

Victorian Disability Worker Commission and
Disability Worker Registration Board of Victoria

Annual report

20 August 2019 to 30 June 2021



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: 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. James Merlino MP
Minister for Disability, Ageing and Carers
Level 3, 1 Treasury Place
East Melbourne Vic 3002

19 October 2021

Dear Minister

We are pleased to submit the first consolidated annual report of the Victorian Disability Worker Commission and Disability Worker Registration Board of Victoria for the period 20 August 2019 to 30 June 2021 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

Contents

Responsible bodies declaration	1
Commissioner's report	4
Board chairperson's report	5
Introduction	6
Disability Worker Regulation Scheme	7
Scope of annual report	7
Why we're here	8
Our purpose	8
Our objectives	8
Our three entities	9
Victorian Disability Worker Commission	9
Victorian Disability Worker Commissioner	12
Disability Worker Registration Board Victoria	12
Our regulatory framework	14
Disability Worker Regulation Scheme	14
Disability Service Safeguards Act	14
Regulatory approach	17
The report of operations	19
Setting up the Commission	20
COVID-19 pandemic	20
Transparency and accountability	20
2020–21 year in highlight	23
Key activities and achievements – August 2019 to June 2021	24
Education and public awareness program	26
Regulatory activity in 2020–21	26
Case studies	30
Preparing to register disability workers	32
Registering disability workers	32
Registration standards	32
Setting ourselves up for registration	33
Registration resources and stakeholder engagement	34
Next steps	34
Supporting the Scheme	35

2020–21 financial information	37
Financial performance	37
Financial management compliance attestation	38
Governance and compliance	39
Governance	39
Compliance	39
Appendices	49
Appendix 1: Workforce data	50
Appendix 2: Disclosure index	52

Commissioner's report



I am extremely proud to present this report, which shows the Commission's outstanding work to build an important new regulator and start to deliver its regulatory functions. The report is made jointly with the Disability Worker Registration Board. The Board regulates registered disability workers, while I regulate unregistered workers.

I commend the Victorian Government for creating this landmark regulatory body that is empowered to ensure people with disabilities are safer and receive better quality services. I also thank the former Minister for Disability, Ageing and Carers, Luke Donnellan, for his unwavering support for the Commission's work.

We have seen some profoundly unacceptable conduct and quality of service by disability workers in our first year of operation. Although the 202 complaints and notifications received by the Commission represents a minority of workers, the significant impact it has on people with disability illustrates the necessity of this Commission.

In establishing the Commission we recruited more than 40 impressive professionals and met our target of 20 per cent being people with disability. We delivered our first awareness campaign for people with disabilities, their supporters and workers to explain the role of the Commission.

We carefully developed procedures to implement our somewhat complex regulatory framework in a way that supports people with disabilities and respects disability workers. The disability worker Code of Conduct holds workers accountable for the quality of their work and the safety of people with disability.

We were also pleased to work in partnership with the Disability Worker Registration Board to help create the technology, policies, legal instruments and other assets to enable registration. I commend the Board for its work to build this landmark voluntary registration program.

I am particularly proud of the Commission for delivering comprehensive, high-quality outcomes, including dealing with complex and confronting complaints, mostly while working remotely. The disability sector is experiencing its own significant stresses of lockdown, managing the risks of COVID-19 and transfers of services to the NDIS.

Starting a new regulator in such challenging times has understandably meant we need to keep promoting our Disability

Worker Regulation Scheme to people with disabilities and their families. As awareness increases, we expect a rise in the number of complaints, notifications and investigations.

We have continued to develop our understanding of the breadth and complexity of this important workforce, including the growing number of workers not funded by the NDIS (such as school integration and mental health workers). We work with the NDIS Quality and Safeguards Commission on some matters but, increasingly, we are the only regulator overseeing many disability workers – for example, the expansion of disability workers in mental health and education. We will therefore continue to conduct research to understand the workforce and how the Commission best regulates and engages with it.

I'm excited to lead the Commission into the future, having started its regulatory role with the hard-working and passionate people of the Commission and Board. To ensure we achieve our objectives and continue to improve, we will implement a monitoring and evaluation framework in 2021–22.

I look forward to the coming year and further progress towards a Victoria where people with disability live free from abuse and neglect.

Dan Stubbs
Commissioner

Board chairperson's report



I am pleased to report on the activities of the Disability Worker Registration Board of Victoria in this the Board's first annual report since its establishment in August 2019. The Board's report has been consolidated with that of the Victorian Disability Worker Commission.

The genesis for establishing a legislated disability worker regulatory scheme followed the Victorian Parliamentary Inquiry into Abuse in Disability Services. The inquiry highlighted the importance of investing in a regulatory framework that would protect the rights of people with disability to live free from abuse and neglect and to lift the standard of disability services provided in Victoria.

The *Disability Service Safeguards Act 2018* gave the Board the important responsibility for setting the standards for registration and independently assessing and registering disability workers. This aspect of the scheme is the first of its kind for disability workers in Australia.

The Board has made significant progress towards establishing its core regulatory functions in the relatively short time since its establishment.

The Board has set the registration standards for the inaugural registration year and endorsed the policy settings on what will satisfy the qualification, experience, and professional competence requirements to qualify for registration and is a major accomplishment for the scheme.

The Board is also charged with responding to complaints and notifications in relation to registered disability workers and disability students regarding their conduct and practice. The Board and Commission have worked together to develop practices and procedures in preparation for the regulation of registered disability workers and disability students.

As we develop strategies to be safe and support each other, it is important to acknowledge the very significant and longstanding impact the COVID-19 pandemic has had on people with disability and those who work with them. In the context of this disruption and its unknown longevity, a decision was made to defer the commencement of the registration scheme for a year.

The Board has sought to engage meaningfully with a diverse and wide range of stakeholders during the establishment period to raise awareness and understanding of the regulatory objectives and inform its implementation.

It has also worked closely with the Minister for Disability, Ageing and Carers and portfolio departments in providing confidence in the design and implementation of the regulatory framework. The Board appreciates the minister's support.

The Board will continue to work diligently and constructively with the government, Commission and stakeholders to make the first year of registration a success and a beginning in the lifting of the standard of disability services provided in Victoria.

I thank the Commissioner, Dan Stubbs, and his staff for their dedication and in bringing their skills and experience to the benefit of the Board in establishing and implementing the regulatory framework. The Commissioner's leadership and the staff's commitment has been significant and is appreciated by the Board.

Finally, the achievements we have made would not have been possible without the passion and dedication of the Board. The last two years has required agility and ingenuity. I thank my Board colleagues for their contribution, generosity of time and wise counsel as we have worked together to achieve the important outcomes to which we are committed.

Melanie Eagle
Chairperson

Introduction

This is the first annual report of the Victorian Disability Worker Commission and the Disability Worker Registration Board of Victoria.

The **Victorian Disability Worker Commission** supports two entities: the Victorian Disability Worker Commissioner and the Disability Worker Registration Board of Victoria. The Commission deals with complaints about all Victorian disability workers (registered and unregistered).

The **Victorian Disability Worker Commissioner** is the head of the Commission. The Commissioner regulates the conduct of unregistered disability workers.

The **Disability Worker Registration Board of Victoria** registers disability workers who meet certain standards and deals with complaints about registered disability workers. It also accredits study programs for disability workers.

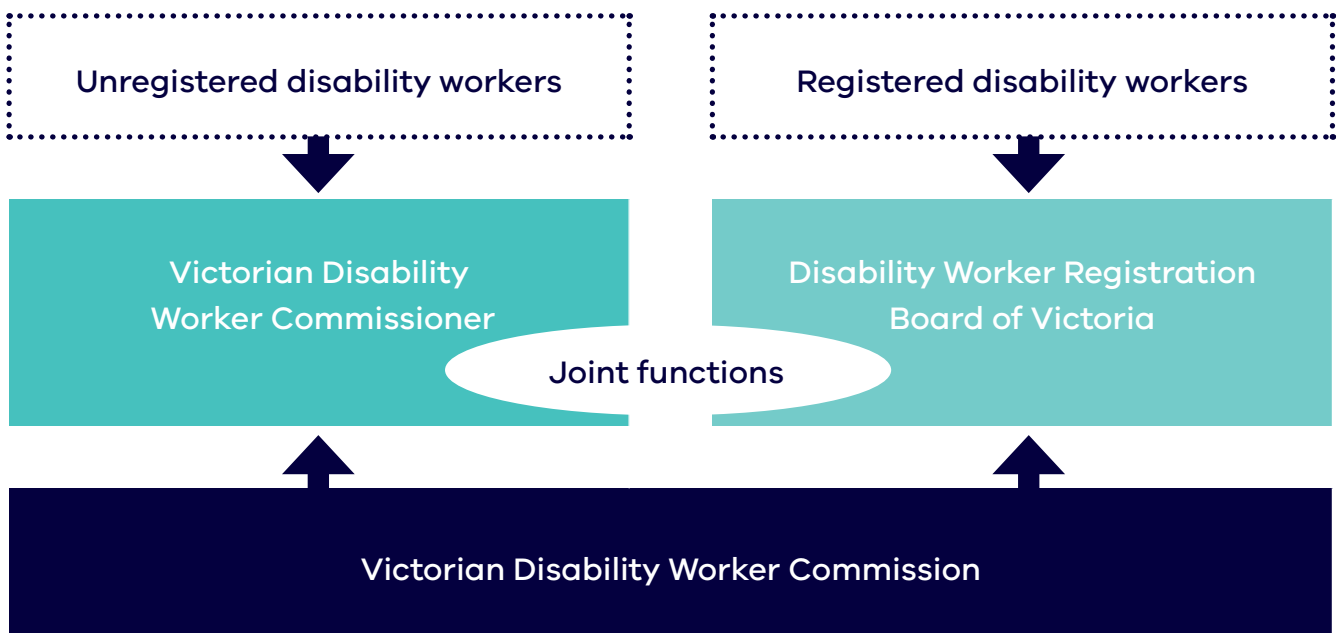
Dan Stubbs is the Victorian Disability Worker Commissioner and was appointed to this role in September 2019. The Board, chaired by Melanie Eagle, formed in August 2019.

This first annual report covers the Commission and Board activities and achievements for the two years from 20 August 2019 to 30 June 2021.

For more information about the Commission and Board, please visit our website at www.vdwc.vic.gov.au.

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

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



Disability Worker Regulation Scheme

In May 2016 the Victorian Parliamentary Inquiry into Abuse in Disability Services tabled its final report. The inquiry uncovered a long history of abuse and neglect of people with disability, including conduct perpetrated by disability workers. It found that Victoria needed more effective safeguards to protect people with disability and to ensure disability workers deliver high-quality care.

In August 2018 the Victorian Parliament passed the *Disability Service Safeguards Act 2018* (DSS Act) to improve the quality of disability care and service standards. The Act set up a regulation scheme with voluntary registration, accreditation standards and a Code of Conduct for unregistered disability workers. The scheme is called the Disability Worker Regulation Scheme.

