

The Victorian Government Response to the Community Visitors Annual Report 2013-2014

An Analysis – The deficits of the narrative

Abstract: This paper provides an analysis of the 16 recommendations made in the Community Visitors Board Annual Report 2013-2014. The paper addresses each recommendation as well as the Government's response to each. In doing so the paper critiques the deficits of the narrative. In its Scorecard, the paper scores many of recommendations as lacking specificity while scoring the Government's responses as generally only partially acceptable or almost totally evasive.

A JacksonRyan Analysis Paper
An Analysis of the Community Visitors Board 2014 Annual Report Recommendations
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ANALYSING THE RECOMMENDATIONS AND RESPONSES

OVERVIEW

The authors of this Analysis Paper, JacksonRyan Partners, promote the importance of addressing the recommendations as made by the Community Visitors Board in its 2014 Annual Report and the Government's response to the recommendations.

JacksonRyan argue that if Annual Reports and the Government's response to such reports are to have significance, then such reports and responses should not just be allowed to pass into obscurity. Apart from challenging, where appropriate, the recommendations made in annual reports and the Government's response, JacksonRyan also argue that public scrutiny is necessary in order to expose any lack of transparency or any manipulation of information.

Hence, the primary purpose of this paper is to challenge particular aspects of particular recommendations as made by the Community Visitors Board as well as challenging particular aspects of the Government's responses.

The paper is structured along the following lines for each of the 16 recommendations as made in the Community Visitors Board Annual Report:

- Listing the individual recommendation
- Detailing the Government's response
- JacksonRyan's analysis of the Community Visitors recommendation
- JacksonRyan's analysis of the Government's response

Notes:

- (i) JR is used throughout the paper to signify JacksonRyan
- (ii) CV is used to denote the Community Visitors
- (iii) The numbering system used throughout the paper is continuous
- (iv) Reference to 'the Department' includes reference to the current Department of Health and Human Services and the former Department of Human Services
- (v) The term 'recommendations' refers to those as made by the Board of the Community Visitors Program to the State Government
- (vi) The CV report was tabled in Parliament on 18/9/2014
<http://www.publicadvocate.vic.gov.au/publications/123/>
and the Government's response was tabled on 28/5/2015
http://www.parliament.vic.gov.au/file_uploads/212_-_OVGR_-_Response_to_Community_Visitor_Annual_Report_Att_1_Parl_GDNtx9XW.pdf

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THE SCOREBOARD

JR contend that in terms of the 16 CV recommendations and the responses the 'scoreboard' below identifies a number of deficits. Of significance is the failure of the CV report to provide adequate or, at times any supporting detail in 11 recommendations. In terms of the Government's response, there was a failure to be forthright in directly addressing the recommendation on 8 occasions. Of greater concern however, there were a further 7 occasions where the responses were unacceptable in that they tend to be evasive and ignored the opportunity to detail facts and figures.

JR argue that the CVs failed to maximise the opportunity provided through the report and the Government has tended to use their response as a promotion exercise as opposed to 'telling it as it is'.

The Recommendations			The Responses		
Appropriate and targeted (5)	Appropriate but lacking supporting detail (7)	Self fulfilling or lacking specific detail (4)	Significantly acceptable (1)	Only Partially acceptable as diverts (8)	Unacceptable or manipulative (7)
2, 3, 8, 10, 13	1, 7, 9, 11, 12, 14 and 16	4, 5, 6 and 15	6	1, 3, 5, 9, 10, 14, 15 and 16	2, 4, 7, 8, 11, 12 and 13

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THE RECOMMENDATIONS, THE GOVERNMENT'S RESPONSE AND THE JACKSONRYAN ANALYSIS OF EACH

Recommendation 1. *'Instigate a formal independent inquiry into abuse and neglect in group homes.'*

The Government's response

'The Victorian Government has committed to undertake a Parliamentary Inquiry (the inquiry) into systemic failures in responding to abuse in Victoria's disability services. The inquiry will examine why abuse may not be reported or acted upon, and how abuse can be prevented.'

The inquiry will cover a range of disability services, including group homes, and will examine systemic issues arising from allegations of abuse, assault and neglect. The inquiry will also examine the roles, powers and processes of Victorian investigation and oversight bodies whose jurisdiction covers abuse of people with a disability.

In February 2015, national consultations commenced on a quality and safeguards framework for the National Disability Insurance Scheme. The Department will also conduct targeted consultations with a range of key Victorian stakeholders including the Office of the Public Advocate, to inform Victoria's position on options under consideration for a nationally consistent quality and safeguards framework for the National Disability Insurance Scheme. Consultations in Victoria were conducted during March- April 2015.'

