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| Business Practice Manual  |
| Department-owned Specialist Disability Accommodation: May 2022 |
| OFFICIAL |

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# Overview

The Department of Families, Fairness and Housing (department) is a registered National Disability Insurance Scheme (NDIS) provider of Specialist Disability Accommodation (SDA).

The purpose of this Business Practice Manual is to outline how assistance is given to residents by department staff (staff) in department-owned SDA.

This Practice Manual does not apply to SDA that is not owned by the department, or to services provided by resident’s Supported Independent Living (SIL) providers. Residents or their nominated contact person should contact those organisations directly for information about their services.

## Glossary

The following terms are used in relation to this policy.

| Term | Definition |
| --- | --- |
| Department | Victorian Department of Families, Fairness and Housing |
| NDIA | National Disability Insurance Agency, the Commonwealth statutory agency that implements the NDIS |
| NDIS | National Disability Insurance Scheme  |
| Participant | A person with a disability who has met the access requirements to become an NDIS participant |
| Resident’s support network | People who support residents with decision making and could include their nominated contact person, advocate or guardian. |
| Specialist Disability Accommodation (SDA) | Housing provided by an NDIS-registered SDA provider to participants needing specialist housing to help with the delivery of their supports. SDA is the dwelling itself and not the supports provided there. |
| SDA resident | A participant currently residing in an SDA |
| Staff | Employees of the department |
| Supported independent living (SIL) provider | Provider of support to participants, including help with or supervision of the tasks of daily life |

# Client Services Charter

The department’s *Client Services Charter* tells people what they can expect from the department and our staff. For SDA residents, this includes:

* making it easy for residents to contact us
* helping residents apply for and use our services
* telling residents about their rights and responsibilities
* arranging for an interpreter or other language services if residents need this
* doing the things we say we will do, like getting back to residents when we say we will
* being polite and respecting residents’ views, opinions, and personal circumstances such as culture, family situation, age, gender, disability, faith, sexual orientation, or gender identity
* protecting resident’s personal information and only use it for the right reasons
* telling residents if they are not eligible for a service
* providing residents with advice on other support that may be available
* giving residents opportunities to be involved in decisions about the services they access, and support them to have a say
* telling residents about any decision that affects them and the reasons for our decision
* telling residents how they can ask for our decision to be reviewed or how they can make a complaint.

The [Client Services Charter](https://www.dhhs.vic.gov.au/publications/client-services-charter) is available on the department’s website <https://www.dhhs.vic.gov.au/publications/client-services-charter>.

# Human Rights Charter

The *Human Rights Charter* sets out the basic rights, responsibilities, and freedoms of people in Victoria.

The Charter has been considered in the development of the department’s Practice Manuals.

Staff have a duty to understand and act in a way that is compatible with the human rights set out in the Charter and must consider resident’s human rights when making decisions. This is especially important for matters such as:

* notices to vacate
* absence from an SDA, and
* the offering residency process.

All staff will complete the department’s ‘Charter of Human Rights in Victoria’ eLearning module. Information about how staff should consider human rights in the course of their work is available on the department intranet.

# Information privacy

The department has access to personal information (which can include sensitive information) about SDA residents.

Residents or their nominated contact person can ask for a copy of information held about them by emailing myhome@homes.vic.gov.au.

Staff must protect the privacy of this information in line with the [department’s privacy policy](https://www.dhhs.vic.gov.au/publications/privacy-policy) <https://www.dhhs.vic.gov.au/publications/privacy-policy>.

## Information the department collects about SDA residents

Information collected about SDA residents includes:

* personal information such as name, date of birth and gender
* details of the resident’s support network including name, relationship to the resident (such as nominated contact person, guardian, administrator) and their contact details
* banking details for rent collection
* NDIS information including the resident’s participant number, details of SDA funding and plan nominee
* information that supports improved quality of life, safety, continued accommodation, and independence for residents. This could include copies of assessments that document a change the resident needs to an SDA property for their health and wellbeing, or details of incidents and behaviours of a resident where those issues are reasonably likely to cause the department to issue a notice of temporary relocation or notice to vacate.

Other information may also be collected for specific purposes, such as information about current residents to help identify preferred applicants when there is a vacancy in shared SDA.

Information collected from or about SDA residents will only be used to:

* **provide SDA to residents** – including use of de-identified information to help with future asset planning and sharing information with the resident’s SIL provider when that information is needed to ensure improved quality of life, safety, continued accommodation, and independence for residents
* **comply with lawful requests** for information from external bodies such as the NDIS Quality and Safeguards Commission.

