

2023–24 At a glance



Summary of the 2023–24
Victorian Disability Worker
Commission and Disability
Worker Registration Board of
Victoria Annual Report

About us

The Victorian Disability Worker Commission is the independent regulator of all disability workers in Victoria. The Commission takes complaints and notifications about the conduct of registered and unregistered disability workers. It also investigates disability worker conduct when required.

The Commission also communicates to the public about disability workers. It maintains the Board's register of registered workers and the Commission's register of prohibited workers.

The **Victorian Disability Worker Commissioner** is the head of the Commission. The Commissioner regulates the conduct of unregistered disability workers and has the power to prohibit a worker from practising in Victoria. Dan Stubbs is the Victorian Disability Worker Commissioner.

The **Disability Worker Registration Board of Victoria** registers disability workers who meet certain standards set by the Board. The Board regulates the conduct of these registered workers. The Board, chaired by Melanie Eagle, started registering workers in July 2021.



**Dan Stubbs,
Commissioner**



**Melanie Eagle,
Chairperson
Disability Worker
Registration Board
of Victoria**

The Disability Worker Regulation Scheme

The Disability Worker Regulation Scheme, established through the *Disability Service Safeguards Act 2018*, promotes the quality, safety, responsiveness and sustainability of the disability workforce in Victoria through strengthening safeguards for all disability workers and voluntary worker registration.

The Scheme was established following Victoria's Parliamentary Inquiry into Abuse in Disability Services, which heard of the abuse and neglect of people with disability, including from the conduct of disability workers. Recent landmark reviews about the experiences of people with disability such as the Disability Royal Commission have also recognised the critical importance of disability workers and the need for regulation of workers to provide for quality and safe services.

The Scheme delivers more effective safeguards to protect people with disability and ensure disability workers deliver high-quality care. It does this in 2 ways:

- regulating and registering disability workers according to agreed standards
- strengthening safeguards through mechanisms to report concerns about the conduct of disability workers, ensuring they can be investigated and action taken.

The Scheme covers all disability workers in Victoria, including:

- disability workers providing disability services funded by the National Disability Insurance Scheme (NDIS)
- disability workers providing disability services funded by other sources, for example, Transport Accident Commission (TAC)
- education support staff in all schools who work specifically with students with disability
- managers/supervisors of disability workers.

All disability workers must comply with the Disability Service Safeguards Code of Conduct, which outlines the obligations of disability workers to respect and uphold the right to safe and quality supports and services.

In a first across Australia, the Scheme also provides for voluntary registration of disability workers. Registration ensures disability workers meet rigorous standards for safety, skills and professionalism – no matter how they are employed or how their service is funded.

The Board sets standards for this registered workforce and registers and regulates those workers. To be assessed as suitable to hold registration, disability workers must:

- have professional qualifications or relevant work experience or a combination of both
- meet standards in English competency
- comply with standards regarding criminal history
- comply with continuous professional development (CPD) standards.

The Commission provides an independent complaints service so anyone can complain about the conduct of a disability worker.

Disability workers and employers must notify the Commission of certain conduct that places service users at risk.

The Commission and Board can act to resolve complaints and respond to concerns about a disability worker's conduct. This can include:

- conciliating complaints
- counselling workers about upholding the Code of Conduct
- making agreements
- conducting investigations
- referring the issue to another body.

The Board and Commissioner can also take immediate action or ban a worker, if needed, where a disability worker's conduct puts people at risk.

Year in review 2023–24

Responding to concerns about disability worker conduct

Our increased engagement has led to greater reporting of complaints about worker conduct.

407 enquiries

35% increase*



392 closed

53% increase*

103 complaints

63% increase*



121 closed

133% increase*

56 notifications



59 closed

(includes some notifications made in 2022–23)



24 investigations underway

33% increase*

13 new investigations begun, 5 completed



46 Interim Prohibition Orders made

84% increase*

involving 14 unregistered disability workers posing a serious risk being prevented from providing disability services.