JacksonRyan's analysis of the recommendation

1. JR note that the terms 'exploitation' and 'violence' are not mentioned by the CVs. JR argue that the inclusion of **neglect**, **violence** and **exploitation** constitute predatory behaviours that must be included in understanding the full range of negative behaviours that must be encompassed by the term '**abuse**'.
2. JR further argue that all the above types of predatory behaviours must be accepted and included as necessary elements in any inquiry related to abuse and all must be highlighted as a failure of duty of care.
3. Although JR support the call as made by the CVs for a formal independent inquiry, they question why, given the systemic nature of abuse and neglect as reported in the CV Board report, the Public Advocate as the CV's representative did not publicly initiate a request to the Minister of the day to initiate an inquiry well before the release of the report in late 2014.

JacksonRyan's analysis of the Government's response

4. The response makes reference to *'targeted consultations with a range of key Victorian stakeholders including the Office of the Public Advocate'*. JR question this action from the appropriateness of the Department consulting with the Office of the Public Advocate, given *'The inquiry'* is to *'examine the roles, powers and processes of Victorian investigation and oversight bodies whose jurisdiction covers abuse of people with a disability'*. Given the Office of the Public Advocate is one of the oversight bodies to be examined, JR argue that this places both the Office of the Public Advocate and the inquiry in a comprising position. They argue that it exposes both entities to claims of possible collusion.
5. JR note that despite making reference to *'targeted consultations with a range of key Victorian stakeholders'* no advice is provided as to who is included among the 'key stakeholders'. JR query whether people with disabilities and their families will be included or whether it might simply be what might be called the 'usual suspects' such as funded advocacy organisations and representatives of the funded sector.
6. JR contend that for the response to make reference to the national Disability Insurance Scheme (NDIS) is in effect window dressing. Further, it is misleading for the response to also talk about national consultations held during March-April as if these were the initiative of the State Government, in light of the fact that these were not a State initiative.

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7. Notwithstanding the above, JR query the use of the term 'nationally consistent'. They question why the Government did not take the opportunity through its response to promote a call for a single system where ***national means national*** and individual jurisdictions do not have their own quality and safeguards frameworks.

Recommendation 2. *'Provide full public reporting of all incidents and allegations of abuse and neglect as well as the outcomes of these reports and any investigations.'*

The Government's Response

'The Department currently publishes information about the Department's core services and operations, including incident reporting data, on its website as additional data to the department's Annual Report.

A number of accountability requirements are in place regarding how the Department and service providers manage and respond to allegations of abuse and assault. These include:

- *All allegations of staff to client assault are required to be reported to the Police, consistent with Departmental policy.*
- *All allegations of abuse and assault are required to be reported to the Department via the incident reporting system. Actions are reviewed by senior managers from within the service provider organisation and the Department.*
- *All incident reports relating to allegations of abuse and assault and unexplained injuries are provided to the Disability Services Commissioner for independent review.*
- *Quality of Support Reviews where the outcomes of investigations and management actions are reviewed and monitored.'*

JacksonRyan's analysis of the recommendation

8. JR support the *'full public reporting of all incidents and allegations of abuse and neglect as well as the outcomes of these reports and any investigations.'*
9. Notwithstanding the above, JR contend that the recommendation does not go far enough. The basis of this contention being that it fails to stress the importance of instituting a requirement that not only should all incidents alleging abuse and neglect be investigated but also those alleging exploitation and violence should also be investigated.

JacksonRyan's analysis of the Government's response

10. While it is true that the *'Department currently publishes information about the Department's core services and operations, including incident report data ...'* JR contend that the response fails the transparency test in that while it true that some incident report data is published, the Department does not publish Category 2 Incident Report data. That is it does not publish on all incidents.
11. The failure of the Department to not publish Category 2 Incident Report data is a major issue in light of the fact that the former Minister directed that particular types of deaths that occur in the sector are to be reported as Category 2 Incident Reports. This of course means that this very important information is being hidden from public scrutiny.
12. The advice that, *'All allegations of staff to client assault are required to be reported to the Police'*, denies the existence of violence as a matter that should be reported to the Police. As such, JR argue that the Department must establish a clear definition of what constitutes ***'client assault'***. JR also argue that client-to-client assault should be required to be reported to the Police.
13. Despite what might be called a pyramid approach to reporting abuse and neglect, the response fails to provide any advice as to the purpose of the multiple approaches.
14. The reference to *'Quality of Support Reviews'* fails to mention that an internal unit within the Department conducts these. As such, the reviews conducted by this unit are not independent. Further, the unit only reviews a sample of investigations and management actions.