## How staff ensure residents’ information privacy is protected

Staff must ensure that only information necessary to manage a resident’s SDA arrangements is collected.

Resident information is stored in the departments Housing Integrated Information Program (HiiP). Access to resident information within HiiP is role-based and governed by regular review of user controls and rights. Staff should **only** access information required to undertake their role and tasks and not search for unrelated information.

Access to resident information is audited and actions taken when using this information within HiiP are logged as file notes within the database.

For planning and public reporting purposes, only de-identified information is used.

# Communication about SDA

## How the department communicates with residents and their support network

The department is committed to ensuring that SDA residents and their support network can access information about SDA in the language, mode of communication and terms they are most likely to understand.

This includes agreements between the department and SDA residents and information about processes, changes and decisions that affect them.

The *Residential Tenancies Act 1997* (RTA) prescribes forms for notices and agreements issued under that Act. Consumer Affairs Victoria regulates the RTA and has developed Easy English versions of these forms.

The department will also develop Easy English information about department processes that have the most impact for SDA residents. This information will be available on the department’s website and given to residents when they need that information to make a decision or understand a change that is happening to their SDA.

Staff will arrange interpreting and translating services when required so that residents and their support network can communicate in their preferred language. More information, including how to work with these services, is in the [department’s language services policy and guidelines](https://www.dhhs.vic.gov.au/publications/language-services-policy-and-guidelines) <https://www.dhhs.vic.gov.au/publications/language-services-policy-and-guidelines>.

## How to communicate with residents about their SDA

When communicating about SDA matters, staff will:

* use clear, simple language
* avoid jargon and acronyms
* ask the resident and their support network about the language and mode of communication and terms the resident prefers and is most likely to understand.
* use Easy English materials where available that can help explain a matter or an issue
* help the resident to understand and be involved in decision making as much as possible, even when they have others to support them with decision making (such as their support network).

## Who else do staff communicate with about matters affecting a resident?

Most residents in department-owned SDA have a **nominated contact person**. This person can be any person who the resident has a close and sustained relationship with, such as a family member or friend, or advocacy support the resident has engaged. The resident’s nominated contact person can provide essential support to residents by helping them to understand information about their SDA and to make important decisions about their accommodation.

The resident’s information record will include details about who their nominated contact person is. The department will provide the nominated contact person with a copy of all information sent to the resident unless:

* the resident asks us not to, or
* another party is legally responsible for supporting the resident in the matter that the communication is about, such as when the Victorian Civil and Administrative Tribunal (VCAT) has appointed a **guardian** to make decisions about lifestyle issues for a resident, or an **administrator** to manage a residents’ legal or financial affairs.

Some SDA residents may have a **guardian** appointed by order of the VCAT under the *Guardianship and Administration Act 2019*. The matters that the guardian can make decisions about are documented in the order of appointment. For these matters, the guardian’s decisions have the same legal standing as if the resident is making the decision themself. The resident’s information record will identify if the resident has a guardian and who that is.

When dealing with financial matters, such as rent payments, staff will communicate with the resident and their **administrator**. The administrator may have been appointed by order of the VCAT or may be a longstanding informal arrangement such as when a family member has supported the resident to manage their finances for many years. The resident’s information record will identify who the administrator is.

Other parties who wish to access copies of information sent to residents, their nominated contact person, guardian, or administrator should be directed to the relevant party. For example, if a resident’s nominated contact person requests a copy of a letter sent to a resident about their rent, they should make this request to the resident’s administrator.

Residents can update the details of their support network by emailing the details to myhome@homes.vic.gov.au.

## Communication with resident’s SIL provider

The department may communicate with residents SIL providers about some matters. This includes when the SIL provider can support coordination of activities that impacts a whole household or the provision of SIL services, such as scheduling maintenance activities, or an open inspection when there is a vacancy, at a time that is convenient for all residents.

The department will communicate with a resident’s SIL provider if there are issues relating to quality of life, safety, continued accommodation, and independence for residents. Resident’s SIL providers may also communicate with department staff about these issues. These communication requirements are outlined in the Collaboration Agreement between the department and resident’s SIL providers. More [information about the Collaboration Agreement is](https://www.homes.vic.gov.au/collaboration-agreement-information-sheet-february-2022) available at <https://www.homes.vic.gov.au/collaboration-agreement-information-sheet-february-2022>

The department will also let resident’s SIL providers know if broad communications are being sent to residents, and how residents or their nominated contact person can contact the department if they need more information or support to understand or respond to the communication.