The Scheme covers all Victorian disability workers (registered and unregistered) and students training to be disability workers in Victoria. It started on 1 July 2020 and forms part of the Victorian Government's zero tolerance approach to the abuse of people with disability.

The Scheme includes:

- a Code of Conduct for all disability workers
- an independent complaints service
- voluntary registration for Victorian disability workers.

The Board and the Commissioner jointly administer the Scheme.

Scope of annual report

On 21 March 2021 the Assistant Treasurer as the responsible minister determined under the *Financial Management Act 1994* (FM Act) that:

- 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) of the FM Act
- 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) of the FM Act
- the financial year for the Board and the Commission, for the purposes of their first report of operations and financial statements, is 20 August 2019 to 30 June 2021 (under section 6(1) of the FM Act).

In this annual report:

- the period from 20 August 2019 to 30 June 2021 is referred to as the 'reporting period'
- the Victorian Disability Worker Commission is referred to as 'the Commission'
- the Disability Worker Registration Board of Victoria is referred to as 'the Board'
- the Victorian Disability Worker Commissioner is referred to as 'the Commissioner'
- the Disability Worker Regulation Scheme is referred to as 'the Scheme'.

Why we're here

Our purpose

The Commission and Board's purpose is to:

- regulate registered disability workers and students training to be disability workers via a registration scheme
- regulate unregistered disability workers via a Code of Conduct
- investigate and deal with complaints and notifications about disability workers and disability students
- share information about disability workers.

Our objectives

We aim to promote the quality, safety, responsiveness and sustainability of the disability workforce by:

- registering certain disability workers and disability students and regulating registered and unregistered disability workers
- strengthening safeguards for people with disability who access disability services and broadening the avenues for complaints in relation to those services
- helping people with disability to get information and services from the disability workforce
- encouraging innovation and quality improvement in the way the disability workforce is educated and how disability services are delivered.

“The Commission manages complaints made about registered and unregistered disability workers and supports the Board to exercise its functions regarding registered workers.”

Our three entities

The three entities are the Victorian Disability Worker Commission, the Commissioner and the Disability Worker Registration Board of Victoria, which are outlined below.

Victorian Disability Worker Commission

The Commission manages complaints made about registered and unregistered disability workers and supports the Board to exercise its functions regarding registered workers.

The Commission has adopted the following drivers to measure success.

Vision

People living with disability experience respectful, empowering and safe services from Victorian disability workers so they live free from abuse and neglect.

Strategic priorities

- Raise community awareness and understanding of the work of the Commission and Board.
- Create an accessible and responsive complaints and notifications process.
- Implement proportionate action to complaints and notifications, and report back to those impacted.
- Deliver an accessible, sustainable registration scheme.
- Create a responsive, inclusive and effective organisation.
- Engage with other regulators and agencies to improve outcomes for people living with disability.

The Commission has the following functions in relation to registered disability workers and disability students:

- providing administrative assistance and support to the Board to enable the Board to exercise its functions in relation to registering

and regulating registered disability workers and disability students and accrediting training programs

- in conjunction with the Board, setting up and maintaining a register of disability workers that is accessible to the public and a register of disability students
- if appropriate, conciliating complaints
- entering into an agreement with the Board about fees, the Board's budget and services to be provided by the Commission to the Board
- monitoring, identifying and advising the minister about trends in relation to complaints and notifications, and other related matters
- carrying out and supporting research into complaints handling and ways of improving the practice of disability workers and the services they provide
- providing information and education to the public about disability workers and their conduct, the complaint handling standards and the complaints and notifications processes.

The Commission has the following functions in relation to unregistered disability workers:

- implementing efficient procedures for receiving and dealing with complaints
- receiving, assessing and dealing with complaints and notifications and, if appropriate, referring them to the Board
- if appropriate, conciliating complaints
- providing advice to the minister about matters referred to the Commission by the minister
- enquiring into or investigating matters referred to the Commission by the minister and providing reports to the minister in relation to those matters
- monitoring, identifying and advising the minister about trends in relation to complaints and notifications, and other related matters.

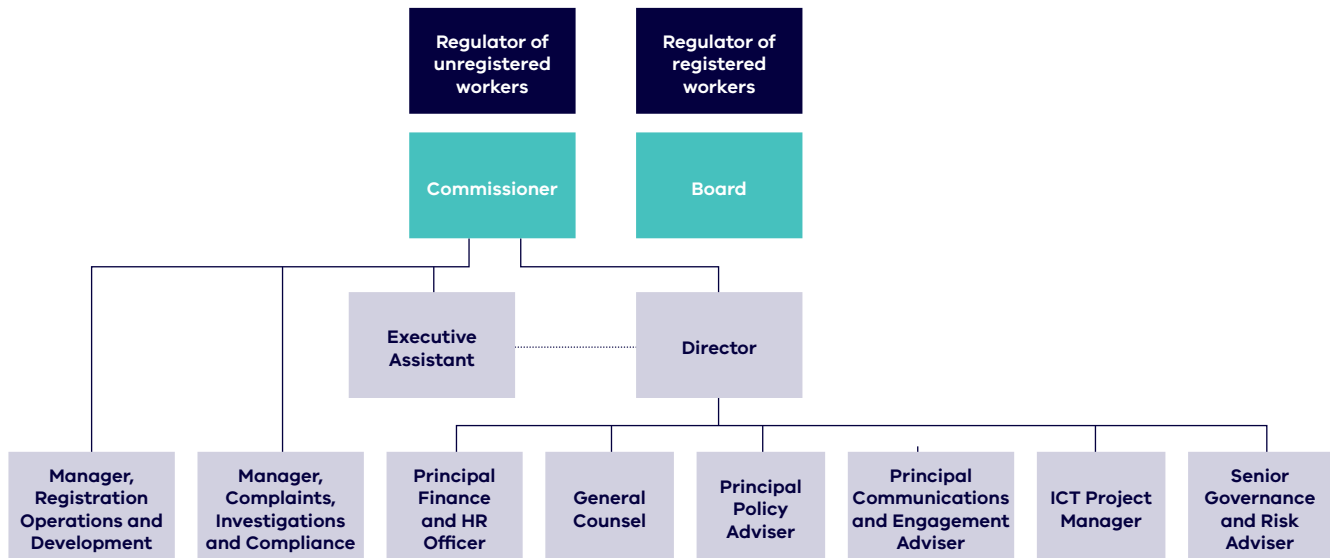
Measures of success

- The Commission is a fearless regulator.
- People living with disability feel safer.
- The most isolated and marginalised understand their rights.

Commission’s organisational structure

Figure 2 shows the organisational structure of the Commission.

Figure 2: Organisational structure of the Commission



Values

- Diversity and inclusion
- Independent and fair
- Fearless and accountable
- Trust and respect
- Empathy and dignity

Functions and responsibilities

Over the reporting period the Commission has continued to develop its core functions in delivering on the regulatory objectives and providing assistance to the Board. The functions at the time of this report were as follows.

Registration, operations and development

- Registering Victorian disability workers
- Developing systems and infrastructure to register Victorian disability workers
- Assessing registration applications and supporting the Board to grant or refuse registration
- Promoting registration to Victorian disability workers, the community and other stakeholders

- Collating and analysing registration data to inform the continuous development of disability worker registration in Victoria
- Supporting and providing secretariat services to the Board.

Complaints, investigations and compliance

- Managing the operation of the complaints, investigations and compliance team, ensuring we meet legal requirements and developing associated policies and procedures
- Exercising delegated functions under the DSS Act including counselling disability workers, settling complaints by agreement, referring complaints to conciliation or referring complaints and notifications to an appropriate entity
- Providing advice to the Commissioner about using our legal powers
- Developing and maintaining a public register of banned workers
- Analysing and reporting data from complaints, notifications and investigations.

Finance and human resources

- Providing finance services including processing transactions and preparing, monitoring and reporting on the Commission's budget position
- Providing human resources (HR) services including coordinating recruitment, preparing HR correspondence/reports and giving advice to Commission staff about policies and procedures to do with HR functions as well as diversity and inclusion, occupational health and safety, and learning and development
- Delivering ICT programs and initiatives to support the work of the Commission
- Supporting the business units with advice and navigation of procurement processes consistent with policies
- Developing corporate policies and establishing business continuity policies and procedures.

Legal services

- Overseeing the Commission and Board's legislative and regulatory framework
- Ensuring compliance with legal obligations including whole-of-government accountabilities, freedom of information, privacy, corporate delegations, policies and procedures
- Managing external legal service providers and legal spend
- Providing legal advice to the Commissioner and Board on policy and commercial matters (including contracts) and on exercising statutory functions
- Identifying and advising on relevant new and emerging legal issues and their longer term implications for the Commission
- Developing knowledge and capability of the Commission's employees by providing legal information, education and training.

Governance and risk

- Ensuring the necessary frameworks, processes, policies and procedures are in place to meet organisational, statutory and whole-of-government compliance and accountability requirements
- Facilitating the effective and efficient operation of the Audit and Risk Committee.

Policy

- Researching, analysing and preparing quality policy advice on the DSS Act and the operation of the Commission
- Strengthening the entities' policies by monitoring the rollout and operation of the Scheme
- Developing new or improving existing operational policies and processes to ensure they are consistent with the DSS Act
- Building the Commission's relationships within the regulatory, advocacy and government community and enhancing the Commission's standing
- Undertaking high-quality policy research, monitoring and reporting on high-priority issues and preparing reports, briefs, correspondence, Board papers and submissions.

Communications and engagement

- Managing, developing and delivering communications and engagement to position and create public awareness of the role of the entities across disability sector audiences, including the wider Victorian community
- Developing communications and campaign materials, resources and tools to promote awareness and educate audiences on the new regulations, complaints service, registration and regulatory role and remit of the Commission
- Managing creative and media agency partners and specialised supplier services for market research, graphic design, audiovisual, in-language and accessible materials services

- Coordinating and delivering the communications work program
- Developing and managing message creation and communication to alleviate risks and enhance the reputation and increase the positioning of the organisation across the community.

Government services to support the Commission and Board

The Department of Families, Fairness and Housing provides the following services to the Commission and Board on an agreed financial contribution basis:

- human resources support
- information technology services
- information and records management
- financial services
- travel and transport
- procurement support
- accommodation.

Victorian Disability Worker Commissioner

The Officer of the Commissioner is a 'special body' under the *Public Administration Act 2004* (section 6). The Governor-in-Council, on the recommendation of the responsible minister, appointed Dan Stubbs in September 2019 as the Commissioner. The Commissioner is responsible for the duties, functions and powers of the Commission under the Act including powers to issue prohibition orders in relation to unregistered workers, where there is a serious risk to the public or a person.

Disability Worker Registration Board of Victoria

The Board registers and regulates registered workers and is a public sector entity under the *Public Administration Act 2004* (section 5).

Aspirations

- A practical registration scheme is established
- Knowledge of the registration scheme and its benefits are high
- People with disability and providers of disability services demand and value registered disability workers
- The disability workforce values registration and the associated training
- Incidence of violence and abuse of people with disability has reduced.

