CHRIS:

Good morning everyone and welcome to the Making a Complaint: Who, What, When and How webinar. My name is Chris Van Ingen, I’ll be your host for this morning’s event. I am a poet, public speaker with a disability. I like to begin by acknowledging the owners of the land, our First Nations people and recognise that the land on which we live and work is Aboriginal land, always was and always will be. And pay respects to the Elders past, present and emerging.

At today's event we invite you to hear more about and participate in a discussion about complaints. The spotlight on recent abuse and neglect cases, it is more important than ever that we are aware of the avenues available to us to complain when we're not happy with the service.

I would now like to introduce you to Dan Stubbs, Commissioner of the Disability Worker's Commission, to talk about the protections the commission is putting in place across the sector.

DAN:

Thank you, Chris. Thank you for coming to this webinar on how to make a complaint with the Disability Work Commission to stop passionate about people with disabilities receiving safe service and to ensure that people with disabilities are free from abuse and that the services they receive are high-quality.

As Commissioner, it's my role to ensure that those things are true for all Victorians with disabilities, when they're receiving services. Victorian Disability Worker Commission regulates all disability workers in Victoria, no matter how they are funded or how they are employed. So it doesn't matter if a worker is funded by the NDIS, or if they are funded by the state government or a range of other funding services. There's tens of thousands of disability workers out there who are not funded by the NDIS and we still regulate them. It's all about the work that you do and it doesn't matter whether you're a disability support worker or a practitioner maybe who is doing physiotherapy or occupational therapy, or a range of other work. If you are assisting a person with disability to deal with their disability and work around barriers created due to their disability, you are disability worker. We are happy to receive complaints or happy few to tell us what's going on for you.

As a person with disability whose receive services for most of his life, I know how hard it can be to raise a complaint or even provide a bit of feedback regarding a worker who you rely on. So it's been part of my business in this commission to make sure we have the best team of people and the best processes to support you if you need to make a complaint to us about your worker.

So if something isn't right, we want you to know that you can tell us and we will work through the processes with you about what we do about that. We have significant powers to assess a disability support worker against the code of conduct, and out of that we can do a range of things like counsel that worker, we can conduct an investigation into that worker, or we can even at the extreme cases where there is a great risk of harm, we can ban that worker from ever working in the sector again.

We also take notifications about disability workers if they are causing significant risk of harm. We can take those notifications from other workers or employers. We also have a disability worker registration scheme run by the Disability Worker Registration Board whereby disability workers can show that they are high-quality worker.

Thanks again for being part of today's webinar. Please send in your questions and now I will hand back to Chris to introduce the other speakers to go through our complaints process. Thanks, Chris.

CHRIS:

Thank you. I'd now like to hand over to Maggie Whitmore, manager of the complaint investigations and compliance team. Take it away, Maggie.

MAGGIE:

I'm so sorry about that everyone. A few technical difficulties. Thank you to Dan and Chris. I'd also like to know is that on the land of the traditional custodians and pay my respects to past, present and emerging.

One of the reasons the commission was established was to provide a recognition of the safety of our workers. We want to broaden the avenues I would you make a complaint and the services that they deliver. Disability services includes a really broad range of things, including supporting someone with communication, social or economic participation, social interaction, learning mobility, self-care and self-management.

We will have Jason Greene who is a member of our team speak more significantly about how complaints are handled and what you can expect when you contact us. Give you a broad overview of complaints. Complaints can be made to us about the standard of disability services being provided by a worker, the knowledge, skill or judgement of that worker, the workers suitability to hold registration, the disability is worker's capacity practice in a safe manner and alleged contravention of our code of conduct. I'll explain a little bit more of the code of conduct in a minute.

That means notifiable conduct. A notification deeply refers to matters that employers and other disability workers must tell us about. It's conduct relating to a disability workers who is practising while intoxicated by alcohol or drugs, engaging in sexual misconduct, placing the public at risk of harm because they have an impairment that affects their ability to practice. Or if they are practising in a way that is a significant departure from professional standards.

Our code of conduct is the same for stop at exactly the same as the NDIS code of conduct but what it means is that all workers in Victoria, regardless of funding, must comply with the seven elements of the code.

