

## What are the key changes from 1 July 2020?

The Disability Worker Regulation Scheme (the Scheme) started on 1 July 2020.

The introduction of the new scheme means there are stronger measures in place to protect people with disability from harm, abuse and neglect. The changes include:

- a Disability Service Safeguards Code of Conduct for all Victorian disability workers
- mandatory notification requirements for disability service providers and disability workers to report concerns that a disability worker may be putting safety at risk
- an independent complaints service where quality and safety concerns about any Victorian disability worker can be reported
- the establishment of a new regulator, the Victorian Disability Worker Commission, to provide oversight, implement and administer the Scheme.

## The Disability Service Safeguards Code of Conduct

### What is the Disability Service Safeguards Code of Conduct?

The Disability Service Safeguards Code of Conduct promotes safe, quality and ethical service delivery and care, by setting out clear expectations through defining seven principles that all Victorian disability workers must follow.

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

The Disability Service Safeguards Code of Conduct adopts the same requirements for workers as the NDIS Code of Conduct. However, it applies to all disability workers in Victoria, regardless of whether they are funded through the NDIS or other funders. The Code of Conduct is available at [vdwc.vic.gov.au](http://vdwc.vic.gov.au).

### Who does the Disability Service Safeguards Code of Conduct apply to?

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

### Who doesn't the Disability Service Safeguards Code of Conduct apply to?

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

## If a worker complies with the NDIS Code of Conduct, do they also comply with the new Disability Service Safeguards Code of Conduct?

The NDIS Code of Conduct applies to all disability service providers and their workers who deliver NDIS funded services, but it does not apply to those workers who work outside the NDIS sector.

The Disability Service Safeguards Code of Conduct is a mandatory code and is aimed at all disability workers regardless of funding for the services they provide.

All disability workers must comply with the Disability Service Safeguards Code of Conduct if they provide disability services in Victoria. This means that by working in the sector, they are automatically subject to its requirements and are obligated to comply.

## Mandatory obligations

### Do I have mandatory obligations?

If you are a disability worker, or employ disability workers, then you are now required under the law to report conduct from disability workers that may put the people they support at risk.

All disability workers and disability worker employers must make mandatory notifications to the Commission if they form a reasonable belief that a disability worker has engaged in notifiable conduct. This is a requirement of the [Disability Service Safeguards Act 2018](#).

### What conduct requires mandatory notification?

Notifiable conduct means when a disability worker has:

- practised as a disability worker while intoxicated by alcohol or drugs,
- engaged in sexual misconduct while practising as a disability worker,
- placed, or may place, the public at risk of harm because the disability worker has an impairment that detrimentally affects, or is likely detrimentally to affect, the disability worker's capacity to practise as a disability worker, or
- placed, or is placing, the public at risk of harm because the disability worker practised, or is practising, as a disability worker in a manner that constitutes a significant departure from accepted professional standards.

### Who must notify the Victorian Disability Worker Commission?

Disability workers and disability service providers in Victoria must notify the Victorian Disability Worker Commission if they form a reasonable belief that another disability worker has engaged in notifiable conduct.

An employer of a disability worker means a person that employs the disability worker under a contract of employment or a contract for services.

Mandatory notifications do not apply to employers of a disability worker if the employer receives disability services from the relevant disability worker in the course of the disability worker's employment.

This means that a person with disability, or their family member or carer, who has directly employed a disability worker are not subject to mandatory notifications. If you are a disability worker and you do not make a mandatory notification to the Victorian Disability Worker Commission, this may constitute behaviour for which health, conduct or performance actions may be taken against you.

## When must I notify?

You must notify the Victorian Disability Worker Commission as soon as practicable after you form a reasonable belief that behaviour that constitutes notifiable conduct has occurred. We expect you to not delay making a notification once you have formed a reasonable belief.

## How do I notify the Commission?

The simplest way to make a notification to the Victorian Disability Worker Commission is to use the [webform](#).

You can also call us on **1800 497 132** and tell us you want to make a notification.

## What are the obligations for service providers and workers in relation to the new Commission including other regulators?

There are unique obligations and requirements in place for Victorian disability service providers and disability workers under other regulatory schemes. This includes NDIS Quality and Safeguards Commission, the Commission for Children and Young People, Disability Worker Exclusion Scheme, Office of the Disability Services Commissioner and other regulators across the sector.

The obligations outlined by other regulators are independent of the obligations under the Scheme, which reflects the requirements of the [Disability Service Safeguards Act 2018](#), including the role and powers of the Victorian Disability Worker Commission.

We can assist with information, resources and guidance in relation to the Scheme, and obligations required for Victorian disability workers and providers.

We cannot provide information about other schemes outside of this scope. For information, on the obligations required by other regulators, please refer to their websites for more information.

## Are there obligations for service providers and others to share and educate their workforce in relation to the Scheme?

Under the [Disability Service Safeguards Act 2018](#), the Victorian Disability Worker Commission is responsible for providing Victoria's disability sector with ongoing information and resources about the Scheme and changes impacting the disability workforce.

This includes the provision of materials and guidance to assist with the practical application of the new regulations across the workforce.

Regular communications, provision of materials, newsletters and information forums are in place to engage with sector audiences, share information and provide updates. We encourage service providers and stakeholders to share and distribute the materials to employees and others to raise awareness of the Scheme.

Further information can be located at [vduc.vic.gov.au](http://vduc.vic.gov.au).

# Complaints

## How can the Commission help with complaints?

The Victorian Disability Worker Commission takes complaints about any Victorian disability worker from service providers, disability workers and disability service users.

We are a unique regulator because our focus is on individual disability workers. It regulates all disability workers in Victoria, regardless of the funding source of the service.

In handling complaints about individual disability workers, the Commission aims to promote the quality, safety, responsiveness and sustainability of the disability workforce.

The complaints service is independent, confidential and impartial.

## How does the Commission operate alongside the NDIS and other regulators in the sector?

The Victorian Disability Worker Commission regulates all disability workers in Victoria, regardless of the funding source.

It receives and investigates complaints about individual disability workers. It also oversees the Disability Service Safeguards Code of Conduct for disability workers, along with mandatory notifications to report and act on risks to the safety of a person with disability.

The Commission will also have a public, searchable register of disability workers who have been banned from providing disability services.

The NDIS Quality and Safeguards Commission registers and regulates NDIS service providers and oversees the NDIS Code of Conduct and NDIS Practice Standards.

The main difference between the Commission and the NDIS Quality and Safeguards Commission is that the Commission regulates Victorian disability workers, regardless of the funding source for the services they provide.

The NDIS Quality and Safeguards Commission is focussed on service providers and workers who deliver NDIS funded services. The Commission does not take complaints about disability service providers.

The Victorian Disability Worker Commission also has a 'no wrong door approach' and works with other regulators like the Disability Services Commissioner and the NDIS Quality and Safeguards Commission, to ensure that complaints are actioned, and if relevant, are referred to the relevant jurisdiction.

More information is available at <https://www.vdwc.vic.gov.au/about/contact-us>.

## The Victorian Disability Worker Commission

### What is the role of the new Commission?

The Victorian Disability Worker Commission is a new, independent regulator. 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 Disability Service Safeguards Code of Conduct, establishing the minimum expectations for all workers supporting Victorians with disability, and a new complaints and notifications service. When notified, it has the power to investigate and ban workers who put people's safety at risk.

## Where do I get more information?

Visit our website at [vdwc.vic.gov.au](http://vdwc.vic.gov.au) - this site will be continually updated with the latest information and developments about the Scheme.