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Recommendation 3. *'Request the Ombudsman to inquire into the efficacy of the current system of incident reporting in group homes.'*

The Government's Response

'On 8 December 2014, the Victorian Ombudsman announced an investigation into the handling of abuse allegations in disability services. The Ombudsman investigation will consider the way in which incidents are reported and investigated in disability residential, respite and day programs funded by the Victorian Government.

This Government welcomes the Ombudsman's investigation into abuse in the disability services sector in Victoria. The Government will work cooperatively with the Ombudsman to ensure the Ombudsman's investigation complements the Parliamentary Inquiry.'

JacksonRyan's analysis of the recommendation

15. While JR support this recommendation and note the Ombudsman has initiated an investigation, nonetheless they question why the Public Advocate could not have initiated her own review.
16. JR argue that despite the Guardianship and Administration Act not having an 'own motion' clause for the Public Advocate, S.15 (d)(iv) of the Guardianship and Administration Act that this does not restrict the Public Advocate from initiating actions that not only draw attention to abuse and exploitation and the protection of the rights of persons with disabilities, but to initiate more direct action such as a review.

JacksonRyan's analysis of the Government's response

17. While it may be that the Government has welcomed the Ombudsman's investigation they challenge the advice that *'The Government will work cooperatively with the Ombudsman to ensure the Ombudsman's investigation complements the Parliamentary Inquiry.'*
18. The basis for the above challenge is the requirement imposed on the work of the committee undertaking the inquiry (the Family and Community Development Committee – FCDC) to not prejudice the Ombudsman's investigation or any other investigations being undertaken by any Victorian Government Agencies. <http://www.parliament.vic.gov.au/fcdc/article/1854>
19. JR argue that the Ombudsman's investigation and the FCDC's inquiry must be seen to be, and should be separate activities. Neither should be influenced by or work hand-in glove with the other. To require the FCDC to not prejudice any investigations being undertaken by the Ombudsman, to work cooperatively with the Ombudsman in order to avoid unnecessary duplication and to have regard to any preliminary findings, recommendations or advice from the Ombudsman's investigation, compromises the work of the FCDC and any findings it may make.
20. Further, the requirement of working *'cooperatively with the Ombudsman'* must be taken to mean that the Ombudsman's investigation somehow takes precedence over whatever path the FCDC may want to take. The FCDC's requirement to, *'have regard to any preliminary findings, recommendations or advice from the Ombudsman's investigation'*, must be taken to suggest that the FCDC is limited in making contrary findings, recommendations or providing alternative advice.
21. JR contend that to restrict the FCDC's work in the way described indicates the Parliamentary Inquiry is subservient to the Ombudsman's investigation. Further, that the opportunity to provide a comparative set of findings and recommendations will be denied.
22. On the matter of *'investigations being undertaken by any Victorian Government agencies'*, JR submit that the same arguments as applying to the relationship between the FCDC and the Ombudsman's investigation also apply. This is of particular import given that JR are aware of a review being undertaken by KPMG for the Department of Health and Human Services (DHHS), into the Yooralla organisation. Further, JR are also aware of an inquiry being undertaken by the Children's Commissioner into the exploitation of children in residential care.

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23. Given each of the above activities are independent in their own right, it must also apply that neither should be considered as having the potential to control or influence the activities of the FCDC.
24. Underpinning the challenge to the restrictions imposed on the FCDC is the notion of independence. As a person appointed by the Governor in Council, the Ombudsman is in effect independent of Parliament albeit that the Ombudsman must submit an annual report to Parliament on the *'performance of his or her functions during each financial year'*. By contrast, the FCDC, as a committee appointed by the Parliament, is subject to the directions established by Parliament. Given the differing arrangements, and in particular the concept of the separation of powers and responsibilities, the writers argue that to seek to make the work of the FCDC contingent on the Ombudsman's investigation compromises the independence of the FCDC as a Parliamentary Committee. Thus, essentially this makes the Parliament subservient to the work being undertaken by the Ombudsman.
25. As such, the restrictions imposed on the FCDC totally ignore the significance of the differing process.

Recommendation 4. *'Embed the Community Visitors Program into the National Disability Insurance Scheme as a primary safeguard for residents living in group home facilities.'*

The Government's Response

'A Consultation Paper on a national approach to quality and safeguards mechanisms within the National Disability Insurance Scheme has been prepared. An extensive public consultation process was conducted including public submission process, workshops/roundtables and online engagement and surveys. The consultation process was conducted in March and April 2015.'

There are significant potential benefits in achieving a nationally consistent system for quality and safeguards in disability services. The Victorian Government is very supportive of this work and is working closely with the Commonwealth and other states and territories to ensure that the strengths of Victoria's current system of quality and safeguards are retained in the National Disability Insurance Scheme.'