This was the largest number of workers prohibited by the Commissioner in a 12-month period. Some workers were subject to consecutive Interim Prohibition Orders preventing them from practising because they were considered a serious risk.

One unregistered disability worker was permanently prohibited from providing disability services.

*increase on the previous year

A high-quality workforce through disability worker registration



754

registered disability workers, a 32% increase*

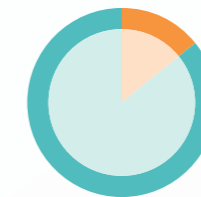


424 new applications

for disability worker registration

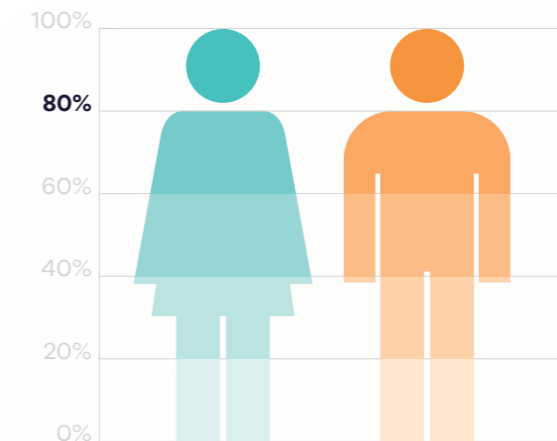
85%

of registered workers are disability support workers



15%

of registered workers are disability practitioners



80% of registered workers renewed their registration

*increase on the previous year

Year in review 2023–24



Listening to the disability sector

2024 disability sector survey

We conducted an annual disability sector survey and in-depth interviews, surveying 1,125 participants in the disability sector in Victoria including disability workers, people with disability, carers and employers, with results strong of awareness of the Scheme, its purpose and functions. This survey also tells us where we need to target our work for engagement and awareness.

Findings about the Scheme

80% agreed the Scheme protects vulnerable people from harm and neglect.

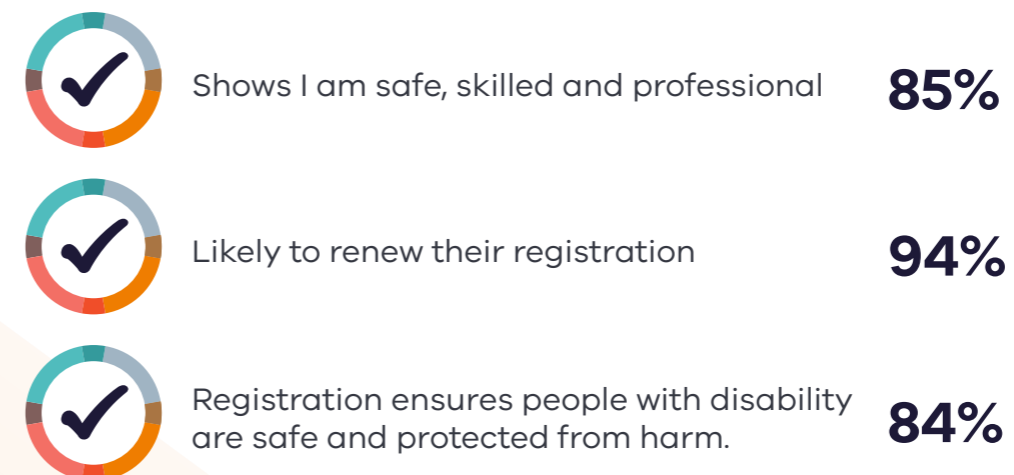
81% agreed the Scheme improves the standard of services provided by disability workers.