Those elements are to act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with the applicable laws. To respect the privacy of people with disability, provide supports and services in a safe and competent manner with care and skill. To act with integrity, honesty and transparency. The properly act on matters that may impact the quality of supports provided to people with disability. Take all steps to prevent and respond to socialist conduct. On a website, there's a lot of information at the code including detailed guidance for workers. There are several ways you can contact us if you have a complaint. We have a form on our website you can fill in, you can give us a call we can contact us and come in and speak to us in person we will assist you with any accessibility requirements or interpreters it might need.

If you are not sure about making a complaint, you can still call us and we can discuss it. We're here to help. If you contact us, we can assist you. It may take a few conversations before you feel comfortable with us and that's really your case. We are happy to take all the time needed. If it's not a matter that we can deal with, we will let you know but we can also help you get to the right place so that you don't have to keep explaining your complaint over and over and talk to a huge number of people.

Our job is really to try and resolve the complaint and we can do that in a few different ways. As Dan mentioned, we can counsel the worker on the subject of the complaint was that this means we are educating the work and reminding them of the code of conduct and their allegations under that code, and maybe informing them why they're actors may not have been consistent with the code.

We might refer to something called conciliation and this is a formal process aimed at reaching an agreement and this can only happen if the complainant and the disability worker agree to reconciliation.

We can settle the matter by agreement and this could be getting an apology from the worker, or an agreement between you and the worker. Or for registered workers, we might require them to undergo a health and performance assessment. We may decide that the matter doesn't require any further work, that anything has happened we might not take any action, or we might investigate a matter. This is when there's been a breach of the code or the worker has committed certain kinds of criminal offences and they are called prescribed offences in our act. Although may been banned by another entity such as the NDIS quality and takeout commission.

The commission also has the power to ban workers and these are known as prohibition orders. An interim prohibition order only last for a short period of time and prohibition orders stop an unregistered disability worker from providing all or certain disability services, or it might mean that there is additions impose on that worker about how they are allowed to provide disability services.

I'm going to hand over to Jason Greene who is the senior intake and resolution Officer who will talk you through what you can expect when you do contact us. Thank you.

CHRIS:

Thank you for telling us the comforting stuff about the code of conduct. I now will hand over to Jason Greene for the intake and resolution Officer, take it away, Jason.

JASON:

Thank you, Chris. As Chris mentioned, my role the commission is an intake and resolution Officer. To begin with, I too would also like to acknowledge that we are on the land of the traditional custodians. I pay my respects to Elders, past, present and emerging.

You can make a complaint by a phone call, online or in person in the city for that we can assist with interpreters is required to contact the commission, you'll be given a commission reference number, which is a record number of your call. The reason why we record your call is for in the event that if you call the commission again, you won't have to actually retell your story to a different intake resolution officer.

When you call the commission, you'll be greeted by an intake and resolution officer. At the commission, we refer to an intake and resolution officer as an intake officer for short.

The intake officer is able to talk to you about our complaint process and answer any questions that you may have. If we are not best placed to assist with your complaint, we will support you to find who and appropriate agency or body is that can support you with your concerns.

What we mean is that we have no wrong door policy. If you contact the commission via our online web form, you will receive a call from an intake officer within 24 business hours. An intake Officer will ask for some details about yourself when you call us, we will be looking to ask about your name, contact phone number and some contact details.

We may also ask about your living situation. By that we would be looking around if you live with family, with your parents, if you live independently in the community. Just to help us get an understanding of the supports and also to get an understanding of the disability supports that you receive. We may also ask if you have a support person and we and write a support person to make a complaint if required. It is OK if you do not want to share this information with the commission, or if you may not know this information when we first have contact with you.

The intake officer will also need to get more information from you about the disability workers behaviour or the quality of work that has upset you, and the reason that you have contacted commission. We will ask you questions to better understand your complete concern or the issues, and to best get the resolution that meets your needs.

You can receive complaints if the disability worker, if you are still working, if the disability worker is still working with you, or whether you have stopped receiving services from the disability worker.