Functions

The Board's functions include:

- setting standards for registering disability workers and the practice of registered disability workers
- accrediting training programs and supervising practice arrangements that qualify people for registration as a disability worker
- assessing the probity and qualifications of applicants for registration and to register suitably qualified disability workers
- registering suitably qualified disability workers
- registering people as disability students to undertake supervised practice as part of an approved program of study
- dealing with matters of impairment in relation to registered disability workers and disability students
- receiving, assessing and dealing with notifications and complaints about registered disability workers and disability students
- monitoring compliance with registration and practice standards by registered disability workers
- collecting and providing data for disability workforce planning and system improvement purposes
- regulating the advertising of services provided by registered disability workers.

Board membership

Section 8 of the DSS Act covers Board membership, with the chairperson and members appointed by the Governor-in-Council on the recommendation of the responsible minister.

The Board consists of not less than nine and not more than 12 people as decided by the minister in line with the following requirements:

- at least two and not more than two-thirds of the members are not, and have not at any time been, registered disability workers
- at least two and not more than two-thirds of the members are registered disability workers
- at least three members are people with disability.

Board membership at 30 June 2021 was as follows:

- Melanie Eagle (Chairperson)
- Christian Astourian
- Christine Bigby
- Gobi Chandran
- Stephanie Gotlib
- Alexandra Gunning
- Jill Linklater
- Paul Ravenarki
- Scott Sheppard
- Geoffrey Southwell.

Notes

Directors whose term expired or who resigned during the reporting period were:

- Gary Kerridge – resigned November 2019
- Anna Burke – resigned April 2021.

The Board has no operational or administrative staff, with the Commission required under section 22 of the DSS Act to: 'provide administrative assistance and support to the Board to enable the Board to exercise its functions in relation to the registration and the regulation of registered disability workers and disability students and the accreditation of training programs'.

Our regulatory framework

Disability Worker Regulation Scheme

A key recommendation of the Parliamentary Inquiry into Abuse in Disability Services was for the Victorian Government to develop an overarching strategy for disability services, including screening and registration of individual workers. Another key recommendation was to set up an independent statutory body to oversee reports of abuse and neglect in disability services.

Throughout 2017 and 2018, the Victorian Government undertook consultation to understand how a disability worker regulation scheme would best address the findings of the inquiry. There was broad support for a scheme to protect the right of people with disability to live free from abuse and neglect and to lift the standard of disability services provided in Victoria.

Following this consultation process, it was decided that two distinct regulatory functions were needed – a function for regulating the conduct of workers and a voluntary worker registration function.

In 2018 the newly enacted *Disability Service Safeguards Act* (DSS Act) set up the Disability Worker Regulation Scheme. The DSS Act strengthens the safeguards for people with disability who use disability services and broadens the avenues for complaints about disability workers. The DSS Act also aims to promote innovation and quality improvement in disability services and education of the disability workforce, including through a voluntary registration scheme. A guiding principle of the DSS Act is that 'persons with a disability to whom disability services are provided have the same rights as other members of the community'.

“A guiding principle of the Act is that 'persons with a disability to whom disability services are provided have the same rights as other members of the community'.”

Disability Service Safeguards Act

The DSS Act:

- creates a voluntary registration scheme for disability workers
- provides a way to make a complaint about any disability worker in Victoria
- requires all unregistered disability workers to comply with a Code of Conduct
- creates the Victorian Disability Worker Commission, the Victorian Disability Worker Commissioner and the Disability Worker Registration Board as regulators of the Scheme.

Disability Service Safeguards Act

A new avenue for complaints, notifications and investigating disability worker conduct

The Disability Worker Regulation Scheme began on 1 July 2020.

The DSS Act gives the Commission power to receive complaints and investigate unregistered disability workers. For registered workers, the Board, with support from the Commission, can receive and deal with complaints about them including investigating their conduct. The DSS Act also requires employers and disability workers to notify the Commission about certain types of conduct of disability workers that put service users at risk. The DSS Act provides the Commission and Board with regulatory tools to resolve complaints and notifications.

If the subject of a complaint or notification is a registered National Disability Insurance Scheme (NDIS) provider or is employed or engaged by a registered NDIS provider, the matter must be referred to the NDIS Quality and Safeguards Commission. The Commission or Board may continue to deal with the matter.

The Commission has the power to investigate complaints and notifications about unregistered disability workers and can also investigate on its own initiative. After an investigation, the Commission may counsel the worker, decide to take no further action, refer the matter to the NDIS Quality and Safeguards Commission or seek agreement to resolve the matter. The DSS Act also allows the Commissioner to stop disability workers from providing disability services if their actions and behaviours are considered a serious risk.

Under the DSS Act, the Board can take regulatory action against registered disability workers and disability students. Working with the Commission, the Board can receive complaints and notifications about a worker's conduct or practice. The Board can impose conditions on a worker's registration or refer the worker to a panel and to the Victorian Civil and Administrative Tribunal. As a result of deferring the registration scheme to 1 July 2021, these powers were not exercised in the reporting period.

To meet the DSS Act's objectives and ensure no complaints about unregistered disability workers are missed, the Commission has established relationships with other regulators to understand their approach. We have developed working arrangements that ensure the Scheme can have a 'no wrong door' policy. This helps ensure complainants do not have to repeat their story or have to approach multiple entities to get the support they need.

Prohibition orders

The DSS Act gives the Commissioner the power to issue prohibition orders for unregistered disability workers. A prohibition order stops a person from practising as a disability worker or requires that they can only work if certain conditions are met.

The Commissioner can make a prohibition order if they are satisfied that it is necessary to avoid a serious risk to the life, health, safety or welfare of a person or the health, safety or welfare of the public. Specified grounds connected to the worker's conduct must also be met.

The Commission maintains a public register of workers who are prohibited from practising, which is available on the Commission's website.

Code of Conduct

The Disability Service Safeguards Code of Conduct is set out in the Disability Service Safeguards Regulations 2020.

“The Code creates obligations that all Victorian disability workers must follow in Victoria and provides a standard to protect people with disability from harm and abuse.”

Developing the Code of Conduct

Before regulatory operations under the Disability Worker Regulation Scheme began, the then Department of Health and Human Services held a public consultation on the regulations needed to support the Scheme.

The consultation, held in early 2020, asked for feedback on the Code to apply to unregistered disability workers. The Code creates obligations that all Victorian disability workers must follow in Victoria and provides a standard to protect people with disability from harm and abuse. (The consultation also received feedback on information sharing and aligning offences under the DSS Act with NDIS worker screening offences.)

Most people involved in the consultation agreed with adopting the NDIS Code of Conduct as the Disability Service Safeguards Code of

Conduct. Stakeholders liked the idea of national consistency and providing minimum standards for unregistered disability workers in Victoria.

Following this consultation, the Disability Service Safeguards Regulations prescribed the NDIS Code as the Disability Service Safeguards Code of Conduct. The regulations took effect on 1 July 2020.

About the Code of Conduct

The Code is important in establishing the standard of conduct of disability workers and enabling the Commission to act when that standard is not met. Under the DSS Act:

- all unregistered disability workers must comply with the Code
- a person may complain to the Commission if they consider a disability worker has contravened the Code
- the Commission may conduct an investigation if the Commission believes that an unregistered disability worker may have failed to comply with the Code – either following a complaint or notification or on its own initiative
- the Commissioner may make a prohibition order if the Commissioner believes that an unregistered disability worker has breached the Code, and if it's necessary to make the order to avoid a serious risk to life, health or safety. A prohibition order bans a person from providing disability services (either some or all disability services) in Victoria for a fixed period or permanently.

For registered disability workers, the Board has set a guideline that all registered workers must comply with the Code.

The Commission has issued guidelines on worker obligations under the Code.

Code of Conduct

1. Act with respect for individual rights to freedom of expression, self-determination and decision making in accordance with applicable laws and conventions.
2. Respect the privacy of people with disability.
3. Provide supports and services in a safe and competent manner, with care and skill.
4. Act with integrity, honesty and transparency.
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.
6. Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.
7. Take all reasonable steps to prevent and respond to sexual misconduct.

“Registration fills a critical gap by ensuring registered disability workers meet set standards for safety, skills and professionalism.”

Registration of disability workers and students

The DSS Act creates voluntary disability worker registration that allows for the Board to independently assess workers as suitable for registration. Voluntary registration is the first of its kind for disability workers in Australia.

Across the disability sector, different onboarding checks, standards and screenings for disability workers may vary in consistency or may not exist in some cases. 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 deliver is funded.

The Board sets the standards for registration. It uses registration standards to assess whether a person is suitable for registration by showing they can practise competently and safely. Registered workers will need to renew their registration each year and may need to show they comply with requirements the Board may set for practice. The Board can also accredit approved programs of study and regulate the conduct of disability students in those programs of study. Under the DSS Act, the titles 'Registered Disability Practitioner', 'Registered Disability Support Worker' and 'Registered Disability Worker' are protected. The Board must also keep public registers of registered disability workers and disability students.

Considering the significant impacts of the COVID-19 pandemic, the Board decided to defer the commencement of disability worker registration from 1 July 2020 to 1 July 2021.

Regulatory approach

The Commission has developed an approach for regulating unregistered disability workers in Victoria that is consistent with the DSS Act and recognises the specific circumstances of each matter. The Commission developed a risk-based framework to assist staff in assessing the best compliance pathway and taking proportionate action.

Six guiding principles underpin the approach:

- 1. Protective:** protect vulnerable Victorians and support them to avoid harm.
- 2. Consistent, risk-based and evidence-based:** consistent and objective decisions and outcomes by remaining informed and curious.
- 3. Empathetic and responsive:** respectful, fair and tailored engagement with all parties to ensure all views are heard.
- 4. Transparent and accountable:** assessment, conduct and implementation of enforcement that upholds procedural fairness.
- 5. Collaborative:** work collaboratively with other entities to ensure compliance with legislative obligations and respect primary jurisdictions.
- 6. Building a better, safer workforce:** support a better, safer workforce through improving the understanding of expected standards of safe service delivery.

The Commission adopts a best practice approach to responding to complaints and notifications, with a range of regulatory tools available. The Commission can use counselling to inform and educate unregistered disability workers about their obligations under the Code of Conduct. Investigations and significant actions such as banning unregistered disability workers are reserved for cases where there is a significant risk of harm.

The Commission will refine its regulatory approach over time through its evaluation process and informed by evidence.

Regulatory management agreement

Section 276 of the DSS Act requires the Commission and Board to enter into a regulatory management agreement. The agreement must outline:

- the fees payable under the DSS Act by disability workers and disability students
- the annual budget of the Board
- the services to be provided to the Board by the Commission to enable the Board to carry out its functions under the DSS Act.

The 2020–21 regulatory management agreement between the Board and Commission included the following:

- fees payable under the DSS Act by disability workers and disability students (including arrangements relating to refunds of fees, waivers of fees and extra fees for late payment)
- annual budget of the Board
- services to be provided to the Board by the Commission to enable the Board to carry out its functions under this DSS Act
- mutual reporting obligations
- establishing financial management principles
- processes for collaboration between the Board and Commission
- reporting on activities such as complaints, notifications and investigations related to unregistered workers and engagement with the minister about the Scheme.

