective protectors against abuse are our staff and work culture. We have a number of formal and informal processes to develop a culture that protects our clients and does not tolerate abuse. These processes include:

**Zero Tolerance training:** we conduct regular mandatory training of all staff on our Zero Tolerance to abuse of clients. In this training program we step our staff through:

- what abuse looks like
- what staff responsibilities are; and
- how they should report abuse or suspected abuse.

Staff work on 'real life' examples of abuse to help them develop their skills in a practical way. Staff have responded positively to this training and we have seen a corresponding increase in issues being raised by staff.

**Values:** Over the past year, Optia has developed a new set of Core Values. Number one is Humanity - "Human rights and dignity underpin all our decisions and actions. We believe that every individual has the potential to grow and the right to determine how their life will be lived."

**Leadership development:** Strong and effective leadership is vital to prevent abuse and respond effectively. We have invested in a development program for our frontline leaders and key influencers (30 staff) in 2015. This program develops leadership capabilities, all of which are relevant for abuse prevention, including leading authentically, engaging and including others, thinking and deciding, creating value and delivering outcomes.

**Communications:** Optia's leadership team is using communications opportunities to reinforce the desired culture and build staff confidence in internal complaints handling processes. Optia's Chief Executive Officer delivers 2-3 staff forums each year and has used these face-to-face forums to reinforce Optia's zero tolerance approach to abuse and neglect. We also utilise staff meetings and an internal CEO e-newsletter to communicate key messages.

### Client voice

Our strong focus on 'client voice' recognises the need for our clients to feel they are able to speak out about abuse, whether the victim is themselves or others. We encourage clients to speak out through self-advocacy or to seek support from an independent advocate when in need.

The following processes and programs are undertaken to ensure clients are aware of their rights and have a range of opportunities to express them:

- **Client policy manual:** Clients and carers are provided with a book outlining policies and grievance processes that can be followed. This is presented in an easy English version to assist those with low literacy levels.
- **Resident meetings:** Our specialist Practice Development staff hold six-weekly resident meetings where residents can raise concerns and issues they would like addressed. Staff have actively encouraged clients over successive years to be comfortable about raising a complaint.
- **Consumer Forums:** Each house has an elected consumer representative who takes issues and complaints to a quarterly Consumer Representative meeting. These

meetings are independently facilitated by the advocacy group, Speak Out, so clients feel more comfortable in raising matters about services. The feedback from these forums is presented by consumer representatives in person at all Board meetings.

- **Road to Success program:** Optia has partnered with Speak Out Advocacy to deliver a self-advocacy program, Road to Success, designed to increase confidence and self-determination of clients. The program includes a number of workshops run by an advocate and a peer (self-advocate) and covers topics including self-expression, self-confidence, self-determination, self-reliance, self-development and self-esteem. This program, piloted in 2013-14, is being expanded across the whole organisation this year (2015).

### State Government reporting requirements

The *Tasmanian Disability Services Act 2011* outlines that disability service providers have a duty of care to deliver services free from abuse and neglect, promote a culture of best practice and open disclosure of alleged incidences or the occurrence of abuse.

Providers are required to report every allegation of abuse to Disability and Community Services (Department of Health and Human Services) within 48 hours of notification of the incident. The Department closely monitor those reports for any patterns or issues and take a wider system view of the sector.

In addition to mandatory reporting requirements, DHHS has the Office of the Senior Practitioner to whom service providers are required to report all instances of restrictive practices. The Office has an overarching role of reducing the amount of restriction used within the sector. We believe this role is effective and an important check against use of restrictive practices. Optia supports a similar role and process with a national scope to minimise restrictive practices under the NDIS.

## Opportunities for Quality and Safeguarding under the NDIS

### Service Provider level safeguards

#### Effective channels for participant feedback and complaints

At the foundation level, Optia believes all providers should have an effective and responsive complaints and feedback system in place. In addition to these minimum requirements, providers must also have meaningful and demonstrable strategies in place to actively seek feedback and complaints from clients and families. Such efforts should also look to build upon the capacity of individuals to advocate on their own behalf and encourage a culture of open feedback concerning support delivery. For example, as outlined above, Optia runs quarterly consumer forums that are independently facilitated by an advocacy organisation contracted to undertake this service.

These features should be included in an accreditation and standards framework (see below) and enforced through annual accreditation audits and random spot checks.

Any adjustment to safeguards applied to individuals must be on the basis of a thoroughly assessed level of risk using a validated tool. It is Optia's view that such a process should be uniformly applied across Australia. If this activity is undertaken by planners from the NDIA then there should be a rigorous internal quality control process of all risk assessments undertaken that recommend 'lighter touch' quality and safety safeguards for individual participants.

### **Worker suitability**

We firmly contend that all employers of disability support workers, whether or not they are registered with the NDIA, should conduct Police and Working with Children checks prior to commencing a person's employment and then repeat this process on a regular basis during their employment (every 2 or 3 years). Employees should also be appropriately inducted, suitably qualified, skilled and supported. Provider organisations should be accountable for ensuring the appropriate staff skills, whether or not they have an accredited quality system in place.

## **National Safeguards**

### **Independent Regulatory Body**

It is vital that the general community has confidence in the regulation of the disability services sector, particularly with the rolling out of the NDIS and market development. Optia believes an independent regulator is more likely to achieve the required level of public confidence under the NDIS.

This independent national regulatory body should establish a comprehensive Disability Standards Framework that builds on and strengthens the current National Standards. This Framework could be based on other standards frameworks, such as Aged Care or the Attendant Care Industry Standard. The authority would be empowered to make recommendations to the NDIA to de-register service providers that do not meet the Disability Standard or where a serious complaint has been upheld.

### **Quality standards and accreditation**

Accreditation signals a service providers' quality and safety standards and helps consumers make an informed choice.

Optia believes the Disability Services sector needs to have its own specifically designed standards and accreditation process that focusses on the internal processes and controls within an organisation to ensure that:

- clients are adequately safeguarded; and
- the organisation proactively engages with clients to develop their individual capacity to self-advocate and raise issues freely.

In order to uphold minimum quality and safety standards, accreditation to this standard should be universal among all NDIA registered providers. We suggest a transition process to allow existing NDIA registered providers two years to gain accreditation, while all future new registrants would be required to gain accreditation prior to registration.

Such an accreditation system should be tiered (e.g. 1-4 stars) to drive continuous improvement by service providers and to provide transparency to consumers on the variation of quality assurance systems between registered providers.

Rather than lowering expectations and standards, the NDIA could offer sector development support to assist smaller providers meet the standard in a similar manner to other capacity building processes.

To avoid onerous compliance costs, exceptions to compliance requirements could be provided to specialist service providers where there is an existing and appropriate professional quality standards system in place e.g. occupational therapists, psychiatrists, general practitioners.

### **Consumer Rights Complaints Body**

Optia believes there needs to be an independent Commissioner or Ombudsman with a national scope, who receives, assesses and resolves complaints specifically concerning the Disability Services sector. This officer would have the capacity to take complaints from consumers, advocates, family members and employees. It should also have the scope to take complaints from service providers about administrative actions of public authorities.

Optia Incorporated  
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