JacksonRyan's analysis of the recommendation

26. Given that the Community Visitors program has failed in that, on their own admission, abuse and neglect has been on the increase for some years and is systemic, the question must be asked: Why would a failed process be considered for the NDIS?
27. In addition to the above, as volunteers, Community Visitors do not have any power other than to access services, access documents and report. Of significance, unlike Work Place Inspectors under Victoria's Occupational Health and Safety Act 2004 who have directive authority, Community Visitors are based on an antiquated system of Official Visitors that dates back to when people nominated by the government visited institutions.
28. Given the self-promotion of the Community Visitors program inherent in this recommendation, JR express surprise that there was no reference in the recommendation that the CV program be extended to the disability day services, noting abuse has been reported and proven to have occurred in such facilities.
29. Apart from the above, JR challenge why this recommendation was made in light of the fact that the NDIS is a separate matter to the work of Community Visitors. JR therefore contend that this recommendation represents more a call on the Victorian Government to support any submission that may be made by the Office of the Public Advocate to the NDIS.
30. JR submit that this recommendation is in essence a defence of the CVs own position rather than representing a legitimate rationale for it.

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JacksonRyan's analysis of the Government's response

31. JR challenge the use of the term 'nationally consistent'. They argue that given the NDIS is a national system the system of quality and safeguards must be a single system – where national means national.
32. JR note that the response fails to list what are the alleged '*significant potential benefits*' of '*achieving a nationally consistent system*'.
33. The reference to '*extensive public consultations*' is misleading as it infers that Victoria conducted these consultations when in reality a national body undertook this work.

Recommendation 5. '*Endorse the Office of the Public Advocate Interagency Guideline for Addressing Violence, Abuse and Neglect (IGUANA), and ensure that this guideline and the relevant outcomes of the National Disability Services' Zero Tolerance project, form part of funding and quality requirements for disability accommodation and service providers.*'

The Government's Response

'The Department has had discussions with the Office of the Public Advocate to strengthen linkages with the Interagency Guideline for Addressing Violence, Abuse and Neglect. The Department will continue to work with the Office of the Public Advocate to strengthen existing safeguard mechanisms against violence, abuse and neglect of vulnerable people.'

The Department notes the National Disability Services' Zero Tolerance project auspiced by the National Disability Service, which aims to improve safeguards for people with a disability and to influence the development of safeguarding mechanisms in the National Disability Insurance Scheme. The Department will continue to work with National Disability Services to improve prevention, early intervention and responses to abuse, neglect and violence towards people with disability.

The Victorian Government is committed to strengthening existing safeguards against violence, abuse and neglect of vulnerable people in care. The Department has recently commenced a program of work to support more effective identification, management and mitigation of risks to clients. This work includes a review of the Department's critical incident response and management approach.'

JacksonRyan's analysis of the recommendation

34. JR submit that while it may be all very well for the Office of the Public Advocate to create and promote documentation associated with addressing abuse and neglect, the failure of the Office to seek to ensure that such behaviours were addressed as the CVs became aware of them represents a missed opportunity and one more in keeping with the role and responsibility of the Public Advocate.

JacksonRyan's analysis of the Government's response

35. JR note the Department's response reflects what can be concluded to represent the Department acknowledging that it must take prime responsibility for establishing policies and procedures associated with abuse and neglect.
36. The response fails to mention the instruction of the former Minister to direct to the DSC those incident reports as relating to abuse by staff on clients and for the DSC to report in terms of existing safeguards. Equally, the report makes no reference to the fact the DSC has no authority in terms of direct action against abuse and neglect. However, notwithstanding this and despite the DSC having an authority to investigate those complaints submitted to him and as related to abuse and neglect, the DSC has failed to investigate one single complaint since 2010.
37. JR questions the Department working with the National Disability Services given that this umbrella entity only covers 200 of Victoria's 300 registered service providers. Therefore, the question must be asked – What opportunity is being given to the remaining one third of service providers?

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Recommendation 6. *'Having resumed the Community Service Organisations (CSO) incident report training, continue to ensure CSO staff understand the Department of Human Services (now DHHS) Critical client incident management instruction technical update 2014, and that this training continues with involvement from Community Visitors.'*

The Government's Response

'Information sessions for disability service providers outlining the reporting and management requirements under the Critical Client Incident Management Instruction Technical Update 2014 and the role of Community Visitors were provided across the state in mid-2014.'

'This training will be conducted on a needs basis in the future and the continuing involvement of Community Visitors would be valued.'

JacksonRyan's analysis of the recommendation

- 38.** JR question what expertise CVs have in delivering training associated with the reporting and management requirements under the Critical Client Incident Management Instruction requirements.
- 39.** Given that this training has already been done as it 'resumed' because of new requirements arising from the 2014 technical update, JR questions why its continuation is considered necessary by CVs.
- 40.** JR note that the only role that CVs have in incident reporting is a right to access such reports, and presumably make note of their contents for their reporting purposes. As such, JR contend that this recommendation misses the point as made in the CVs Annual Report of difficulty in the actual access to incident reports.