The report of operations

**Helping build a safer,
stronger disability sector**

The report of operations outlines the Commission and Board’s core activities leading up to and following the commencement of the Scheme on 1 July 2020.

It reflects the Commission’s activities in preparing for and operating in the reporting period, and the Board’s activities in preparing for registration beginning on 1 July 2021 (the Board deferred the start of worker registration to this date given the COVID-19 pandemic).

Setting up the Commission

The Commission has evolved from a project team established in the former Department of Health and Human Services into an independent regulator. The Commission has made significant progress in building its capacity and capability as a fit-for-purpose regulator. It has focused on embedding the right people, policies and processes to support its regulatory functions.

During its first full year, the Commission undertook a number of initiatives and activities to strengthen its operational effectiveness to ensure it was aligned with the delivery expectations of a modern regulator.

- We have implemented, while working remotely, positive recruitment practices that have attracted diverse talents and recruiting and developing a strong team of regulatory staff while also promoting the Commission as an inclusive employer. The staffing profile has increased to 29 at June 2021, with an expected full staffing profile of 38 by 1 November 2021
- We have developed workplace adjustments policies to support employment participation for people with disability. This has allowed the Commission to achieve at least 20 per cent of staff disclosing that they have a disability

- We have invested significantly in IT (\$1.060m in 2020–21), working with a range of providers in developing and enhancing our case management system for managing complaints, notifications and investigations, and expanding it to assessing registration applications, developing an online registration form and an enhanced website
- We have established a shared services model with the Department of Families, Fairness and Housing in key areas such as finance, IT, people and culture and procurement.

COVID-19 pandemic

The COVID-19 pandemic had a significant impact on the entities over the reporting period. COVID-19 and related public health measures have caused fundamental changes in the way we all conduct business. The Commission and Board have adapted to these changes while continuing our responsibilities in developing and implementing the Scheme.

Voluntary worker registration was to begin on 1 July 2020. In April 2020 the Board decided to defer the start of voluntary registration in consideration of the impacts and uncertainty of the COVID-19 pandemic. Applications for registration were deferred to 1 July 2021, with the first registration year to begin on 1 October 2021 and conclude on 30 September 2022, being one year later than originally intended.

From an operational perspective, COVID-19 has meant conducting recruitment and most operations remotely.

Transparency and accountability

The Commission’s strategic plan 2020–23 identified six strategic priorities with associated actions (refer to Table 1).

Table 1: Strategic plan – six strategic priorities with associated actions

Strategic priorities	2020–21 actions	2021–22 actions
Raise community awareness of what safe and respectful services from a disability worker look like	<p>Deliver the Wave II campaign on the Code of Conduct, notifications and how to make a complaint (completed)</p> <p>Develop a new campaign to promote the registration of disability workers (completed)</p> <p>Enhance community awareness of the Commission through improved resources and user experiences (ongoing)</p>	<p>Leverage social media to reach diverse groups in culturally appropriate ways</p> <p>Conduct extensive community and sector research to build an evidence base and understand disability community perceptions to inform all complaints, notifications and registration</p> <p>Develop a targeted sponsorship and events strategy</p> <p>Produce engaging video-based content and case studies to bring what we do to life</p> <p>Develop a community education plan</p>
Create an accessible and responsive complaints process	<p>Establish a clear complaints process (completed)</p> <p>Develop an operations manual and train staff (completed)</p> <p>Create a publicly available compliance policy (in progress)</p> <p>Implement a case management system, including identifying improvements for all users (completed)</p>	<p>Introduce real-time feedback to understand the user experience through the complaints process and to drive continuous improvement</p> <p>Develop a compliance policy (including regulatory approach)</p>
Deliver proportionate action to complaints and report back to those impacted	<p>Implement procedures to take legal and proportionate action against disability workers who do not comply (ongoing)</p> <p>Implement a method to legally publicise outcomes of investigations (completed)</p>	<p>Strengthen and streamline investigation systems and processes (including matter prioritisation, timeliness and robustness)</p>
Deliver an accessible, sustainable registration scheme	<p>Create the value proposition for why a worker should register (completed)</p> <p>Develop a package of standards, systems and processes for registered disability workers (completed)</p> <p>Secure a critical mass of registered disability workers (ongoing)</p>	<p>Strengthen and streamline systems and processes</p> <p>Establish an accreditation policy and strategy</p> <p>Establish a fees policy and strategy</p> <p>Establish a registration standards policy and strategy</p> <p>Review the sector response to registration to increase uptake</p>

Strategic priorities	2020–21 actions	2021–22 actions
<p>Create a responsive, inclusive and effective organisation</p>	<p>Deliver a human resources system with inclusive recruitment and other processes that supports shared values and flexible working arrangements, with an effective culture to deliver the Commission’s vision (completed)</p> <p>Build staff capability to be an excellent regulator (ongoing)</p> <p>Develop and implement systems and staff capabilities to ensure effective management of finances and other resources (ongoing)</p> <p>Provide information, communication and technology support across the Commission to efficiently and sustainably deliver priorities (completed)</p> <p>Establish policies, procedures and external agreements to ensure legal compliance to deliver on Commission priorities (ongoing)</p>	<p>Develop the Commission’s hybrid work model</p> <p>Identify and embed sustainable workload management and staff wellbeing practices</p> <p>Develop and implement a diversity and inclusion plan</p> <p>Implement the monitoring, evaluation and planning framework</p> <p>Develop a business case for technology-assisted functionality options to the website to improve access to information</p> <p>Assess opportunities to improve and automate functions for DAISEE (casework database)</p> <p>Implement a customer relationship management solution to effectively manage stakeholder engagement</p>
<p>Collaborate with other regulators and advocate to improve outcomes for people living with disability</p>	<p>Build relationships with departments and government, the sector, unions and other regulators (ongoing)</p>	<p>Implement a strategy to engage key sectors with disability workers to inform them about their rights and obligations, starting with the education and mental health sectors</p> <p>Review arrangements and procedures with key regulators to improve effectiveness</p> <p>Strategically engage in regulatory reform (e.g. Mental Health and Wellbeing Commission and social services regulation)</p>

2020–21 year in highlight

August 2019

Disability Worker Registration Board appointed
Launch of Commission website



September 2019

Stakeholder consultation forum established
Commissioner appointed



January and February 2020

Public consultation on registration and regulations



July 2020

Disability Worker Regulation Scheme effective 1 July 2020
Commission begins operation at 570 Bourke Street Melbourne



June 2020

Disability Service Safeguards Amendment Bill 2020 passed



March 2020

Regulation scheme public awareness and information campaign commences



September 2020

Public information session on complaints and notifications



October 2020

Complaints and notifications public awareness and information campaign commences



November 2020

Commission's strategic plan adopted



April 2021

Disability worker registration public awareness and information campaign commences
Commission becomes a prescribed Information Sharing Entity
Shared Audit and Risk Committee established



May 2021

Regulations on prescribed offences commences 11 May 2021



June 2021

Public information session on disability worker registration



July 2021

Voluntary registration for disability workers commences 1 July 2021



Key activities and achievements – August 2019 to June 2021

August 2019

- Board Chair and members of the Disability Worker Registration Board appointed
- Commission information website went live
- Stakeholder consultation forum (50 attendees)

September 2019

- Commissioner appointed

November 2019

- Commission staff recruitment commenced

December 2019

- Public consultation on registration and regulations via Engage Victoria commenced

February 2020

- Commissioner presentation at Having a Say conference, Australia's largest conference for people with disabilities hosted by VALID

March 2020

- Launch of Commission and Disability Worker Regulation Scheme public awareness and information campaign (including advertising campaign)
- Working from home commenced for Commission staff in response to COVID-19 pandemic

April 2020

- Board decided to defer the start of voluntary registration to 1 July 2021 due to the COVID-19 pandemic

May 2020

- Disability Service Safeguards regulations made, including prescribing the NDIS Code of Conduct to apply to unregistered disability workers from 1 July 2020

June 2020

- Operations manual for the regulation of unregistered disability workers finalised
- Staff from Complaints, Investigations and Compliance team trained in the processes and procedures for regulating unregistered disability workers

July 2020

- Disability Worker Regulation Scheme came into effect on 1 July 2020 providing for:
 - mandatory notification requirements for employers and 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
- Updated website launched (with additional information and functionality to lodge complaints and notifications online)
- Commission offices operational

September 2020

- Commissioner presented at Virtual Disability Expo

October 2020

- Commissioner presented at DARU Sector advocacy conversation series and HACSU Conference

November 2020

- Commission adopted strategic plan for the period 2020–21 to 2022–23
- Webinar on mandatory notifications (399 registered attendees)
- Disability Worker Registration Board of Victoria set fees, three registration standards and one guideline for the 2021–22 registration year

December 2020

- Commission announced as a joint recipient of the Enablers Award by the VPS Enablers Network for demonstrating best practice recruitment practices in making workplace adjustments the norm rather than exception

April 2021

- Shared Audit and Risk Committee established
- Commission became a prescribed Information Sharing Entity under the Child Information Sharing Scheme and Family Violence Information Sharing Scheme
- Disability worker registration public awareness and information campaign commenced in anticipation of launch of disability worker registration starting 1 July 2021

May 2021

- Information on registration standards and registration fees published on website
- Disability Service Safeguards Regulations 2020 amended to prescribe offences that can form the basis for regulatory action by the Commission

June 2021

- Webinar on disability worker registration (300 registered attendees)
- Measurement and evaluation framework established that equips the Commission and Board to measure, evaluate and learn about the benefits of the Scheme
- Commission's priority and target of employing people with disability in 2020–21 of 20 per cent met
- Online voluntary registration applications portal for disability workers completed to allow for start on 1 July 2021
- Prepared virtual launch event for disability worker registration for 1 July 2021
- Updated website ready for launch of registration on 1 July 2021 (with additional information and functionality to lodge registration applications online)
- Research completed on a typology of disability services and a framework for how these services relate to known professional standards, codes of conduct, capability frameworks, bodies of practice, registration requirements, qualifications and training

Education and public awareness program

The primary aim of the Commission's communications in the lead-up to launching the Scheme in July 2020 was to build broad community awareness and trust in the Scheme's aims. This included raising awareness of the current problems within the disability sector that the Scheme aims to address.

Building an awareness and understanding about the Scheme set a strong foundation for launching the Code of Conduct and the complaints and notifications components of the Scheme from 1 July 2020.

The Commission established a range of ways for the community to make contact for enquiries or information. This included a toll free phone line and a dedicated email info@vdwc.vic.gov.au (which received 156 enquiry emails between 1 July 2020 and 30 June 2021). In addition, information was regularly issued through e-newsletters and social media including Facebook, Twitter and LinkedIn.