We can also receive complaints that have happened prior as well. We can see how we can best support you to get resolutions to previous issues that you have had as well with previous workers. We will also assist you to think about what outcomes or actions that you would like from the complaint in regards to the disability worker to help you get a resolution to your complaint issue.

Maggie did touch on this briefly. When we talk about a resolution, we are looking at things such as, are you looking for an apology from the disability worker, from their behaviour, an acknowledgement from the disability worker about their behaviour or quality of work? Our many questions to two questions that they have not given answers to. We will give closure to your complaint issues. An intake officer will provide you with a copy of the issues in the outcomes that you have discussed with us.

We will ask you to review these. It may take us a few attempts to get your issues and outcomes right. This is OK. We can take as long as it needs. When we have them write, we will ask you for consent for the commission to share your issues and your outcomes that you see with the disability worker.

If you are making a complaint on behalf of the person with a disability, we would ask them if they are aware that you are making a complaint on their behalf. If they provided consent for you to contact us. So our preference is for the person with disability to be involved in the process as much as they can be to ensure that their voice is being heard.

When you have consent as an agreement around issues and outcomes that we have discussed, and intake officer will once with consent will contact the disability worker to discuss your issues and the outcomes that you seek for resolution. And we will offer them and provide them 14 days to provide a response to yourself, to the complainant that addresses and raise the issues of concern.

As Maggie mentioned, the commission's job is to try and resolve your complaints and certain issues. We have 60 days to do this. The 60 days commences after the worker has been provided with your complaints and issues and asked for a response. Feel free to give us a call and have a chat. We are available by phone and online word form. We look forward to hearing from you soon. Just remember that we have a no wrong policy here at the commission. Thank you. I will hand over back to Chris. Thank you, Chris.

CHRIS:

Thank you, Jason. I really love that thorough overview that you gave of what happens when someone comes forward and makes a complaint to the commission. Now we come to the question and answer session of today's seminar. I would like to pass over to Hilda, the community engagement officer to run this section of the seminar.

HILDA:

Good morning. Thank you, Chris, for that warm introduction. A very warm welcome to you all. I will be taking you through the Q&A part of this webinar. We strongly encourage you to submit a question. You should hopefully see on the screen a couple of ways you can do that. You can scan on your mobile the QR code that you see on the website. The other way that you can post a question is by opening up another web browser and by typing Slido.com and copy the code that you see on the screen. The other way that you can do is by sending us an email at info@vdwc.vic.gov.au. There are a number of ways that you can pose the question. Just to reassure you, if you do have some difficulties with the technology do not worry.

We are going to pop up some details at the end of the webinar, where you can submit that question to us. We want to reassure you that we want to answer these questions. I might welcome Maggie and Jason back to the screen as our panel and kick-off the questions.

As I said, just pop in your questions. No question is too big or too small, or too silly. We certainly welcome them. I might start off. Maggie, perhaps this might be a question for you. If I have made a complaint to the NDIS Commission, can I still make a complaint to you?

MAGGIE:

Yes, you can. As I said previously, we cover all workers in Victoria and some of them may be working for a registered NDIS service provider. That is OK. We will take it. We can still deal with it. The obligations for us when we receive a matter about an NDIS service provider or a person employed and engaged by a NDIS service provider, we must refer that back to the NDIS. We can continue to work on it, we can take a look at the actions that we talked about in terms of counselling and conciliation.

We can still do all of those things. We will work with the NDIS. They will have their own process, but we will continue to process the matter.

HILDA:

Thank you, Maggie. Dan, it is great to see you on the panel as well. I make direct this question to you, Dan. This is a question around should I make a complaint to you by the disability services commission and what is the difference between the two?

DAN:

That is a really good question. In broad terms, as we have said, we take complaints about all disability workers. They can include any worker regardless of where they are funded. And something that might relate to their manager or supervisor. It can relate to more senior staff. The Disability Services Commissioner is a state body that essentially takes complaint about disability service organisations that are outside or not NDIS funding. Therefore organisations. But if you're not sure, just tell us. Just contact us and we can assist you to the right place.

