

# Disability Services (Standards) Declaration 2014 (No 1)

**Disallowable instrument DI2014 – 191**

made under the

**Disability Services Act 1991, s 5A Approval of standards**

## **1 Name of instrument**

This instrument is the *Disability Services (Standards) Declaration 2014 (No 1)*.

## **2 Commencement**

This instrument commences on 1 July 2014.

## **3 National Standards**

- (1) Subject to subsection 3(2), a specialist disability service provider must:
  - (a) deliver specialist disability services according to one of the national standards prescribed in Schedule 1 of this instrument,
  - (b) upon request by the Director-General, provide evidence of capacity to comply with one of the national standards.
- (2) The Director-General may for a specialist disability service provider:
  - (a) approve alternative standards to those prescribed in this instrument,
  - (b) require additional standards to apply to the provider.

## **4 Insurances and Indemnities**

- (1) A specialist disability service provider will effect and maintain all insurance required to be effected by it by law and the following:
  - (a) appropriate and adequate insurance over assets (including, where relevant, comprehensive motor vehicle insurance); and
  - (b) adequate insurance to cover the specialist disability service provider's volunteers, and will, on the renewal of any policy and on other

occasions within a reasonable time of the Director-General's request, produce satisfactory evidence of currency or renewal of insurance policies to the Director-General.

## **5 Specialist disability service provider staff and volunteers**

- (1) A specialist disability service provider must only employ or engage individuals (whether as employees or volunteers) who are fit and proper persons, including that they:
  - (a) are capable of providing an adequate standard of care in relation to the Services,
  - (b) are of good character and are suitable to be entrusted with the care of vulnerable persons, and
  - (c) are appropriately qualified and skilled.
- (2) A specialist disability service provider must be satisfied that individuals it employs or engages to perform any specialist disability services, demonstrate the qualities necessary to provide an adequate standard of care.
- (3) Nothing in this section limits a specialist disability service provider's or any other person's obligations under the *Working with Vulnerable People (Background Checking) Act 2011* (ACT).

## **6 Service User Satisfaction**

- (1) A specialist disability service provider will:
  - (a) institute procedures for receiving feedback and resolving complaints by persons who receive specialist disability services from the provider; and
  - (b) advise those and other persons with a relevant interest in the specialist disability services, of the procedures available for the referral of feedback and complaints in relation to the receipt of the specialist disability services.

## **7 Provision of Information**

- (1) A specialist disability service provider will as soon as practicable notify the Director-General in writing of any of the following:
  - (a) any material change or proposed change to the specialist disability service provider constitution and rules or memorandum and articles of association;

- (b) any change in the chair of the board, public officer, chief executive or any equivalent positions or executive management of the specialist disability service provider;
  - (c) the provider's intention to obtain an exemption from compliance with any law of the Territory that applies to the provider, including under the *Discrimination Act 1991* (ACT); and
  - (d) any circumstance that could adversely affect the provider's financial capacity to deliver specialist disability services,
- (2) Ensure that all requested information provided by the specialist disability service provider to the Director-General is true and complete in all material respects on and from the date of the information being provided.

## **8 Treatment of personal information**

- (1) A specialist disability service provider will:
- (a) use personal information only for the purposes of fulfilling its obligations and as legally required; and
- “Note” reference to an appropriate definition of “personal information” having regard to both the *Health Records (Privacy and Access) Act 1997* (ACT) and the possible enactment of the *Information Privacy Bill 2014* (ACT)]
- (b) take all reasonable measures to ensure that personal information is protected against loss and unauthorised access, use, modification, disclosure or other misuse and that only authorised individuals have access to the information.

Note: The *Health Records (Privacy and Access) Act 1997* and the *Information Privacy Bill 2014* set out definitions of “personal information” for the purposes of this obligation.

## SCHEDULE 1

The table below sets out approved standards for the purpose of this instrument and example of the types of services to which they would typically apply.

Name	Location	Standards Overview	Examples of Service Type
<b>Home Care Standards</b>	Australian Government Department of Health  <a href="http://www.health.gov.au/internet/main/publishing.nsf/Content/ageing-commcare-qualrep-standards.htm">http://www.health.gov.au/internet/main/publishing.nsf/Content/ageing-commcare-qualrep-standards.htm</a>	<p><b>Standard 1: Effective management</b> The service provider demonstrates effective management processes based on a continuous improvement approach to service management, planning and delivery.</p> <p><b>Standard 2: Appropriate access and service delivery</b> Each service user (and prospective service user) has access to services and service users receive appropriate services that are planned, delivered and evaluated in partnership with themselves and/or their representative.</p> <p><b>Standard 3: Service user rights and responsibilities</b> Each service user (and/or their representative) is provided with information to assist them to make service choices and has the right (and responsibility) to be consulted and respected. Service users (and/or their representative) have access to complaints and advocacy information and processes and their privacy and confidentiality and rights to independence is respected.</p>	<ul style="list-style-type: none"> <li>• Domestic assistance</li> <li>• Social support</li> <li>• Personal care</li> <li>• Centre-based day care</li> <li>• Respite care</li> <li>• Assessment</li> <li>• Client care coordination</li> <li>• Case management</li> <li>• Transport</li> <li>• Counselling/support, information and advocacy</li> </ul>