The Commission took part in and hosted various events to inform disability workers, people with disability, employers and the wider community about the Scheme. The Commissioner held more than 40 meetings with sector representatives and presented at events including:

- Having a Say conference, Australia's largest conference for people with disabilities hosted by VALID on 26 February 2020
- Virtual Disability Expo on 4 September 2020
- DARU Sector advocacy conversation series on 13 October 2020
- HACSU Conference on 16 October 2020.

The Commission adapted to COVID-19 pandemic requirements by increasing online engagement through stakeholder meetings and webinars. Online information sessions were held on topics such as complaints and notifications in November 2020 and disability worker registration in June 2021. These events recorded strong engagement, reaching a total of 679 participants across the state.

The Commission conducted market research to measure audience awareness, understanding and attitude change about aspects of the Scheme and disability worker registration. The research ensured that a sound evidence-based approach informed communication campaigns and activities.

Regulatory activity in 2020–21

In 2020–21 the Commission launched its complaints, mandatory notifications and investigation functions for unregistered disability workers. The Commission supports accessibility by receiving matters via a web portal, dedicated phone line, emails or referrals. Our staff help people who contact us to understand our functions and processes.

We received most complaints and notifications in 2020–21 via our web portal. Most enquiries were received by phone. In our first year of operations we saw 142 enquiries (refer to Table 2) as the sector sought to understand the role of the Commission and were looking for information and support. These interactions involved providing clear information about the Scheme or empowering the person with strategies to address the issues raised. If an issue could not be resolved, the person would be referred to other organisations as appropriate.

Table 2: Method of notifications, complaints and enquiries

Method	Complaint	Enquiry	Notification	Total	Percentage
Web portal	31	42	77	150	44%
Phone	28	75	14	117	34%
Email	22	12	24	58	17%
Referral from other entity	1	9		10	3%
In person		3	4	7	2%
Other	1			1	0%
Social media		1		1	0%
Total	83	142	119	344	100%

Notifications

The Commission received 119 notifications in 2020–21. Mandatory notifications about unregistered disability workers were made largely by employers who assessed that certain conduct met the threshold for making a mandatory notification (82 per cent of notifications). Most notifications related to disability worker conduct that was considered a significant departure from accepted professional standards (86 per cent). Remaining notifications were made by colleagues or other disability workers (18 per cent). Smaller numbers of reports about alleged sexual misconduct while practising (8 per cent) and being intoxicated by alcohol and drugs while practising (6 per cent) made up the reasons for notification (refer to Table 3).

The notifications received mostly related to disability services being provided in supported independent living, often referred to as group homes (71 per cent), and in-home support (13 per cent). Notifications were slightly higher for male unregistered disability workers (55 per cent) than for female unregistered disability workers. The majority of notifications were made about disability workers employed by a service provider (71 per cent). In 90 of the 119 notifications the worker was employed by an NDIS provider (76 per cent). All these 90 matters that relate to workers employed by NDIS registered service providers were referred to the NDIS Quality and Safeguards Commission as required by the DSS Act.

Table 3: Notifications by type of conduct

Type of conduct	Number
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 (section 58(d))	102
Engaged in sexual misconduct while practising as a disability worker (section 58(b))	10
Practised as a disability worker while intoxicated by alcohol or drugs (section 58(a))	7
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 (section 58(c))	0
Total	119

As a new regulator it is important that the Commission provides clear information to unregistered disability workers about their obligations under the DSS Act and the Code of Conduct. Accordingly, and after assessment of the nature of the matters notified, 62 of the notifications received resulted in unregistered disability workers being counselled (refer to Table 4). The Commission closed 102 notifications in 2020–21. In 29 notifications the Commission determined no further action was required for reasons including that the notification lacked substance or fell under another regulatory body's jurisdiction.

The Commission determined to investigate 11 of the notifications it received in 2020–21.

Table 4: Outcome of notifications

Primary outcome	Number
Counselling	62
Investigation	11
No further action	29
Open cases	17
Total	119

Note: 'No further action' includes notifications: assessed as vexatious or without substance; in the jurisdiction of another body; where the disability worker had taken appropriate steps to remedy the matter; where the notification was made more than 12 months after the conduct; or where the notification was made more than 12 months after the disability service sought was not provided.

Complaints

Complaints can be made by anyone in the community who has a concern about the professional conduct of a worker. In 2020–21 we received 83 complaints about unregistered disability workers. Employers or a colleague of a disability worker made about half of these complaints (51 per cent), and 17 per cent were made by the service user themselves. Often complaints were about concerns held by the employer or colleague but that did not meet the threshold for a mandatory notification.

Similar to notifications, complaints were mostly about services being delivered in supported independent living (48 per cent). Complaints also related to services being delivered in independent accommodation (18 per cent) and family home accommodation (11 per cent).

Thirteen complaints were withdrawn after engaging with complainants and providing advice about the Commission's roles and functions. Complaints, compared with notifications, were more likely to be made about female workers (59 per cent). The majority of disability workers worked for a service provider. In 43 of the 83 complaints, the worker was employed by an NDIS provider (52 per cent). These matters were referred to the NDIS Quality and Safeguards Commission, as required by the DSS Act.

Broadly the more general nature of the complaints function meant a more diverse scope of complaints when compared with notifications.

A range of issues were raised in complaints. Individual complainants sometimes raised more than one issue. When classified by the primary issue, most complaints related to the knowledge, skills or judgement of the disability worker (refer to Table 5).

Table 5: Complaints by primary issue raised in complaint

Issue	Number
Knowledge, skills or judgement possessed by the disability worker	24
Abuse and/or neglect	12
Matters about which a notification must be made	12
Competency and safety	11
Integrity, honesty and transparency	9
Freedom of expression, self-determination and decision making	6
Other	9
Total	83

The DSS Act provides for alternate dispute resolution avenues to resolve complaints.

Similar to outcomes of notifications, the largest proportion of complaints were concluded by counselling the unregistered disability worker (35 per cent) (refer to Table 6). In the Commission's first year of operation, the focus has been on educating workers on their obligations under the DSS Act and the Code of Conduct. Investigations focused on serious allegations.

Table 6: Action taken at the end of the complaint process

Primary action taken	Number
Counselling	29
Complaint withdrawn	13
Not a disability worker	2
Settle by agreement	2
Referral ^a	1
Investigation	1
Closed due to lack of information	14
Open cases	3
No further action ^b	18
Total	83

Notes:

- a.** In addition to the 90 notifications referred to the NDIS Quality and Safeguards Commission.
- b.** Includes complaints assessed as vexatious or without substance, where the complainant doesn't comply with a request for further information, in the jurisdiction of another body, or where there is not reasonable prospect of resolving the complaint.

Investigations and prohibition orders

The Commission commenced 12 investigations in 2020–21 (arising from 11 notifications and one complaint). All 12 investigations remained ongoing at 30 June 2021.

The Commission issued one interim prohibition order in 2020–21.

Case studies

Please note: These case studies show the types of matters the Commission responded to in 2020–21. The case studies use pseudonyms, and some details have been changed to protect the anonymity of the participants.

Case study 1: A complaint about safety

David has an intellectual disability and lives in a supported independent living accommodation service managed by a disability service provider. David contacted the Commission because he was having difficulties with a disability worker, Jake.

David raised the following concerns about Jake's knowledge, skills and judgement as a disability worker:

- Jake ignored David's verbal report that he was being threatened by another service user at the accommodation service.
- Jake failed to provide David with a safe home environment because he was allegedly being physically assaulted by another service user.

The Commission presented the concerns to Jake in writing and gave him the opportunity to provide a response.

Jake's written response acknowledged that David (and all other people with disability) has the right to live a life free from fear and abuse. He outlined how he implemented strategies from David's documented and approved positive social interaction plans to guide his practice when situations arise such as the issue in question.

The Commission decided to settle the matter by agreement. It was able to take this action because David and Jake were willing to work together, agreeing to discuss and review David's social strategies. Jake also agreed to answer David's questions about his practice decisions.

Case study 2: A complaint about a dietary support plan

Blake, the brother of Michael, a person with disability, lodged a complaint with the Commission.

Michael has an intellectual disability and specific dietary requirements. He lives in a supported independent living accommodation service managed by a disability service provider. Blake raised concerns about a disability worker, Hannah, who had reportedly yelled at Michael, telling him he would eat his food just like his housemates, even though she was aware of his specific dietary requirements.

Blake raised two issues:

- Hannah was not following Michael's dietary support plan.
- Hannah's practice did not respect Michael's right to his choice to eat a particular food or not.

Blake wanted to ensure Hannah would follow support plans in her future work with Michael.

The Commission presented the concerns to Hannah in writing and gave her an opportunity to provide a response.

Hannah's written response suggested she was aware of Michael's dietary requirements. However, her response did not explain why she had not followed the dietary support plan. Her response did not address her practice of not respecting Michael's right to make his own decisions on what he wants to eat.

The Commission decided to counsel Hannah on her obligation to comply with the Disability Service Safeguards Code of Conduct, providing education on her obligations under the Code. This action was consistent with the outcome Blake sought in his complaint.

Case study 3: A notification

A disability service provider notified the Commission that it had formed a reasonable belief that a disability worker, Ellen, had engaged in notifiable conduct. Ellen had left a service user, Sharon, who requires overnight support, unattended.

Sharon has a physical disability. Sharon lives independently in the community in her own modified unit and is funded for 24-hour support. Sharon requires support overnight for personal care and individual specific support needs.

The notification alleged that Ellen, after providing support for the evening routine, which included transferring Sharon to bed, left the unit, without telling Sharon, to purchase food, leaving Sharon without any support for about half an hour. While Ellen was out, Sharon required personal assistance and was left without this support. The disability service provider believed that Ellen had created a risk of harm by practising in a manner

that constitutes a significant departure from accepted professional standards.

The Commission presented these issues in writing to Ellen, giving her the opportunity to respond. Ellen's written response acknowledged that the decision to leave Sharon unattended for a period of 30 minutes was an error in judgement. She advised that in future her practice would be to either take food to work or organise delivery of takeaway food. She also acknowledged that leaving without telling Sharon lacked honesty and transparency. As a result of her conduct the service provider terminated her employment.

The Commission decided to counsel Ellen on her obligation to comply with the Disability Service Safeguards Code of Conduct, specifically to provide supports and services in a safe and competent manner with care and skill and to act with integrity, honesty and transparency.

Preparing to register disability workers

The DSS Act sets out registration as an objective of the Scheme and an enabler to achieve the guiding principles set out in the Act. The objectives are to contribute to a quality, safe, responsive and sustainable disability workforce and to make sure people with disability can get information about the workforce.

The Commission and Board began planning in late 2019 to ensure a successful start to voluntary registration of Victorian disability workers. This included setting policy frameworks and procedures, developing IT and registration application webform infrastructure, and negotiating information sharing arrangements with relevant authorities and regulators.