That is what we mean by no wrong approach. Just remember that we cover all disability workers in Victoria. You can come to us and we can assist. There is also another organisation that deals with NDIS market organisations, there are called the NDIS Quality and Safeguards Commission. You would go to them about NDIS funded organisations. We often work with both of these organisations to make referrals and work out who the best body is to deal with a complaint or a matter.

HILDA:

Great. Thank you, Dan. Jason, I might bring you into the conversation. I have imagined that you probably have some experience with this. What happens if the person wants to remain anonymous when they make a complaint?

JASON:

Thank you, Hilda. A person can remain anonymous. It may limit how far we can take a complaint or the outcome of the complete matter. But yes, we can take anonymous complaints, whether that is via the online form or through phone calls. That is available as an option.

HILDA:

Great. Good to know. What if I have changed my mind after I have submitted a complaint? Maybe the circumstances have changed and they simply change their mind. What happens in that case?

JASON:

Anybody can withdraw a complaint at any time through the complaints process. It does happen quite regularly where we may work with a complainant with the issues and outcomes, and we get to the stage where we provide them with a copy of the conversation. At the time they may have decided it may not be the right time to progress the complete, in which case they have withdrawn. In those circumstances, we keep the details on a our system and in the event that the complete and wish to progress it at a later date we just pick it up from where they left it off previously.

HILDA:

Maggie, I might direct this question to you. What if we do not have consent from the participant, can we still lodge a complaint or raise a concern?

MAGGIE:

As Jason was talking about before, we do want to hear from people with disability because it is behavioural conduct that is impacting them and we want to understand their perspective. But at times, for instance we make it a complaint from a member in a community who has observed something in a park when they are out and about with their work. We can still act on that even if we did not get consent. If you are concerned about the conduct, but it is possible that we do want to hear from the service user, because these decisions impact on them.

HILDA:

Thank you, Maggie, for that response. Perhaps maybe Dan if you want to tackle this one, but can the commission assist the person, if the complaint is against a staff at a hospital for example?

DAN:

Yes, really good question. It depends on the type of assistance that staff member is provided. In a number of health settings and hospital settings, there are people whose job it is to assist people with disabilities. A particular example has been around the pandemic and vaccination centres and testing centres. The state government has employed Disability Liaison Officers to assist people with disabilities with whatever needs they have in relation to be tested or vaccinated. Those people are clearly disability workers. And there are other people employed in hospitals to assist you in relation to your disability.

But most often a hospital are not employed and doing things specifically to your disability. They are primarily there to provide you with medical care, nursing care, administrative support and all the things that happen in a hospital.

It will depend on what it is. If you come to us and explain what the problem is, we may end up assisting you to go somewhere like the Health Care Complaints Commission who will take complaints about the number of types of staff in a hospital. You might relate to your disability. You might have been treated in relation to your disability because you needed the assistance.

But that is all within their jurisdiction, but the person may not be working as a disability worker. I can't be clear enough to come to us and even if it's not our job, we will assist you because we don't want to waste your time in trying to find the right place to go.

HILDA:

I might just stay with you because you mentioned the Health Complaints Commissioner. This question is can the complaint inclusive of the agency as well is the worker?

DAN:

I think I would have to say that it depends. We would in a case look at doing something jointly with another agency. I understand why people might want to make a complaint about a worker and an agency, because they want may be a systemic issue, as well is a particular worker issue. We would like to try and find a way. So that is something that we want you to be clear about with us.

Remember when Jason was talking to us about what sort of outcomes you are seeking care and the things you want to complain about in people, we would collect that information then and we would see that there is a broader agency or organisation problem here and we would want to take that up and we may seek your permission to deal with that with another regulator.

HILDA:

OK, thank you. That's a very thorough response. I might bring Maggie back in. Can we make a complaint against employers for people with a disability in the workplace?

MAGGIE:

Again, it would depend. Much the same as Dan's answer, it would depend on what the person, what function they are performing. If the employer is providing adjustments and assistance and supporting the person in the workplace, perhaps we could do something about it. But again, if we are not clear then that's where the conversation happens and we can directed to the appropriate person.