<p><b>National Standards for Disability Services</b></p>	<p>Australian Government Department of Social Services</p> <p><a href="http://www.dss.gov.au/our-responsibilities/disability-and-carers/standards-and-quality-assurance/new-national-standards-for-disability-services">http://www.dss.gov.au/our-responsibilities/disability-and-carers/standards-and-quality-assurance/new-national-standards-for-disability-services</a></p>	<p><b>Standard 1: Rights</b> The service promotes individual rights to freedom of expression, self-determination and decision-making and actively prevents abuse, harm, neglect and violence.</p> <p><b>Standard 2: Participation and Inclusion</b> The service works with individuals and families, friends and carers to promote opportunities for meaningful participation and active inclusion in society.</p> <p><b>Standard 3: Individual Outcomes</b> Services and supports are assessed, planned, delivered and reviewed to build on individual strengths and enable individuals to reach their goals.</p> <p><b>Standard 4: Feedback and Complaints</b> Regular feedback is sought and used to inform individual and organisation-wide service reviews and improvement.</p> <p><b>Standard 5: Service Access</b> The service manages access, commencement and leaving a service in a transparent, fair, equal and responsive way.</p> <p><b>Standard 6: Service Management</b> The service has effective and accountable service management and leadership to maximise outcomes for individuals.</p>	<ul style="list-style-type: none"> <li>• Small and Large residential/ institution (more than 7 people)</li> <li>• Group homes (less than 7 people)</li> <li>• Attendant care/personal care</li> <li>• In-home accommodation support</li> <li>• Other accommodation support</li> <li>• Early childhood intervention</li> <li>• Case management</li> <li>• Local coordination and development</li> <li>• Other community support</li> <li>• Learning and life skills development</li> <li>• Recreation/ holiday programs</li> <li>• Other community access</li> <li>• Own home respite</li> <li>• Centre-based respite/respite homes</li> <li>• Host family respite/peer support respite</li> <li>• Flexible respite</li> <li>• Other respite</li> <li>• Advocacy</li> <li>• Information/ referral</li> <li>• Combined information/ advocacy</li> <li>• Mutual support/self-help groups</li> <li>• Training and development</li> <li>• Other support services</li> </ul>
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<p><b>National Standards for Mental Health Services</b></p>	<p>Australian Government Department of Health</p> <p><a href="https://www.health.gov.au/internet/main/publishing.nsf/Content/mental-pubs-n-servst10">https://www.health.gov.au/internet/main/publishing.nsf/Content/mental-pubs-n-servst10</a></p>	<p><b>Standard 1. Rights and responsibilities</b> The rights and responsibilities of people affected by mental health problems and / or mental illness are upheld by the mental health service (MHS) and are documented, prominently displayed, applied and promoted throughout all phases of care.</p> <p><b>Standard 2. Safety</b> The activities and environment of the MHS are safe for consumers, carers, families, visitors, staff and its community.</p> <p><b>Standard 3. Consumer and carer participation</b> Consumers and carers are actively involved in the development, planning, delivery and evaluation of services.</p> <p><b>Standard 4. Diversity responsiveness</b> The MHS delivers services that take into account the cultural and social diversity of its consumers and meets their needs and those of their carers and community throughout all phases of care.</p> <p><b>Standard 5. Promotion and prevention</b> The MHS works in partnership with its community to promote mental health and address prevention of mental health problems and / or mental illness.</p> <p><b>Standard 6. Consumers</b> Consumers have the right to comprehensive and integrated mental health care that meets their individual needs and achieves the best possible outcome in terms of their recovery.</p> <p><b>Standard 7. Carers</b> The MHS recognises, respects, values and supports the importance of carers to the wellbeing, treatment, and recovery of people with a mental illness.</p> <p><b>Standard 8. Governance, leadership and management</b> The MHS is governed, led and managed effectively and efficiently to facilitate the delivery of quality and coordinated services.</p> <p><b>Standard 9. Integration</b> The MHS collaborates with and develops partnerships within in its own organisation and externally with other service providers to facilitate coordinated and integrated services for consumers and carers.</p>	<ul style="list-style-type: none"> <li>• Respite in home</li> <li>• Respite – centre based</li> <li>• Brokerage</li> <li>• Mutual support/self-help groups, focus, or special interest groups</li> <li>• Recreational</li> <li>• Vocational rehabilitation and training</li> <li>• Early intervention</li> <li>• Outreach</li> <li>• Outreach accommodation support</li> <li>• Supported Accommodation</li> </ul>
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		<p><b><u>Standard 10. Delivery of care</u></b></p> <p><b>10.1 Supporting recovery</b></p> <p>The MHS incorporates recovery principles into service delivery, culture and practice providing consumers with access and referral to a range of programs that will support sustainable recovery.</p> <p><b>10.2 Access</b></p> <p>The MHS is accessible to the individual and meets the needs of its community in a timely manner.</p> <p><b>10.3 Entry</b></p> <p>The entry process to the MHS meets the needs of its community and facilitates timeliness of entry and ongoing assessment.</p> <p><b>10.4 assessment and review</b></p> <p>Consumers receive a comprehensive, timely and accurate assessment and a regular review of progress is provided to the consumer and their carer(s).</p> <p><b>10.5 Treatment and support</b></p> <p>The MHS provides access to a range of evidence based treatments and facilitates access to rehabilitation and support programs which address the specific needs of consumers and promotes their recovery.</p> <p><b>10.6 Exit and re-entry</b></p> <p>The MHS assists consumers to exit the service and ensures re-entry according to the consumer's needs.</p>	
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<p><b>Disability Standards for Education</b></p>	<p>Australian Government Department of Education</p> <p><a href="http://education.gov.au/disability-standards-education">http://education.gov.au/disability-standards-education</a></p>	<p><i>The Disability Standards for Education 2005 clarify the obligations of education and training providers and seek to ensure that students with disability can access and participate in education on the same basis as other students. The Standards were formulated under the Disability Discrimination Act 1992.</i></p> <p><u>Objects</u></p> <p>The objects of these Standards are:</p> <p>(a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the area of education and training; and</p> <p>(b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law in the area of education and training as the rest of the community; and</p> <p>(c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.</p>	<ul style="list-style-type: none"> <li>• Early childhood intervention</li> <li>• Personal assistance with self-care in school or educational setting</li> <li>• Assistance to transition to school</li> <li>• Support to participate in educational programs</li> <li>• Intensive intervention support</li> <li>• Training and education in behaviour management</li> <li>• Assistance to transition to school</li> <li>• Specialised transport assistance to school or educational facility</li> <li>• Travel training</li> <li>• Supported work experience for students</li> <li>• Post-school options</li> <li>• Supported work experience for students</li> <li>• Post-school options</li> </ul>
<p><b>Disability Advocacy Standards</b></p>	<p>Australian Government Department of Social Services</p> <p><a href="http://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-service-providers/quality-assurance-for-the-national-disability-advocacy-program">http://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-service-providers/quality-assurance-for-the-national-disability-advocacy-program</a></p>	<p><b><u>Standard 1: Accessing advocacy.</u></b> Each person with disability has opportunities to access advocacy on the basis of relative need and available resources.</p> <p><b><u>Standard 2: Individual needs.</u></b> Each person with disability receives advocacy that is designed to meet their individual needs and interests.</p> <p><b><u>Standard 3: Decision making and choice.</u></b> Each person with disability has the opportunity to participate as fully as possible in making decisions about the advocacy activities undertaken</p>	<ul style="list-style-type: none"> <li>• Advocacy</li> <li>• Information/referral</li> <li>• Combined information/advocacy</li> <li>• Mutual support/self-help groups</li> <li>• Self advocacy/individual advocacy</li> <li>• Information and referral</li> <li>• Citizen advocacy</li> <li>• Group advocacy</li> </ul>