Registering disability workers

Disability workers must be assessed as qualified and suitable to become a registered disability worker. Disability workers must meet a range of checks to be registered. In addition to assessing a person's qualifications, when registering a person as a disability worker, the Board will consider:

- any impairment that affects a person's ability to practise safely
- the person's criminal history
- competency in speaking or otherwise communicating in English
- whether a person has had registration suspended or cancelled by another regulator
- whether a person is subject to a prohibition or banning order
- whether a person is fit and proper and can practise in a competent and safe way.

These assessments will allow the Board to develop its understanding of each applicant, considering their professional and personal conduct and ability to practise competently and safely. People who are assessed as unsuitable will be refused registration. Registration aims to increase safety for people who rely on disability services and increase confidence in the sector.

“People with disability, their family and carers, and service providers, can easily access up-to-date, independent and reliable information about registered disability workers.”

People with disability, their families and carers, and service providers, will be able to easily access up-to-date, independent and reliable information about registered disability workers by checking the public register of disability workers on the Commission's website. Workers registered in the first registration period from 1 July 2021 will be recorded on the public register from 1 October 2021.

Registered disability workers can show they have been independently assessed as being safe, skilled and competent by referring to the register. They can also display the distinctive registration mark.

With each registered disability worker, the sector becomes more recognised and respected for its ability to show the safety and quality of the services they provide. This helps lift the professional profile of their sector.

Registration standards

The Board set three registration standards for the first registration year, following a public consultation process (as required under the DSS Act) conducted via Engage Victoria.

- **Criminal history:** the Board must check an applicant's criminal history before deciding an application for registration. The criteria for assessing criminal history is consistent with the criteria for the NDIS worker screen.

- **Continuing professional development (CPD):** the Board did not require new applicants to complete CPD prior to registration in the first registration year. In subsequent years the Board requires registered disability workers to complete a minimum of 10 hours of CPD in the second registration period (1 October 2022 to 30 September 2023). CPD activities help workers to keep up to date and improve their knowledge and skills to practise safely. CPD ensures they are recognised for relevant learning and promotes their future employability.
- **Competency in English:** registered disability workers must be competent in speaking or communicating in English to practise as a disability worker as required by section 156(c) of the DSS Act. Applicants must declare in their registration application whether they are competent in speaking, reading, writing, signing or otherwise communicating in English.

Applicants must meet the requirements of each registration standard and comply with registration standards once they are registered. In addition to these standards, the Board has set a guideline that requires registered workers to comply with the Disability Service Safeguards Code of Conduct.

Setting ourselves up for registration

The Commission has supported the Board to be ready to register disability workers from 1 July 2021.

The Commission developed a digital registration application platform in partnership with Service Victoria, the platform that delivers Victorian Government digital services. The registration application includes online and offline application and renewal forms. These forms are accessible and integrate with online systems and e-payments. Also, a case management system has been established to help with assessing and deciding registration applications.

“Ensuring resources are accessible for people with disability and people from culturally diverse backgrounds is one of our key aims.”

The Board decided the policy settings for satisfying the qualification, experience and professional competence requirements to qualify for registration during the first registration year (from 1 October 2021 to 30 September 2022). The policy settings guide the Board and the Commission (subject to delegation) in assessing applications for registration.

For the commencement of the Scheme, existing disability workers who may not hold formal qualifications in disability can register by showing they are competent as a disability worker through their professional experience. From 1 October 2022 the requirements for new registration applicants will change. Applicants for registration will then be required to show they meet one of the following qualification requirements:

- they hold a qualification approved by the Board
- they hold a qualification that is equivalent (or based on similar competencies) as an approved qualification
- they hold a combination of qualification (above) and relevant experience.

The Board also agreed procedures for appointing health and performance assessors and for setting up health and professional standards panels as required under the DSS Act.

Registration resources and stakeholder engagement

In the lead-up to the launch of disability worker registration on 1 July 2021, the Commission and Board conducted stakeholder engagement with large service providers to:

- raise awareness and understanding about the requirements and benefits of registration
- get their commitment to preferring registered workers
- encourage their workers to register.

The meetings also prompted these service providers to consider and prepare for how they may support their workers to register.

We also contacted a wide range of stakeholders to promote registration to their workforce or members. These stakeholders included metropolitan and regional service providers and employers, disability advocacy groups, peak bodies, unions, local council organisations and other regulators. We held a registration webinar on 3 June and distributed stakeholder registration information packs.

The Commission delivered a substantial online information resource on disability worker registration in 2020–21 that included a range of guidance material such as website content, fact sheets and instructional guides. These were presented on dedicated webpages and in downloadable format.

The Commission's online presence increased by regularly publishing relevant information and events via social media channels. This has helped strengthen our role as a trusted regulator.

Ensuring resources are accessible for people with disability and people from culturally diverse backgrounds is one of the Commission's key aims. Resources are available in plain and Easy English, along with in-language translation into 30 languages.

The languages selected for translation are based on demographic research of people with disability living in Victoria. Two NAATI-certified translators check our translated resources before undergoing community review by people from linguistically diverse communities with disability.

Easy English translations also undergo community review with people with disability.

We will continue to improve our information resources to ensure greater accessibility and useability by expanding online, digital and video formats.

Next steps

The Board and the Commission look forward to securing a critical mass of registered workers in the first year of registration and will continue to promote registration to Victorian disability workers.

The transitional registration provisions under the DSS Act that apply until 30 September 2022 will enable the Board to collect information on disability worker qualifications. This will inform future registration standards and guidelines.

The Commission will also support the Board to consider capability and accreditation frameworks in the coming year. Accreditation refers to a standard that the Board may set to assess whether a program of study provides those who complete the program with the knowledge, skills and attributes necessary to practise as a registered disability worker. If the Board sets a standard, then it can accredit individual programs of study if the worker meets that standard.

Supporting the Scheme

Measurement and evaluation framework

The Commission developed a measurement and evaluation framework for the Scheme for implementation in 2021–22. The framework equips the Commission, Commissioner and Board to measure, evaluate and learn about the benefits of the Scheme and measure their effectiveness in meeting its objectives. The framework focuses on the impact of the Commission and the Board’s

work as entities implementing the Scheme, both in safeguarding people with disability from abuse and neglect in receiving disability services and influencing development of a professional and skilled disability workforce.

The Commission used a ‘theory of change’ model that outlines what the Scheme is trying to achieve and how it will be achieved. Figure 3 summarises the Scheme’s theory of change.

Figure 3: Theory of change – Disability Worker Regulation Scheme



The key evaluation questions that will guide the measurement and evaluation activities include:

- To what extent is the Commission improving its implementation of safeguards?
- To what extent and how is the Scheme leading to a more professional and skilled workforce?
- What key learnings do we have about how the Scheme works and how might the Commission change and improve?

The Commission will undertake data collection and analysis to answer these key evaluation questions, which will include surveys of people with disability, disability workers and employers about their recognition of, and trust in, our regulatory work, and awareness about the benefits, standards and requirements of registration.

As the Scheme matures with growth in awareness and understanding, the expected outcome for keeping people with disability safe when receiving disability services will be a reduction in incidents of abuse and neglect. This will be due to all stakeholders knowing about the Scheme and disability workers complying with the Code of Conduct. Another expected outcome will be that the Victorian disability sector will be stronger and higher quality and that people trust and respect voluntary registration for disability workers.

2020–21 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 and, where relevant, the Department of Health. Disclosures required under the *Financial Management Act 1994* (FM Act), Standing Directions and Financial Reporting Directions as notes to the financial statements are referenced in the department's respective annual report.

The following are the principal operating expenses incurred by the Commission and Board in 2020–21:

Table 7: Commission and Board operating expenses 2020–21

Expenditure item	2020–21 (\$)
Staffing employee expenses	4,117,256
Other operating expenses	3,666,471
Depreciation	9,316
Grants and sponsorships	27,500
Net liability assumed for employee benefits on Commission commencement (1 July 2020)	288,529
Total	8,109,072

Scheme funding

The FM 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, and any money the Commission receives from the Public Account. The fund does not form part of the consolidated fund.

The 2019–20 Victorian State Budget provided \$9.500 million to develop the Scheme and the Commission and Board's operations, of which the then Department of Health and Human Services expended \$7.049 million.

Funding of \$6.727 million was provided in the 2020–21 State Budget to continue establishing and operating the Scheme. Together with a carryover of \$2.451 million as unspent budget allocation from 2019–20, this resulted in total funding of \$9.178 million.

In the State Budget handed down on 20 May 2021, \$9.602 million was allocated in 2021–22 to operate the Scheme. A forward budget of \$10.094 million was identified in 2022–23.

The May 2021 State Budget identified funding for the Scheme in the 2021–22 and 2022–23 years only.

Financial management compliance attestation

I, Dan 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: 19 October 2021

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: 19 October 2021

Governance and compliance

Governance

Shared Audit and Risk Committee

The Shared Audit and Risk Committee, set up in April 2021, helps the respective entities fulfil their statutory responsibilities under the FM Act and associated Standing Directions 2018. The Commission and Board appoint members of the Audit and Risk Committee in line with the Committee's Charter.

Key responsibilities of the Committee are to:

- assist the Board and Commission in reviewing the effectiveness of the entities' 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.

In the reporting period, the Shared Audit and Risk Committee participated in an induction session in May 2021 and met in June 2021. Members of the Shared Audit and Risk Committee as at 30 June 2021 were:

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

The Commission and Board nominate committee meeting attendees.

Board meeting attendances

Table 8 outlines the Board meeting attendances from 20 August 2019 to 30 June 2021.

Table 8: Number of meetings attended/eligible to attend during the period 20 August 2019 to 30 June 2021

Name	20 August 2019 to 30 June 2020	1 July 2020 to 30 June 2021
Melanie Eagle	7/7	9/9
Christian Astourian	7/7	9/9
Christine Bigby	6/7	8/9
Anna Burke	7/7	6/6 ²
Gobi Chandran	5/7	5/9
Stephanie Gotlib	7/7	6/9
Alexandra Gunning	7/7	8/9
Gary Kerridge	1/2 ¹	
Jill Linklater	5/7	7/9
Paul Ravenarki	7/7	4/9
Scott Sheppard	7/7	9/9
Geoffrey Southwell	7/7	8/9

Notes

1. The following Board member's terms ended in the period 20 August 2019 to 30 June 2020: Gary Kerridge, resigned November 2019.
2. The following Board member's terms ended in the period 1 July 2020 to 30 June 2021: Anna Burke, resigned April 2021.

Compliance

This section includes disclosures and compliance statements required by the Financial Reporting Directions, *Disability Service Safeguards Act 2018* (DSS Act), the *Public Interest Disclosures Act 2012*, *Disability Act 2006* and the *Freedom of Information Act 1982*. It also includes voluntary disclosure of additional regulatory compliance information.

Manner of establishment and relevant minister

The Commission and Board were established under the DSS Act.