I think a disability worker under our act is defined by the function not the job title. So at times they could be a disability worker but if they are not, we will support you to get the correct agency. It could be that that needs to go to the Victorian Equal Opportunity and Human Rights Commission. We have a lot of opportunities and working arrangements. We might have a memorandum of understanding in place which allows us to exchange information. So again, if it's not appropriate for us we will help you get to the right place.

HILDA:

Thanks, Maggie. Jason, I haven't forgotten you. Here is a good question for you. How long is the expected timeframe to respond to a complaint and is there an order of priority?

JASON:

Thank you, Hilda. So we aim, for example, to make contact for someone who wishes to make a complaint within 24 hours, 24 business hours, to make initial contact with you.

So the duration while we work with you to better understand the issues and the outcome from the complaint and to determine whether they are able to support with all of the issues that are raised or whether we need to look into referrals or work collaboratively with other bodies. There's really no time period on that. That takes as long as is needed. So we work collaboratively with the complainant and work at their pace.

Once we've actually identified the issues and the outcomes that are sought, we do then take 60 days. We have by legislation 60 days to finalise the complaint matter.

As for priority, we start working on the complaint as soon as we are with the complainant, as soon as we've received it. So a complaint could be finalised within a 60 day period, or it could go a little bit over a 60 day period. It will just depend on the amount of time that is needed to work with the complainant to understand the issues, and the outcomes of basic for resolution.

HILDA:

Great. Thanks, Jason.

Then, I might pose this one to you. How do people with disabilities receiving support find out if a person has been and from working?

DAN:

So we have a page on our website that lists anyone who has been banned or prohibited, either on an interim basis. As Maggie said, we could band someone for up to three months for working anywhere in the disability sector in Victoria. Or we can ban someone on an ongoing basis. Or we can prohibit them from doing certain types of work.

So that's published on our website and people can subscribe to receive an update when someone new is added to that list. We particularly encourage employers to subscribe to that website so they know about any employees that they may be looking at, or may already employ, to know about. We also publish it in the Victorian government Gazette but we don't expect people to be reading the Victorian government Gazette to check this. Please go to the prohibition page on our website and subscribe to receive updates to know about anybody that worker. It's really important that those provisions are implemented.

We are also looking for other ways to promote that. So if people have feedback about that, we're happy to receive it and we sometimes promote it in other ways in our regular monthly in use. So you will get information on our webinar at the end for how to subscribe to our enews.

HILDA:

Maggie, you mentioned the code of conduct. The question is where can I find the seven elements of the code of conduct?

MAGGIE:

On our website there is an FAQ sheet that is available and then there's a more comprehensive advice which is advice for workers around what those elements need. It gives examples as well as explaining why that conduct or why certain conduct would not be consistent with the code, and what is expected under the code. So that comprehensive guidance is available on the website. You can download it and it's in an accessible version so that it can be read by screen readers.

If you ever have questions around the code, again, you can call us and we can go through it and we can talk to about what that means. They are very important elements to understand the workers to understand their obligations. As I said earlier, they are consistent with the NDIS code of conduct.

HILDA:

I might just stay with you, Maggie. If I work in an external organisation and want to operate a lighting to your standards, I think they're referring to the commission standards, what do I do? For example, the implementation of the seven elements of the code of conduct? I'm just having a look at that question. If they want to operate colliding to your standards. I guess they talk about how they go about implementing the code of conduct , specifically.

MAGGIE:

So when employing new workers, you can use the code as part of your induction process. So the workers understand their obligations under the act. You could have regular refreshers in staff meetings and go through the code and what that means, or what the expectation would be as part of the organisation.

You would also be welcome to invite us to come and talk to your organisation about the code. We would be happy to come to a staff meeting and discuss the code and what each element means and again, you can use our guidance for workers for part of the reduction of training of staff.

HILDA:

That's a little plug for our community education program and you will see details at the end of the weather know where you can get in touch and request a session.

I might go back to Jason, but to the panel, you can jump in at any time if you want to elaborate further on an answer. How do you identify these people and put them on the banned list? I think they are talking about workers. How are these workers identified and then put on the banned list? Perhaps that might be a question for Dan?