JacksonRyan's analysis of the Government's response

- 41.** JR question why either the Department or the CVs should find it necessary to continue to provide training in terms of incident reporting and management. They argue that once policy and procedures are established a greater onus should be imposed on provider management. Indeed, JR contend that for new staff individual management must ensure that incident reporting is part of the orientation/induction process.
- 42.** JR further submit that often the need for more training and the like is used as an excuse as to why reporting has not taken place.

Recommendation 7. *'Provide new and permanent accommodation to meet the specific needs of all people who are currently living long-term in facility-based respite accommodation.'*

The Government's Response

'The Government recognises the lack of stability for people staying in respite on a long-term basis and will continue to actively work with people and their families to ensure secure and stable support arrangements are available to support people to return to their family home where possible.'

Over the 2013-14 year, an additional 48 places were made available in supported accommodation, with a further 147 places to be delivered by the end of 2016.'

Some people with a disability remain in respite for a longer period as an interim accommodation option. This includes situations where they are required to be out of home for a planned and extended period of time, or remain in facility-based respite because they are waiting for suitable permanent accommodation to become available.'

Supported accommodation places are allocated through the Disability Support Register. In the allocation of new places, priority status is given to those who are receiving emergency or interim support.'

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JacksonRyan's analysis of the recommendation

43. While it is all very well for the CVs to promote such a recommendation, JR note that they provide no suggestions or models of what 'new' accommodation might look like.

JacksonRyan's analysis of the Government's response

44. JR question why such clients should return to the family home. The mere fact a client is in long-term respite is a strong indicator that the family is more likely than not having difficulties and hence alternative accommodation is necessary.

45. JR question whether the alleged 'new places' are actual additional to current supply or whether this constitutes a sleight of hand by incorporating places established for clients exiting Colanda and Sandhurst in particular.

46. Associated with the above JR also question how many of the alleged 48 places delivered in 2013-2014 and the 147 proposed to be delivered by the end of 2016 were or are for clients from Sandhurst, the Oakleigh Centre and Colanda.

47. JR also query how many of these 'new' places, if any, are from the Federal Government Supported Accommodation Innovation Fund. Either way, a statement to this effect should have been made.

48. JR contend that it would have been appropriate and indeed satisfied the cause of transparency for the Government, in this response, to have acknowledged that the Waiting List, or what is euphemistically called the Disability Support Register, currently has in excess of 1,400 people with disabilities waiting for long-term accommodation. Further, that the number of people with disabilities waiting for long-term accommodation has hardly been reduced since 1986.

Recommendation 8. *'Provide new accommodation options to address situations where people in group homes live at risk of assault and neglect due to incompatibility with others.'*

The Government's Response

'The disability accommodation service system has been strengthened through the development of new accommodation places that facilitate client choice and control of their living situation. This includes 48 new supported accommodation places over the 2013-14 year. A further 147 supported accommodation places will be delivered by the end of 2016. Delivering a mix of supported accommodation arrangements is central to meeting the various needs of people with a disability.'

Detailed planning is undertaken with people with a disability, their families and carers to ensure appropriate accommodation options are provided for the person with a disability. This planning considers the individual's likely compatibility with other residents, the available resources to respond to the needs of the individual and the potential benefits of the proposed living environment to the individual. Making the most appropriate match for an available supported accommodation place is important to all involved.

There are instances where compatibility among residents is not achievable, despite extensive planning. Where this occurs, transfer to alternative service options is possible and is considered through detailed planning. Application should be made through the Disability Support Register to commence planning for more suitable supported accommodation for the individual.'

JacksonRyan's analysis of the recommendation

49. JR support this recommendation. Not only does it serve to highlight the shortfall in accommodation options, it highlights that client-to-client assault is occurring.

JacksonRyan's analysis of the Government's response

50. The planning process and the placement options and decision-making regarding appropriate matching must be questioned in relation to client incompatibility.

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51. JR suggest that it is a sick joke that another application has to be made to DSR even though the need is already known, planning has supposedly already been done, and the particular client is in an accommodation place.

Recommendation 9. *'Immediately increase funding to the depleted maintenance budget for group homes to ensure the significantly high number of maintenance issues are addressed.'*

The Government's Response

'An annual allocation of funds is provided to address urgent or cyclic maintenance at the Department owned group homes and respite facilities. Maintenance requests are prioritised to meet the safety requirement for residents and staff. Residents of Community Service Organisation owned group homes pay rent to the owners and this rent is available to meet the costs of maintenance requirements.'