Awareness of:

Reporting unsafe conduct (mandatory notifications)	The Code of Conduct	The Commission's complaints service
78% of service providers	82% of service providers	80% of service providers
71% of workers	69% of workers	46% of people with disability
56% of practitioners	38% of practitioners	

Registered disability worker survey

We conducted a survey of 166 registered disability workers about their registration:



A diverse and skilled workforce of registered disability workers*

Registered disability workers perform a variety of disability services. This could be assisting with shopping, cooking or cleaning, providing self care, tutoring and training, supporting individual participation in social and recreational activities and allied health professionals providing clinical and therapy services.

By being a registered disability worker, they are demonstrating that they have the right skills and experience to deliver quality services, providing confidence to people with disability and their families.

Across Victoria, registered disability workers provide critical services in the community.

Registered Victorian disability support worker

Genevieve is a 28-year old disability support worker living in northern regional Victoria.

Genevieve registered as a disability support worker using her Diploma of Community Services and experience as a disability support worker.

She has 8 years experience in the sector, with a background as a day services practitioner and local area co-ordinator. In her current role she provides personal support in a non-curriculum based day service at site and within the community, and manages the creation and implementation of individual support plans.

She has also recently started working as a sole trader, providing support services to people with disability in the greater Shepparton area.

Registered Victorian disability support worker

Deepak is a 34-year-old disability support worker living in regional Bendigo.

Deepak registered as a disability support worker with a Certificate IV in Disability Support and experience providing disability support services.

Deepak works for an NDIS service provider and supports participants with daily needs, meal preparation, medication management, transportation to appointments, socialisation and interaction with the community.

He also has a degree and background in nursing from an overseas university, and has previously worked as a health care assistant and caregiver for retirement villages.

Registered Victorian disability support worker

Peter is a 47-year-old general manager living in north-east Melbourne.

Peter qualified to register as a disability support worker with 3 years' experience working at a large disability service provider.

He began working for the organisation as a disability support worker and was eventually promoted to general manager where he is responsible for oversight of all disability support workers and support co-ordinators at the organisation.

Peter uses his disability support background to regularly mentor disability support workers to industry best practice.

Registered Victorian disability practitioner

Katherine is a 40-year-old registered nurse living in Geelong.

She registered as a disability practitioner using her Bachelor of Nursing and 18 years' experience as a paediatric nurse where she provided complex night and day care to children with medical issues and disabilities.

She has diverse nursing experience, from providing care to acute phases of illness, through to ongoing care at home for patients with chronic health issues.

She is currently working independently providing full daily care for a child with severe disabilities at their home, whilst maintaining her role as a paediatric nurse in a hospital setting.



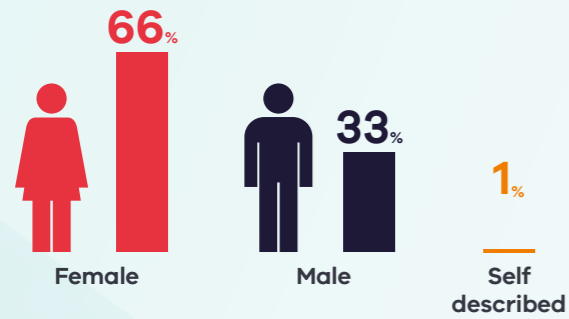
*These examples use pseudonyms.

Snapshot of the disability workforce

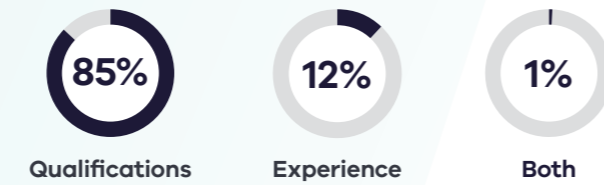
Registered disability workers

754 disability workers are registered under the Scheme. Below is a breakdown of registered disability workers demographics, pathway of registration and country of birth.