DAN:

I will have a go at a piece of it. In many ways, we all have a role in this. It's a very serious decision and so essentially, in many ways we rely on the community to make a complaint. That's why we're here today. We really want you to tell us when there something wrong. So that's one of the key ways we identify people that may ultimately be banned.

We also rely on employers and other workers to lodge notifications with us about conduct that may cause harm to people with disabilities. So that is essentially how people are notified.

There are some other ways where I can open what's known as a motion investigation where I understand through other sources that there may be problems with workers that we want to look into. Then we would open an investigation and one or usually two in more serious matters, will conduct an investigation and they will go and perhaps conduct inspections, conduct interviews and collect evidence about conduct. We might work with other agencies it as well, including the police, where there may have been a crime committed. So then, based on all of that, and based on my reasonable belief that this person is still creating a risk of harm to people with disabilities, then I can impose a prohibition order against them ever working in the sector again.

DAN:

I probably missed a few bits there, Maggie. Do you want to add a few bits to that process?

MAGGIE:

I don't think you've missed any steps at all, Dan. It is really important to reiterate that our investigations are on the basis of risk to a group of people or a person. When we take on investigations, we may propose that someone poses a serious risk and we may need to abandon. That would be an interim ban and at the end of the investigation, it would be up to the Commissioner to make a decision about whether that person continues to pose a risk. At the end of the investigation, we would go back to the worker and talk to them about our findings, we would possibly make some recommendations for training that they might need to do, but if we were concerned that that person still posed a risk at the end of that process it would be over to the Commissioner to make a decision to ban that worker with a full prohibition order.

HILDA:

Thank you, Maggie and Dan. We're discontinuing with that thread. Here is a question specifically around what kind of behaviour would constitute being banned. The question is what act can put the worker on the prohibited list? If you could put an example of what that might look like.

MAGGIE:

I'm happy to provide an example. An example could be extreme conduct where they've harmed somebody, such as a physical assault or a sexual assault. It might be an ongoing pattern of behaviour, so it might not be that it's one individual act but it happened over a long period of time and there is a lot of harm occurring to people with disabilities.

There are factors that we need to consider. We need to consider community safety, whether that worker can undergo training, for example. So that they won't display that conduct again. We need to consider all those things and when I say we, I mean Dan must consider them and make a decision around the risk.

HILDA:

Thanks, Maggie. Yes, go for it.

DAN:

If we think about harm in its broadest definition, we're not just talking about physical harm, such as someone being injured. Obviously that is something that we look at. But also emotional harm and people being in genuine fear. Mental health and well-being as well. There is a broader definition of harm from our perspective. Certain types of conduct, harm will not be purely physical.

HILDA:

OK. Interestingly, Dan, a question has just come through. Does that include financial abuse? Could that perhaps constitute a worker being put on the prohibited list?

DAN:

Yes, it could. We have seen cases of financial abuse where workers have taken money from people with disabilities. That is a possibility. I would say it is a less likely possibility. It is hard to speak in theoretical terms about these things, because every case needs to be judged on its merits. We would not necessarily… it would depend on the particular facts of the case and the nature of the financial abuse. But if someone was taking money from a person with disability and when you think about the trust that we as people with disability put in our support workers in relation to a whole range of life matters, including our finances, we need to take that extremely seriously.

HILDA:

Yes. Well put, Dan. Jason, I might direct this question to you. I am a family member for a person with a disability. Can I make a complaint on their behalf?

JASON:

Yes. You can. You can make a complaint. As I mentioned in my brief overview of the process that we undertake here when we support a complaint to come through, we do encourage and ask if it is possible for the person with a disability to also be involved to receive support from family members as well to make a complaint to us.

I suppose it is just to ensure that if the person with a disability is unable to participate or provide consent, we ask a family member if they have had the conversation. A family member is going to be best placed to be able to explain to a person with a disability who may not be able to provide the consent about them making contact and raise their issues, and take them further, and have the commission look into those complaints or concerns issues that they would like to raise. Yes, we do encourage family members to call us, especially initially.

And then we would explore the option of the availability of the person with a disability and become involved with the end of the processes well so that we can hear their voice.