		<p><b>Standard 4: Privacy, dignity and confidentiality.</b> The right of each person with disability to privacy, dignity and confidentiality is recognised and respected.</p> <p><b>Standard 5: Participation and integration.</b> Each person with disability is supported and encouraged to participate and be involved in the community.</p> <p><b>Standard 6: Valued status.</b> The intrinsic value of each person with disability is recognised and each person is supported and encouraged to enhance their valued status in the community.</p> <p><b>Standard 7: Complaints and disputes.</b> Each person with disability, who has a complaint or dispute with the advocacy agency, is encouraged to raise it, and have it resolved without threat of retribution.</p> <p><b>Standard 8: Agency management.</b> Each advocacy agency adopts quality management systems and practices that optimise the effectiveness of advocacy for each person with disability and facilitates continuous improvement.</p> <p><b>Standard 9: Staff, recruitment, employment and training.</b> Each person who has an employment or volunteer relationship with the advocacy agency has appropriate skills and competencies.</p> <p><b>Standard 10: Protection of human rights and freedom from abuse.</b> The advocacy agency acts to prevent abuse and neglect and to uphold the legal and human rights of each person with disability.</p>	<ul style="list-style-type: none"> <li>• System/ systematic advocacy</li> <li>• Mutual support/self-help groups, focus, or special interest groups</li> </ul>
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Joy Burch  
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25 June 2014