



The facts:
for disability workers

About the Victorian Code of Conduct

People providing disability services in Victoria must follow the Disability Service Safeguards Code of Conduct (Code) - to ensure the safety and wellbeing of people with disability.

The Disability Service Safeguards Code of Conduct (or the Code) adopts the same requirements of workers as the NDIS Code of Conduct. However, it means that these requirements now apply to all disability services, regardless of whether they are funded through the NDIS or other providers.

This guide will help disability workers become familiar with the appropriate and ethical conduct expected under the Code. You must comply with the Code alongside your other obligations, such as reporting notifiable conduct.

If you're unsure about any service delivery issue, you should consult your supervisor, your organisation, talk directly to your client, or you can contact us.

Remember, if you see something you think is a breach of the Code, you should tell your supervisor if you work for an organisation, or contact us.

Who does the Code apply to?

From 1 July 2020, the Code applies to all disability workers providing disability services in Victoria. This includes employees and contractors.

Who doesn't the Code apply to?

Family members of a person with disability who provide disability services, and people providing volunteer services are not subject to the Code, unless they receive a payment or reward, or provide the services on behalf of an organisation or agency.

Visit vdwc.vic.gov.au
or call 1800 497 132

The Victorian Disability Service Safeguards Code of Conduct (Code) defines the seven requirements of all disability workers.

1. Act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions

All people with disability have full and equal human rights to make their own decisions, live how they choose and receive the support they need.

Not all adults with disability need or want support in decision-making, so you should consult with them about who, if anyone, they want to involve in decisions about their service and support. You should involve young people and children in decisions that affect them in ways appropriate to their age, development and communication skills.

People with a disability have a right to question, seek extra information about or refuse any part of their service delivery. The onus is on you to communicate in a way that ensures they understand the information and make their own preferences and concerns known to you.

The Code requires you to consider their values and beliefs relating to culture, faith, ethnicity, gender, gender identity, sexuality, age, and disability.

This is especially important when working with people with disability who have may be more vulnerable and have specific support needs, such as children and young people, or indigenous Australians.

2. Respect the privacy of people with disability

People with disability have the right to not have their personal information disclosed to others without their informed consent — unless mandatory reporting is required.

You should explain to people with disability why and what information is kept about them, who has access to it, and what they, or others on their behalf, can do if they believe their privacy has been breached.

Privacy goes beyond handling personal information to delivering services in a way that maintains personal dignity. This includes both asking permission to perform procedures and explain procedures that involve physical touch or being in personal space.

3. Provide supports and services in a safe and competent manner, with care and skill

All disability workers in Victoria are expected to have adequate expertise and competence necessary for safe and skilful service delivery.

You should decline directions — from a service provider, person with disability or their family or carer — to undertake duties that you are not qualified or trained to deliver.

You should also comply with your own professional and/or employer codes of conduct and relevant work, health and safety requirements.

You should ensure that accurate and timely records are kept about a person with disability's service history, medication and support needs. You must never work under the influence of drugs or alcohol.

Visit vdwc.vic.gov.au
or call 1800 497 132

4. Act with integrity, honesty and transparency

Integrity and honesty are crucial to developing trust between you and people with disability so you must be transparent about your qualifications and any limits on your competencies.

You must tell the person or organisation that engages you to deliver the disability service if there has been an adverse outcome or finding that is related to your conduct as a disability worker. The types of outcomes and findings that are relevant include:

- being denied a worker screening clearance or
- being subject to professional misconduct findings or
- being subject to disability worker exclusion in Victoria or
- a failure to comply with a code of conduct that applies to you.

We may investigate if we believe you may have failed to comply with the Code or any approved code of conduct, had a worker screening clearance refused, suspended or revoked, or been subject to a professional, disciplinary action or finding.

People with disability have a right to information about the comparative cost and effectiveness of treatments and the risks and benefits of service options.

You should declare and avoid any real or perceived conflict of interest in your work.

You should avoid giving, asking for or accepting inducements or gifts that may influence your decision-making or service delivery. This includes to and from people with disability, their family or carers, or other service providers. You must avoid unethical practices such as over-servicing and high-pressure sales.

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

If the safety or the quality of support for people with disability is at risk, you should take immediate action to address the reasons why. Ensure the person is safe and consult with them about how they would like to resolve the issue and take action.

It could be as simple as changing the timing of meals or moving a piece of furniture so it's easier to manoeuvre a wheelchair. The issue impacting quality or safety could be more complex and may require raising at an organisational level, including asking the person with disability what action they want taken, if any.

If you work for one or more organisations, you are responsible for being familiar with each organisation's systems for complaints and incident management, and to follow established policies and procedures. This includes meeting your reportable incident obligations.

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

People with disability are at a far greater risk of and are more likely to experience violence, abuse, neglect and exploitation than those without a disability.

You can play an important role in helping to prevent, intervene early and respond to violence, abuse, neglect and exploitation.

If an incident or criminal act does occur, after ensuring the safety of the person affected, you must report it to your supervisor and/or other authorities, including the police and the Victorian Disability Worker Commission where appropriate.

You should work to reduce and eliminate the use of restrictive practices. This includes behaviour involving seclusion, chemical, mechanical, physical or environmental restraint. The use of restrictive practices is regulated under law in Victoria.

Visit vdwc.vic.gov.au
or call 1800 497 132

7. Take all reasonable steps to prevent and respond to sexual misconduct

People with disability have a right to sexual expression as well as to develop and maintain sexual relationships. As part of this, they need access to information and support to assist them to make informed and positive choices about sex, sexuality, relationships and reproductive health and wellbeing, as well as exercise their rights regarding privacy.

People with disability are at an increased risk of all forms of sexual violence and sexual misconduct.

What is sexual misconduct?

Sexual misconduct is a broad term encompassing any unwelcome acts or behaviours that are experienced by the person with disability as being sexual in nature. This includes physical and verbal actions committed without consent or by force, intimidation, coercion or manipulation. It includes sexual violence and exploitation but is not limited to actions which constitute a criminal offence. It includes when a disability worker has at any time, including outside of work hours:

- engaged in sexual activity with a service user, whether or not that person has given consent
- made sexual remarks about a service user
- touched a service user in a sexual way
- engaged in sexual behaviour in front of a service user.

There is frequently a power imbalance between a disability worker and a service user.

When delivering services, workers are expected to adhere to the highest standards of behaviour, be respectful and take every action to make sure people with disability are safe. This means having professional boundaries in place for relationships between staff and people with disability and preventing and responding to any inappropriate behaviours by anyone towards a person with disability, including sexual misconduct.

If a disability worker engages in sexual activity with someone who was previously a service user, this may also be sexual misconduct. Whether this constitutes sexual misconduct will depend on the circumstances.

Sexual misconduct will not include sexual contact that is appropriately provided as part of a purchased service by an approved sexual service provider and to which a service user consents. You should support people with disability, so they feel safe to make a complaint without fear of retribution or loss of services.

About the Victorian Disability Worker Commission

The Victorian Disability Worker Commission is a new independent body. Led by Commissioner Dan Stubbs, its job is to better protect people with disability and build a stronger, safer disability sector. It is responsible for the code of conduct, establishing the minimum expectations for all workers supporting people with disability, and the complaints service. When notified, it has the power to investigate and ban workers who put people's safety at risk.

Stay up to date

Visit our website vdwc.vic.gov.au
Sign up to our newsletter

Follow us



Help build a stronger,
safer, disability sector.

Visit vdwc.vic.gov.au
or call 1800 497 132