JacksonRyan's analysis of the recommendation

52. JR note that the recommendation lacks precision in terms of what exactly is the depleted maintenance budget.

53. Does this suggest the budget has been reduced or does it suggest that it is not enough to meet the need?

54. Further, what is the 'significantly high number of maintenance issues'?

JacksonRyan's analysis of the Government's response

55. JR submit that it is necessary for the Department to distinguish between 'cyclic maintenance' and 'minor capital works'.

56. Further that there must be transparency in differentiating between 'urgent' and 'cyclic' works.

57. JR contend that the response is one that by mixing and matching terminology and then making reference to three sets of financial figures raises question about exactly what has been allocated to what type of works.

58. JR contend that the fact residents pay rent but do not have access to Residential Tenancy Law and yet this was ignored in the response it therefore represents a significant deficit. Further, it is not just tenants in CSO owned homes who pay rent – people in department owned homes also pay rent. This has been ignored by the government's response.

Recommendation 10. *'Ensure all housing for people with disabilities is of a satisfactory standard, including by replacing the former Singleton Equity Housing Limited properties and finalising the audit of all group homes owned by the DHHS Secretary and the Director of Housing in order to refurbish or replace those deemed inadequate.'*

The Government's Response

'The Government continues to make investment to improve the quality of housing options for people with a disability. Since July 2012, 18 properties have been replaced and ongoing funding has been provided for refurbishment projects to department owned properties.'

The planning for ongoing capital improvement and replacement for existing group home residents will continue. Findings from property condition reports are used to inform future investment decisions. An annual budget is provided for minor capital works to disability housing. Funding of \$1.14 million has been allocated in 2014-2015.

One-off funding of \$2.2 million has been approved to undertake identified priority capital upgrade works to department owned supported accommodation, of which \$1.7 million is dedicated to disability group homes

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and \$4.5 million to assist with compliance with fire risk management guidelines, of which \$3.8 million is dedicated to disability group homes.

Work continues with Singleton Equity Housing Limited to assist with strategies to address fabric condition, maintenance requirements and replacement where possible.'

JacksonRyan's analysis of the recommendation

59. Although JR support this recommendation that all housing be of a satisfactory standard, it is disappointing that the recommendation did not highlight the need for a strategic planning in terms of providing long-term accommodation options, given that this options continues to be the most pressing need.

JacksonRyan's analysis of the Government's response

60. The response provides no confidence that the Department has a clear understanding of the overall number of properties requiring replacement or refurbishment and thus it cannot be assumed that the distribution of funds is based on a planned approach to ongoing and long-term, replacements and refurbishment.

61. JR note that in relation to Singleton Equity Housing Limited the response fails to provide any data associated with the '*strategies to address fabric condition, maintenance requirements and replacement.*' JR argue that surely the Department must be in a position to know the exact maintenance requirements and replacements needs. However, if not, then this must stand as a significant criticism as to the lack of necessary planning information.

62. JR again note that this recommendation provided the Government with another opportunity to make reference to the Waiting List or Disability Support Register, yet they chose not to do so. JR therefore suggest that the only conclusion that can be drawn is that the Government has no wish to highlight that the need for long-term accommodation is, and has been for in excess of a quarter of a century, one of the most significant deficits in terms of meeting individual service needs.

Recommendation 11. '*Immediately increase the vehicle fleet to ensure that every group home has a vehicle appropriate to the needs of its residents, in order to facilitate inclusion and participation in the community.'*

The Government's Response

'Staff support residents in disability group homes to access a range of transport options including public, community and active transport options. This broad approach enables social inclusion, health and environmental benefits.

Where public and community transport options are not available, group homes managed by the Department have access to shared vehicles from the office fleets and the allocations of these transport resources are regularly reviewed to meet the changing needs of the residents.

A Vehicle Assessment Form is completed at each Departmentally managed group home to ensure all requirements and risks concerning the transportation of the residents and staff are considered and documented, and any vehicle purchased meets the needs of the residents who will use the vehicle.'

JacksonRyan's analysis of the recommendation

63. JR note the recommendation fails to identify how many vehicles are required and suggest that in making the recommendation the CVs had an obligation to state a figure. Further, they fail to distinguish between government-managed and funded sector facilities and the transport requirements.

64. Given the CVs allegedly visit every accommodation site across the state, JR contend the actual figures could have been identified.

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65. JR contend that the reference to the 'a vehicle assessment form' is diversionary to the actual recommendation.

66. The response, while commenting on various factors being considered, nonetheless, fails to detail how many vehicles were purchased in the past financial year nor does it detail how many vehicles are in service versus how many residential outlets.