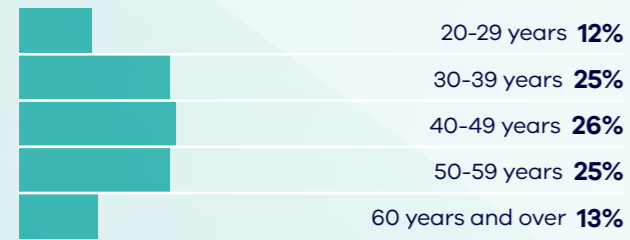
Gender



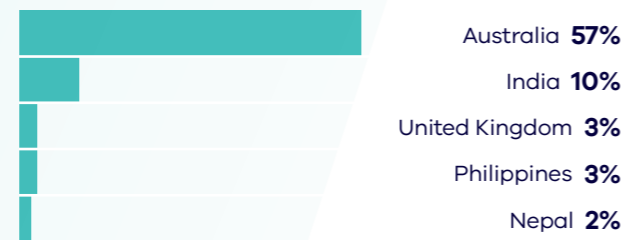
Pathways of registered workers



Age



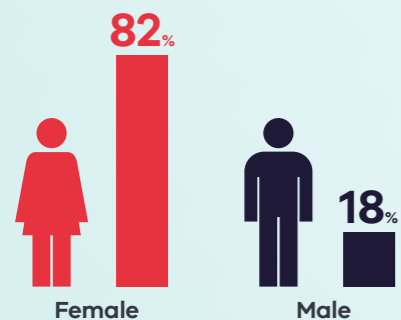
Top 5 countries of birth



Victorian disability workforce

Research conducted for the Commission by RMIT's Workforce Innovation and Development Institute estimates there are more than 155,000 disability workers in Victoria. Some key findings are shown below according to demographics, country of birth and location.*

Gender



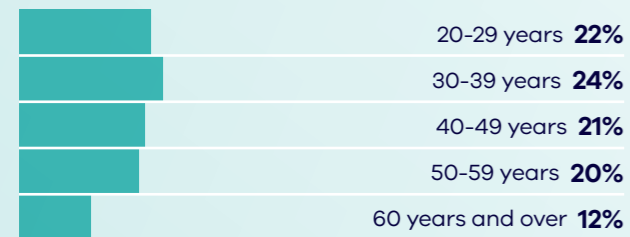
Birthplace, Australia and other



Location

Melbourne metropolitan area: **101,122**
Regional Victoria: **45,614**

Age



*Source

The workforce data is from mid-2022 with some characteristic data points taken from the Census in mid-2021. The following data sources were used by RMIT's Workforce Innovation and Development Institute:

- ABS' Person level integrated data asset (PLIDA)
- 2021 Census of Population and Housing

Case studies

The following case studies show types of matters the Commission responded to in 2023–24. Pseudonyms are used and some details have been changed to protect the anonymity of the participants. The images are used for illustrative purposes only.



Case study

Responding to allegations of sexual misconduct by a disability worker

All disability workers in Victoria are required by law to comply with the Code of Conduct and not engage in practices that put their clients at risk of harm. This example illustrates how the Commission can act where allegations of sexual assault are made, and how we work with other regulators and authorities.

Context

We received a notification from an employer alleging that an unregistered disability worker had sexually assaulted a person with disability in supported accommodation. At the time of the notification, the matter had been reported to the police and was under investigation.

What we did

We liaised with Victoria Police as it conducted its investigation. Ultimately, Victoria Police did not lay charges regarding the alleged conduct.

We decided to launch an investigation on the basis that, on the information available to us, we reasonably believed the unregistered disability worker may have failed to comply with the Code of Conduct, specifically:

- clause 6, to take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability
- clause 7, to take all reasonable steps to prevent and respond to sexual misconduct.

Outcome

To protect the community during the investigation, the Commissioner issued an Interim Prohibition Order against the worker. The order prohibited the worker from providing all disability services in Victoria for 12 weeks. The basis for the order was that the Commissioner reasonably believed that the worker had failed to comply with the Code of Conduct and posed a serious risk to the health, safety and welfare of the public.