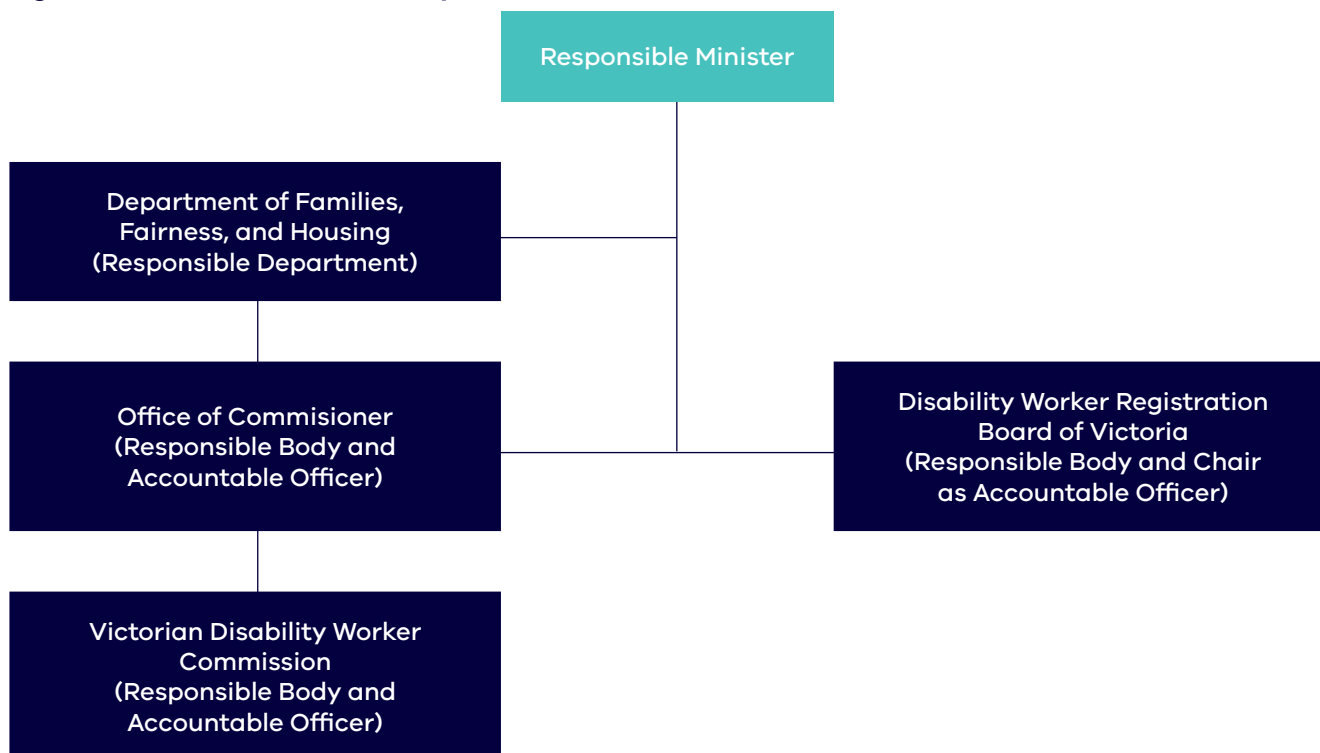
Although the DSS Act establishes the Commission, Commissioner and Board as distinct entities, the DSS Act provides for the Commission and Board to work together to provide the Scheme. In consideration of these supportive functions, and in accordance with the determination by the Assistant Treasurer on 21 March 2021 under the FM Act, the report of operations is provided as a combined annual report.

The Commission is a body corporate with perpetual succession. The Commission is constituted by the Victorian Disability Worker Commissioner. The Board and Commission are public entities, and the Commissioner is a special body.

The relevant minister for the period from 20 August 2019 to 30 June 2021 was the Hon. Luke Donnellan MP, Minister for Disability, Ageing and Carers.

The Commissioner, Commission and Board are accountable to the minister, with the Department of Families, Fairness and Housing supporting the minister in his role (refer to Figure 4).

Figure 4: Ministerial accountability



The responsible minister also has powers under the DSS Act related to the following areas:

- appointments
 - Board
 - Commissioner
- registration and accreditation
 - registration standards and guidelines
 - policy directions or request a review
 - accreditation standards
 - limited registration
 - areas of practice
- information and privacy
 - duty of confidentiality
 - disclosure of information
- other
 - fees
 - regulatory management agreement
 - investment.

Accountability of the Commission and Board

The Commission and Board must exercise their respective powers and perform their 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 2004*, 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 the effective operation of the entities and risk management systems that 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 directions

No ministerial directions were given in the reporting period.

Amending Scheme legislation

The DSS Act set up the Scheme for regulating registered and unregistered disability workers in Victoria. The DSS Act was amended in 2019 and 2020 and Regulations made as follows:

- The Disability (National Disability Insurance Scheme Transition) Amendment Bill 2019 was introduced into the Victorian Parliament on 29 May 2019 and was given royal assent on 25 June 2019. While the main purpose of this Bill was to amend legislation relating to the NDIS and disability accommodation, the legislation also amended the DSS Act. The Bill clarified employment arrangements at the Commission and amended definitions relating to worker screening checks and worker screening agencies to provide consistency for actions taken under NDIS worker screening arrangements. These amendments took effect on 25 June 2019 before the Scheme was due to start on 1 July 2020.
- The Disability Service Safeguards Amendment Bill 2020 was introduced into Parliament in March 2020. This legislation made amendments to the DSS Act to clarify definitions, provide for consistency with the *Disability (National Disability Insurance Scheme Transition) Amendment Act 2019*, repeal provisions relating to provisionally registered disability support workers and to extend time periods relating to qualifying for disability worker registration. The Bill was passed by the Victorian Parliament on 2 June 2020 and received royal assent on 10 June 2020.
- The Worker Screening Bill 2020 was introduced to Parliament in September 2020 and was given royal assent on 4 November 2020. This Bill amended the DSS Act to facilitate information sharing, including with the Secretary of the Department of Justice and Community Safety for worker screening purposes, and to ensure

consistency of the provisions between the Bill and the DSS Act.

- In addition, the Disability Service Safeguards Regulations 2020 were made on 19 May 2020 and came in operation on 1 July 2020. These regulations prescribe the approved Code of Conduct under the DSS Act as the NDIS Code of Conduct within the meaning of the *National Disability Insurance Act 2013* (Cwlth). The regulations also prescribe certain bodies to whom information can be disclosed and various health complaint bodies to be informed of certain regulatory action.

- The Disability Service Safeguards Regulations were amended on 27 April 2021 to prescribe offences that can form the basis for regulatory action by the Commission and Commissioner. In addition, an additional entity was prescribed for the purposes of obtaining a criminal history report under the DSS Act. These regulations came into operation on 11 May 2021.

Government advertising expenditure

The advertising and campaign expenditure for the Commission in 2020–21 is listed in Table 9.

Table 9: Advertising and campaign expenditure, 2020–21

Name of campaign	Disability Worker Regulation Scheme Public Awareness Campaign – Phase 2 (Scheme launch)	Disability Worker Regulation Scheme Public Awareness Campaign – Phase 3 (registration)
Campaign summary	To build awareness of the Scheme, its components and motivate audiences to seek information	To build awareness and understanding about registration and how to register
Start/end date	8 October–5 November 2020	2–30 June 2021
Advertising (media) expenditure (excl. GST)	\$93,188	\$197,234
Creative and campaign development expenditure (excl. GST)	\$6,800	\$97,287
Research and evaluation expenditure (excl. GST)	\$0	\$45,639
Print and collateral expenditure (excl. GST)	\$0	\$0
Other campaign expenditure (excl. GST)	\$0	\$0
Total	\$99,988	\$340,160

Table 10: ICT expenditure, 2020–21

Business as usual ICT expenditure	Non-business as usual ICT expenditure (ICT expenditure relating to projects to create or enhance ICT capabilities)			Total ICT expenditure
(\$)	Operational expenditure (\$)	Capital expenditure (\$)	Sub-total (\$)	(\$)
\$571,206	\$508,411	\$0	\$508,411	\$1,079,617

Disclosure of ICT expenditure

The ICT expenditure for the Commission in 2020–21 is listed in Table 10.

Disclosure of major contracts

The Commission and Board did not enter into any major contracts during 2020–21. A major contract is one valued at \$10 million or more.

Public sector values and employment principles

The values and employment principles that apply to the public sector are detailed in the *Public Administration Act 2004*.

The Commission complies with these employment principles and continually updates its policies and procedures to advance them. Our employment policies and practices are consistent with the principles such as merit and equity regarding selection processes to ensure applicants are assessed and evaluated fairly and equitably based on key selection criteria and other accountabilities without discrimination.

The Commission’s strategic plan (2020–21 to 2022–23) identified a number of strategic priorities, including creating a responsive, inclusive and effective organisation. During 2020–21 the Commission has implemented a human resources system built on inclusive recruitment and processes that support shared values, foster diversity and equity in the workforce and provide flexible working arrangements. This is further supported through building an effective culture to deliver on the Commission’s vision for its workforce.

The Commission’s staff are employed in accordance with the Commission’s VPS Enterprise Agreement and Common Policies. No time has been lost as a result of industrial relations disputes.

Workforce data

Appendix 1 provides details of the Commission’s employee workforce data. 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 VPS Enterprise Agreement and associated Common Policies.

The goal of the Commission’s occupational health and safety policy is to ensure all staff (and others accessing 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 occupational health and safety management system is aimed at enhancing safety performance and ensuring safe systems of work undergo an annual review (or more frequently if required, for example, office changes) of the identified hazards and safety risks and the procedures for dealing with the identified risks. A focus on mental wellbeing is also part of the Commission’s strategy.

Staff elect a health and safety representative to represent their views on health and safety to the Commission. The representative can inspect any

part of the 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.

The performance outcomes for 2020–21 were:

1. the number of reported hazards/incidents for the year – nil
2. the number of 'lost time' standard claims for the year – nil
3. the average cost per claim for the year (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) allows the public to access documents held by the Commission and the Commissioner as prescribed authorities for the purposes of that Act.

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 and other bodies subject to the FOI Act. This applies to documents both created by the agencies or supplied to the agencies by an external organisation or individual. Information about the type of material produced by the Commission is available on our website under the Part II Information Statement.

The FOI Act allows an agency to refuse access, either fully or partially, to certain documents or information. 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 provided to an agency in confidence.

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

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

If an applicant is not satisfied with a decision made by an agency, under section 49A of the FOI Act, they have the right to seek a review by the Office of the Victorian Information Commissioner within 28 days of receiving a decision letter.

Making a request

Freedom of information requests can be made by emailing the Commission's Freedom of Information Officer at 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 time consuming.

When making a freedom of information request, applicants should ensure requests are in writing, clearly identify what types of material/documents are being sought and are accompanied by 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 freedom of information decisions in the period ending 30 June 2021.

During the reporting period, no requests were subject to a complaint/internal review by the Office of the Victorian Information Commissioner. No requests progressed to the Victorian Civil and Administrative Tribunal.

Further information

More information about the operation and scope of freedom of information is available from the Office of the Victorian Information Commissioner website at ovic.vic.gov.au/freedom-of-information.

Access to information

The Commission and Board disclose information online and via printed publications. We also provide information services in person, by phone, in our annual report and on our website.