Recommendation 12. *'Ensure that all people with complex communication needs have a communication assessment conducted by a speech pathologist by June 30, 2015.'*

The Government's Response

'The Government recognises the importance of timely access to communication assessments and interventions for people with complex communication needs.'

In 2012-13, performance measures on communication strategies to support residents with complex communication were introduced for Department-managed group homes and residential institutions. These services are surveyed monthly to ensure that:

- *Communication strategies for residents with complex communication needs are in place.*
- *All staff, including casual staff, are aware of the strategies and their location.*

At the end of February 2015 the majority of Department-managed residences had strategies in place for residents with complex communication needs and staff were aware of the strategies and where they were located within the group home.

The Individual support guidelines were updated in July 2014. Assessment and therapy interventions for disability related support needs can be purchased through an individual support package.'

JacksonRyan's analysis of the recommendation

67. While this is a high sounding recommendation JR contend that it lacks specificity and therefore as such presents more as a generalised aspirational recommendation.

68. JR note that the recommendation provides no advice as to the intent of the assessments and as such proffers no suggestion as to how the assessments might translate into more resource needs, increased training leading to improved interactions.

69. Further, the recommendation fails to define what is meant by '*complex communication needs*'.

JacksonRyan's analysis of the Government's response

70. The response is evasive in that it fails to detail what is the '*majority of Department-managed residences*'?

Recommendation 13. *'Ensure that all DHHS Disability Accommodation Service (DAS) and CSO group home staff are registered and trained to a Certificate IV standard in order to provide a competent workforce who are able to meet the principles and objectives of the Disability Act 2006.'*

The Government's Response

'The Government is committed to the development of a skilled and competent workforce. As at December 2014 data indicates the majority of ongoing staff in Department managed residential services are qualified with a minimum Certificate IV in Disability and some staff hold higher qualifications. An estimated 80 per cent of staff employed by funded community service organisations have a range of qualifications from certificate III and IV to degree level.'

Minimum education standards for people working in the disability field will be determined by the National Disability Insurance Scheme, in consultation with the State and Territory Governments. The Commonwealth

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Government has commenced the development of a workforce strategy to support the implementation of National Disability Insurance Scheme.'

JacksonRyan's analysis of the recommendation

71. While JR accept that having qualified staff is important, nonetheless, they question the assumption as contained in the recommendation that of themselves qualifications provide for 'a competent workforce'.

72. JR support the requirement of registering staff.

JacksonRyan's analysis of the Government's response

73. The response fails to detail how many qualified staff existed as at December 2014 versus how many staff in total. It also fails to make comment on casual and contract versus 'ongoing staff'.

74. The provision of such figures are necessary in order to determine the overall number of qualified staff working in the field versus the total number of staff engaged in the field.

75. Detailed figures are also necessary to support the claim that 'the majority' of ongoing staff are qualified with a minimum of Certificate 1V'. After all, 'the majority' might equate to only 51%.

76. In terms of the estimated 80 per cent of staff employed in the funded sector, the questions must be asked – What is the basis of the estimate? Further - Why an estimate in the first place?

Recommendation 14. *'Urgently address shortages in the disability services workforce and progress the Community Workforce Education Strategy Report, particularly the focus on values-based training, as detailed in the State Government response to the Community Visitors Annual Report 2011-2012.'*

The Government's Response

'In 2012, the Department undertook a large-scale project working with more than 70 community service organisations, including disability services agencies, to create the Community Services Workforce Knowledgebase. The project was undertaken in collaboration with the Victorian Council of Social Services and a Human Services and Health Partnership Implementation Committee working group.

The Knowledgebase was the most comprehensive study of the community services workforce undertaken in Victoria. Employers representing more than 15,000 staff responded and provided information about staff working in these community service organisations. The results are available on the Department's Funded Agency Channel website and greatly improved the understanding of the key issues in relation to community services workforce.

A pilot of the third component of the Knowledgebase is expected to be undertaken in 2015 and is proposed to be a survey of employees to gather information on their future career intentions, lifetime engagement with community services work and qualifications etc.

The Commonwealth Government is developing a national disability workforce strategy. The Department is actively participating in this strategy development and will continue to advocate for the importance of workforce planning and development to support the full implementation of the National Disability Insurance Scheme.'

JacksonRyan's analysis of the recommendation

77. The recommendation fails to provide any data to support the claim of an alleged shortage in the disability workforce for residential services.

JacksonRyan's analysis of the Government's response

78. JR deplore the establishment of yet another pilot. They argue that the tendency to establish pilots, while allegedly being undertaken to provide information before consolidating particular actions, can reasonably be argued to represent an avoidance of making definitive decisions.

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79. JR are concerned that yet another strategy is pedalled in the response and as such represents a mantra rather than acting on what is already known.