We took steps to ensure the worker understood the effect of the Interim Prohibition Order and did not continue working. We contacted the worker and explained that they could not work as a disability worker and that contravening an Interim Prohibition Order is an offence under the Act. We also provided them with a statement of reasons for the decision and advice on how to seek a review of the order by applying to the Victorian Civil and Administrative Tribunal.

The investigation into the worker's alleged conduct continues.

Case study

Disability workers ensure clients have choice and control to live their best life

Every person with disability deserves to have choice and control over their life, including choosing who they want to be their representatives such as an advocate or translator. The example below illustrates the importance of disability workers recognising the rights, needs and requests of their clients, and ensuring these are paramount.

Context

We received a complaint from Brett, who lives in supported independent living accommodation and has been diagnosed with an acquired brain injury. English is Brett's second language. Brett was meeting with his accommodation supervisor, Susan, to discuss his support needs and complaints he had about accommodation staff. Susan brought along another disability worker who speaks Brett's primary language to interpret the conversation. Brett was concerned that a professional interpreter was not present.

What we did

We met with Brett with an interpreter to understand the details of his complaint. We then contacted Susan about the complaint. Susan acknowledged that she had used another disability worker to act as Brett's interpreter during meetings.

Outcome

We settled the complaint with an agreement from Susan that:

- a professional interpreter would be present for all meetings with Brett where important information is shared or decisions about his support needs or other areas of his life are made
- when working with a person with disability whose primary language is not English, Susan will ask if they would like an independent interpreter to translate.



Case study

Disability worker safely transporting a client

Disability workers often have the responsibility of assisting their client to transport safely from a destination. This can involve using appropriate lifts and equipment and, importantly, the disability worker must know how to use the equipment safely and with the needs of their client at the forefront.

Context

We received a notification from an employer about the conduct of Jonothon, who was employed to provide accommodation and support services to Rhiley.

This involved supporting Rhiley to attend various activities. Rhiley has a behaviour support plan in place that includes requirements for safe travel in a vehicle.

The notifier alleged that Jonothon did not follow Rhiley's behaviour support plan for how to safely transport him between locations. This resulted in Rhiley leaving the vehicle and being at risk of harm.

What we did

We collected information from the notifier including a copy of the behaviour support plan and specific practice guidance on travelling safely with Rhiley. Jonothon acknowledged that he did not follow the plan, which placed

Rhiley at risk. Jonothon reported that he had contacted his employer for support and guidance but did not receive assistance on the day of the incident.

Outcome

We counselled Jonothon, providing written advice about how to improve practice as a disability worker. We also acknowledged that Jonothon had attempted to obtain guidance from others about how to transport Rhiley safely.

We reiterated Jonothon's obligations to:

- provide supports and services in a safe and competent manner, with care and skill
- take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.

Case study

Ensuring disability workers perform personal care tasks safely

Disability workers are often engaged to perform various personal care tasks for their clients.

The example below illustrates how important it is for disability workers to be clear on how these tasks should be performed in keeping with a personal care plan to ensure the safety and respect of the person with disability.

Context

Tom's parents made a complaint about Sonia, a disability worker engaged to provide wound management, personal care and monitoring of skin integrity for Tom, a child with a fragile skin condition. Tom's parents had seen Sonia touching Tom's skin without using the necessary protective materials, which was inconsistent with Tom's personal care plan.

What we did

We contacted Sonia about the complaint. Sonia acknowledged that on several occasions she had not used the required protective materials, which increased the risk of skin tears and infections. Sonia explained that she did not feel comfortable using the materials but had not checked in with Tom or his parents about her concerns.

Outcome

Sonia was counselled about her obligations under the Code of Conduct, which requires disability workers to provide supports and services in a safe and competent manner with care and skill, and the importance of following care plans to achieve this.



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 and the importance of listening to these voices.

Accessibility statement

The Victorian Disability Worker Commission aims to make its information and publications accessible to all. This summary report has been designed in both a PDF and accessible Word format. If you require an alternative format, please email the [Commission](#).

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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