Competitive neutrality policy

Competitive neutrality requires government businesses to ensure where services compete, or potentially compete, with the private sector, any advantage arising solely from their 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 and provides government businesses with a tool to enhance decisions on resource allocation. This policy does not override other policy objectives of government and focuses on efficiency in providing service.

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 assists people to make a disclosure about corrupt or improper conduct by a public officer or a public body. The PID Act provides protection to people who make disclosures in line with the Act and sets up a system for the matters disclosed to be investigated and rectifying action to be taken.

A public interest disclosure is a complaint of corrupt or improper conduct by a public officer or a public body.

The Commission, the Commissioner and the Board are subject to the PID Act. The entities are committed to the aims and objectives of the Act. They recognise the value of transparency and accountability in administrative and management practices and support disclosures that reveal improper conduct or detrimental action.

The entities have established procedures for public interest disclosures and to protect people from detrimental action in reprisal for making a public interest disclosure about the Board and/or its members or the Commission and/or its officers or employees. The procedures are available on the Commission's website at www.vdwc.vic.gov.au/about/public-interest-disclosures.

How do I make a public interest disclosure?

Under the PID Act, the Commission and Board are **not** able to receive public interest disclosures.

A public interest disclosure about improper conduct or detrimental action by the Board and/or its board members, Commission and/or its officers or employees or the Commissioner can be made by contacting the Independent Broad-based Anti-Corruption Commission:

Address: Level 1, North Tower, 459 Collins Street, Melbourne

Mail: Independent Broad-based Anti-Corruption Commission, GPO Box 24234, Melbourne VIC 3001

Website: www.ibac.vic.gov.au

Phone: 1300 735 135

During the reporting period, no known disclosures were made to the Independent Broad-based Anti-Corruption Commission by individuals about the Board, Commission or its staff.

Additional information available on request

In compliance with the requirements of the Standing Directions 2018 of the Minister for Finance, details in respect of the items listed below (where applicable to the entities) have been retained and are available on request, subject to the provisions of the FOI Act and any other relevant laws:

- details of publications produced by the respective entities about themselves and how these can be obtained
- details of major promotional, public relations and marketing activities undertaken by the entities to develop community awareness of the entity and its services
- details of overseas visits undertaken
- a statement that declarations of pecuniary interests have been duly completed by all relevant officers of the entities.

The information is available on request by emailing the Commission's Freedom of Information Officer at foi@vdwc.vic.gov.au.

Information that is not applicable to the Board and Commission

The following information is not relevant to the Board and Commission in the reporting period for the reasons set out below:

- declaration of shares held by senior officers – no shares have been issued in the respective entities
- details of any major external reviews carried out on the Commission and Board – no major external reviews were undertaken on the respective entities
- details of major research and development activities undertaken by the entities – no major research and development activities were undertaken
- details of changes in prices, fees, charges, rates and levies charged by the entity – no fees are currently payable or have been changed

- list of major committees established and sponsored by the entity – no major committees sponsored by the entity have been established.

The Building Act

The Commission and Board do not own or control any government buildings and consequently are exempt from notifying our compliance with the building and maintenance provisions of the Building Act.

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, which were previously administered separately.

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, or \$1 million or more for projects in regional Victoria.

No procurements initiated by the Commission and Board in the reporting period were assessed as falling within the Local Jobs First policy.

Disability Act

The *Disability Act 2006* reaffirms and strengthens the rights of people with disability and recognises this requires 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 inclusion and participation of people with disability.

The Commission supports the government's *Getting to work: Victorian public sector disability employment action plan 2018–2025*, which 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 2020–21.

In December 2020 the Commission was announced as a joint recipient, alongside the Department of Health and Human Services, of the Enablers Award by the VPS Enablers Network for a department or agency that demonstrates best practice recruitment practices emphasised on making workplace adjustments the norm rather than exception. The network noted that the Commission saw it was essential to lead by example and to showcase the importance of hiring employees with disability to its stakeholders and to the community it serves. It also complimented the Commission's achievement of representation for people of disability above and beyond the 2025 employment target of 12 per cent for the Victorian public sector.

The Commission has also adopted the *Disability confident recruitment guide*, which supports recruiting managers to grow their ability to recruit talented people with disabilities and to ensure internal recruitment processes are inclusive and barrier free to all candidates.

Consistent with the functions of the Board, the Act provides 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 and Common Policies and flexible working arrangement guidelines, which support staff in their roles as carers.

Office-based environmental impacts

The Commission, which consists of 42 personnel (VPS and contractors) and accommodation space of 578 square metres, is committed to reducing our environmental footprint by promoting awareness and reducing environmental impacts. 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, landfill and compost. As a result of public health measures during the COVID-19 pandemic, Commission staff worked from home for extended periods during 2020–21. The Commission has one assigned government vehicle, and staff are encouraged to use public transport when undertaking business activities.

Consultancy expenditure

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

In 2020–21 there was one consultancy where the total fees payable to the consultants was \$10,000 or greater. The total expenditure incurred during 2020–21 in relation to the consultancy was \$39,105 (excluding GST). Details of the individual consultancy is outlined in Table 11.

Details of consultancies under \$10,000

No consultancies were engaged in 2020–21 where the total fees payable to the individual consultancy was less than \$10,000.

Table 11: Individual consultancies

Consultant	Purpose of consultancy	Start date	End date	Total approved project fee (excl. GST)	Expenditure 2020–21 (excl. GST)	Future expenditure
Clear Horizon Consulting Pty Ltd	Development of a measurement and evaluation tool for the Scheme	March 2021	June 2021	\$39,105	\$39,105	Nil

Declarations of pecuniary interests

All Commission officers exercising a financial delegation have completed a declaration of pecuniary interest in accordance with the Commission's delegation's policy.

Disclosure of grants and sponsorships

A sponsorship of \$27,500 was provided to the Victorian Advocacy League for Individuals with Disability for sponsorship of the Having a Say conference, being the largest annual conference for people with disabilities in Australia. Due to COVID-19 the conference has been rescheduled to 2022.

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.

Appendices

**Helping build a safer,
stronger disability sector**

Appendix 1: Workforce data

The following table discloses the headcount and full-time staff equivalent (FTE) of all active employees of the Commission, employed in the last full pay period in June of the most recent financial year (2020–21), and in the last full pay period of the previous financial year (2019–20). It does not include external contractors/consultants, temporary staff employed through employment agencies, and people who are not employees but are appointees to a statutory office, as defined in the *Public Administration Act 2004*.

Workforce data

	June 2020	All employees		Ongoing and casual			Fixed term and casual	
		Number (headcount)	FTE	Full-time (headcount)	Part-time (headcount)	FTE	Number (headcount)	FTE
Demographic data	Gender							
	Women	11	10.38				11	10.38
	Men	7	7				7	7
	Self-described	0	0				0	0
	Age							
	15–24	0	0				0	0
	25–34	2	2				2	2
	35–44	7	6.8				7	6.8
	45–54	7	6.58				7	6.58
	55–64	2	2				2	2
65+								
Classification data	Grades							
	VPS 1–6 grades	17	16.38				17	16.38
	VPS 2							
	VPS 3							
	VPS 4	6	6				6	6
	VPS 5	6	5.8				6	5.8
	VPS 6	5	4.58				5	4.58
	Senior employees							
Executive officers	1	1				1	1	
Total employees	18	17.38				18	17.38	

	June 2021	All employees		Ongoing			Fixed term and casual	
		Number (headcount)	FTE	Full-time (headcount)	Part-time (headcount)	FTE	Number (headcount)	FTE
Demographic data	Gender							
	Women	18	16.38				18	16.38
	Men	8	8				8	8
	Self-described	0	0				0	0
	Age							
	15–24	0	0				0	0
	25–34	3	3				3	3
	35–44	11	9.8				11	9.8
	45–54	8	7.58				8	7.58
	55–64	4	4				4	4
65+								
Classification data	Grades							
	VPS 1–6 grades	25	23.38				25	23.38
	VPS 2							
	VPS 3	4	4				4	4
	VPS 4	7	7				7	7
	VPS 5	9	7.8				9	7.8
	VPS 6	5	4.58				5	4.58
	Senior employees							
	Executive officers	1	1				1	1
	Total employees	26	24.38				26	24.38

The following table discloses the annualised total salary for senior employees of the Commission.

Annualised total salary, by \$40 000 bands, for executives and other senior non-executive staff

Income band (full-time annualised salary)	Executive officers	STS
\$200,000 – \$239,999	1	
Total	1	Nil

Notes: The salaries reported above is for the full financial year, at a 1-FTE rate, and excludes superannuation.

Appendix 2: 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.

Legislation	Requirement	Page reference
Report of operations		
Year in review		
FRD 22I	Manner of establishment and responsible minister	40
FRD 22I	Nature and range of services provided	9/12
FRD 22I	Functions, powers and duties	10/12
FRD 22I	Performance reporting (non-financial) – operational	21
FRD 22I	Summary of the financial results for the year	37
FRD 22I	Major changes or factors affecting performance	20
Governance and organisational structure		
FRD 22I	Organisational structure and corporate governance	10
FRD 22I	Board's role and membership	12/39
FRD 22I	Audit and Risk Committee membership	39
FRD 22I	Employment and conduct principles	43
Workforce data		
FRD 22I	Public sector values and employment principles	43
FRD 22I	Occupational health and safety	43
FRD 29B/FRD 22I	Workforce data disclosures	50
FRD 22I	Workforce inclusion policy	43
FRD 10A	Disclosure index	52
Other disclosures as required by FRDs		
FRD 25D	Local Jobs First	46
FRD 22I	<i>Disability Act 2006</i>	46
FRD 22I	Disclosure of government advertising expenditure	42
FRD 22I	Details of consultancies over \$10,000	47
FRD 22I	Details of consultancies under \$10,000	47
FRD 22I	Disclosure of ICT expenditure	43
FRD 12B	Disclosure of major contracts	43
	Declaration of pecuniary interests	46/48
FRD 22I	Application and operation under the <i>Freedom of Information Act 1982</i>	44
FRD 22I	Compliance with the <i>Building Act 1993</i>	46
FRD 22I	Statement on competitive neutrality policy	45

Legislation	Requirement	Page reference
Report of operations		
FRD 22I	Application of the <i>Public Interest Disclosures Act 2012</i>	45
FRD 24D	Reporting on office-based environmental impacts	47
FRD 22I	Statement of availability of other information available on request	46
Compliance attestation and declaration		
SD 5.1.4	Attestation for compliance with Ministerial Standing Directions	38
SD 5.2.3 (c)	Declaration in the report of operations	1
Legislation		
	<i>Freedom of Information Act 1982</i>	
	<i>Building Act 1993</i>	
	<i>Public Interest Disclosures Act 2012</i>	
	<i>Local Jobs First Act 2003</i>	
	<i>Financial Management Act 1994</i>	
	<i>Public Administration Act 2004</i>	
	<i>Disability Act 2006</i>	
	<i>Carers Recognition Act 2012</i>	