HILDA:

Thank you, Jason. And I have not thought of this, this is a good question and perhaps Maggie can address this. Can it also include people who fix disability aids or disability equipment? It is in relation to can those people be perhaps banned?

MAGGIE:

I think it would be unlikely, but I would not say for certain. I imagine that if you are talking about somebody who is working in a shop who is simply providing, they are there on the day to sell your product, they would not be. But if it were somebody who is that working with you to develop your product to assist you in the community then it may be that they are a disability worker.

As I said previously, it is not always straightforward. It is a case-by-case matter. We do have to think about it individually. Again, if it is not us, there might be some place that we can go to. And I can see that Dan wants to add to that.

DAN:

The other way that we can catch this kind of work is if the worker has a role in providing assistance or maybe a degree on training on how to use a piece of equipment, then that becomes more likely for us to see that it is captured under the scheme as a disability worker.

It will depend on what they are doing for you, it is also linked to the answer that I think someone who just sold the item, so you have gone to a provider and you have decided what you want. That decision has been made by you, then I think it is unlikely that that person would be captured. But if there is a degree of service or specialisation that that person is involved in assisting you, perhaps assessing what the right piece of equipment is for you, and providing some assistance in training about using it, then they become more likely to be seen as a disability worker.

HILDA:

Thank you, Dan. An sorter following the same vein, we have the same question here. One of the conduct is by a disability worker? I am thinking a misconduct by a disability worker. But the behaviour is encouraged or endorsed by the parents?

DAN:

A nexus between family members such as parents and disability workers, it is still important for us to look at a disability worker's conduct against the objective measures of the Code of Conduct. We are looking at what is in the best interests of the person with the disability and what is the impact too. What is the conduct of the person as a worker?

I believe that we would still assess it against the Code of Conduct and make that part of the investigation and assessment process. I do not know if anyone else has any thoughts about that.

MAGGIE:

I just realised that I was on mute. It is often a tricky one and it is not always straightforward. Again, we have to look at it on an individual basis.

HILDA:

Maggie, we might just stay with you. And thank you for submitting those questions that are coming thick and fast. I am a little bit conscious of time. We might have time for perhaps one or two final questions. Maggie, are there ways that a complaint could be handled aside from banning the worker?

MAGGIE:

Yes, absolutely! Banning is an extreme example of what we can do. As I said earlier, you could counsel a worker. It is about providing them with education about their obligations under the act. We could enter into conciliation with the consent of the complainant and the disability worker. That is really a process, a formal process in which we can discuss the issues at hand and come to a resolution about it. We could settle it by agreement, whether an agreement between us and the worker or between the worker and the complainant or service user. Or, we could decide that there is no further action for us to take.

It may be in the process of a complaint, the issue has been addressed, or the complaint did not relate to something that is a breach of the code or possibly a conduct that is inconsistent with the code. So we might decide at that point that there is no further action to be taken.

HILDA:

Great. I might take this question for myself I think. This is a question by a person in the audience off course. I am funded to run a CALD parent group, culturally and linguistically diverse group, for carers as well. We encourage you to reach out. We are happy to provide a tailored education session to your group and that would be tailored to the needs of your group. If we are talking about culturally diverse parents, we would be happy to provide interpreters.

There are many ways to engage with us and we welcome that question and we look forward to you getting in touch with us. We are out of time. I just want to think of course our panel, Maggie, Dan, and Jason. Thank you for answering all of these questions. Thank you to the audience members proposing those questions. There is a lot of questions out there. If you didn't get to get your questions answered today, you can send us an email at the info email or at the education email. They will hand over to Chris for some final remarks. Thank you to our panel.

CHRIS:Me a airy with a warning people with the I know will me a

Thank you panellists! That was very informative. I would like to close today by thanking all of the speakers involved and the people that attended today's webinar in the audience. I would like to close with a final thought.

I have had many experiences with complaints, both as a person with a disability making complaints and teaching other people t are you a web hat it is OK to make a complaint when you are not happy with your service. I know it can be scary to make a complaint, but with organisations likely Disability Workers Commission so committed to supporting people with disabilities to speak up, I know that our complaints can help make a better disability sector for all. Thank you once again everybody for a great webinar!

(Captions off)