Recommendation 15. *'Address the inadequacy of institutional accommodation by: expediting the closure of congregate-care accommodation at the Oakleigh Centre; closing Colanda as part of the NDIS trial in Barwon; and determining the future of Plenty Residential Services.'*

The Government's Response

'The Oakleigh Accommodation Redevelopment project commenced in July 2014 and will develop new purpose-designed and built supported accommodation for the 29 residents of the current facility. The Redevelopment is a partnership between the Government (which is contributing \$14.1 million over four years) and the Oakleigh Centre (which is contributing land and other resources for the project). The new Oakleigh Centre homes will be designed and built over three years with all new services to be in place, and the old facilities closed, by June 2017.

More than \$7.9 million has been allocated to develop new accommodation services for the residents of Sandhurst. These services are planned to be finalised by 2016 and will use innovative and flexible service responses to meet the needs of Sandhurst residents, and over time, for other people with complex needs. In September 2014, \$5.7 million was provided to build four new modern supported accommodation homes for approximately 20 residents of Colanda Residential Services. The new homes are expected to be opened in 2016. Families, residents and staff are playing a key role in this redevelopment.

A range of strategies to improve the quality of support and enhance opportunities and outcomes for residents of Plenty Residential Services continues. A key quality improvement strategy is the implementation of an enhanced professional development and supervision framework and the assignment of a house supervisor for each house. The provision of leadership and supervision by the house supervisor supports staff and provides them with timely feedback in relation to their practices, leading to positive outcomes for both residents and staff.'

JacksonRyan's analysis of the recommendation

80. JR challenge the wording of the recommendation and suggest that it is deliberately misleading to support a view held by the Office of the Public Advocate in relation to institutions.

81. The true facts have been ignored. The fact is that neither the Oakleigh Centre nor Plenty Residential Services are gazetted as institutions. As such the recommendation is misleading.

82. JR challenge why the CVs would pose the question of addressing *'the future of Plenty Residential Services'*, given that in terms of configuration and location this service reflects community housing available to people who do not have disabilities.

JacksonRyan's analysis of the Government's response

83. Given that the Oakleigh Centre only has 29 people in residence, JR query why the replacement services will take three years and further why the high cost of \$14.1 million dollars for so few people, particularly given the deficits identified under Recommendations 7, 8, 9 and 10.

84. The same issues as in 83 above also apply for the Sandhurst centre with \$7.9 million being provided for only 29 residents, or four replacement properties, and taking up to 18 months from the present time.

85. Equally, the same issues as in 74 above also apply to the advice provided in relation to Colanda with a budget of \$5.7 million for only four houses.

86. In terms of Plenty Residential Service, it is important to note that it has now been operating for some 20 years. The question therefore must be asked - Why is it only now that the Department is 'establishing strategies to improve the quality of supports and enhance opportunities'?

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87. Overall the response lacks any real explanation as to the significant variations in time and dollars.
88. JR support the proposal to allocate a House Supervisor to each house that comprises the Plenty Residential Service. However, given House Supervisors are employed for 38 hours per week they often do not cross rosters with many of the house staff on a regular basis. Therefore, *'The provision of leadership and supervision by the house supervisor supports staff'* and providing *'them with timely feedback in relation to their practices, leading to positive outcomes for both residents and staff'* is somewhat overstated.

Recommendation 16. *'Provide adequate funding to the Community Visitors Program to enable it to properly carry out its legislated functions.'*

The Government's Response

'The Government recognises and values the role of the Community Visitor Program in improving the lives of vulnerable people. The funding commitments for the Community Visitor Program between the Department and the Office of the Public Advocate is maintained through a Memorandum of Understanding for 2014-17.'

JacksonRyan's analysis of the recommendation

89. The recommendation fails to detail what constitutes 'adequate funding'.
90. As such, it must be queried - What is it that the CVs are not doing at all or not doing properly that more funding would rectify?
91. The onus is therefore on the Public Advocate to be specific in terms of budget needs for CVs and to detail what difference particular levels of funding would achieve. So, if for example, given another \$1 million what difference would it make?
92. JR note the reference to claim that more money will enable CVs to *'properly carry out their functions'*. Despite this claim, JR note that the CVs currently do not report against their legislated functions in their reports of visits. As such JR query how more money would necessarily improve the reporting of functions

JacksonRyan's analysis of the Government's response

93. JR considers the response, while on the one hand seeking to massage the ego of the CVs, nonetheless avoids addressing the matter of funding.
94. Given the legislated role and authority of the Public Advocate and the Community Visitors versus that of the Department, JR query why the need for a 'Memorandum of Understanding' arguing it must be the legislation that dictates roles, functions and responsibilities.

End of Analysis Paper

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