# Children in SDA

## Requirements when children or young people live in SDA

Most department-owned SDA provides accommodation for adults; however, a small number provide accommodation to children or young people.

Where children or young people live in department-owned SDA, the department and resident’s SIL providers must comply with requirements under:

* Victoria's *Child Wellbeing and Safety Act 2005*
* Child Safe Standards
* Reportable Conduct Scheme.

These requirements are included in the Collaboration Agreement between the department and residents SIL providers. You can find more information about the Collaboration Agreement in the [**Residency Management Practice Manual**](https://www.homes.vic.gov.au/residency-management-practice-manual-may-2022) at: <https://www.homes.vic.gov.au/residency-management-practice-manual-may-2022>

Where staff or contractors engaged by the department are likely to have more than incidental contact with residents, the department will ensure the requirements of the *National Disability Insurance Scheme (Practice Standards – Worker Screening) Rules 2018* are met, including:

* documented risk assessment of staff roles to determine if worker screening is required
* evidence of a Working with Children Check and NDIS clearance, if required.

# NDIS Code of Conduct and Practice Standards

The NDIS Code of Conduct (the Code) requires workers and providers who deliver NDIS supports to:

* act with respect for individual rights to freedom of expression, self-determination and decision making, in line with relevant laws and conventions
* respect the privacy of people with disability
* provide supports and services in a safe and competent manner with care and skill
* act with integrity, honesty, and transparency
* promptly take steps to raise and act on concerns about matters that might affect the quality and safety of supports provided to people with disability
* take all reasonable steps to prevent and respond to all forms of violence, exploitation, neglect, and abuse of people with disability
* take all reasonable steps to prevent and respond to sexual misconduct.

The NDIS Practice Standards specify the quality standards registered NDIS providers must meet to provide supports and services to NDIS participants. Together with the Code, the Practice Standards build NDIS participants’ awareness of what quality service provision they should expect from registered NDIS providers.

The NDIS Practice Standards consist of a core module and supplementary modules that apply depending on the types of supports and services delivered. As an SDA provider the department must meet the outcomes covered by the core module and the SDA supplementary module which includes:

* rights and responsibilities
* conflict of interest
* service agreements with participants
* enrolment of SDA dwellings
* tenancy management.

## **Applying the NDIS Code of Conduct and Practice Standards**

The Code applies to SDA services delivered by the department.

Staff should use existing employee engagement, human resources and governance arrangements which are consistent with requirements of the Code.

These SDA Practice Manuals have been developed to ensure they are consistent with the Code and NDIS Practice Standards.

More information on the Code is available on the [NDIS Quality and Safeguards Commission’s NDIS Code of Conduct (NDIS Providers) page](https://www.ndiscommission.gov.au/providers/ndis-code-conduct) <https://www.ndiscommission.gov.au/providers/ndis-code-conduct>.

# Conflict of interest

A conflict of interest is where an employee or organisation has private interests that may influence their decisions or actions. Conflicts can be actual, potential, or perceived.

The NDIS Practice Standards require SDA providers to have policies that show how perceived or actual conflicts of interests are managed and to ensure that each resident’s right to exercise choice and control over other NDIS support provision is not limited by their choice of SDA.

Staff must comply with the Victorian Public Service Code of Conduct as a condition of their employment, which includes a requirement that employees demonstrate integrity by avoiding any real or perceived conflicts of interest.

## How the department avoids conflicts of interest

The department does not have arrangements with SIL providers, or any other NDIS provider, that limit residents’ choices about their SDA. Residents can choose a different SIL provider without affecting their continued accommodation in the SDA.

The department has Collaboration Agreements with resident’s SIL providers that outline how the department and resident’s SIL provider will work together in the best interests of residents that both providers have service agreements with. The Collaboration Agreement does not limit residents’ choices about the NDIS supports they receive within the SDA. This applies to all residents in department-owned SDA, including residents whose SIL provider was selected through the process of transferring government-delivered support services to five non-government organisations.

## If residents are concerned about a conflict of interest

A resident or their nominated contact person can raise concerns about a real or perceived conflict of interest by emailing the department at myhome@homes.vic.gov.au.

Residents or their nominated contact person may wish to access advocacy services to assist them in raising these concerns. Staff can help residents access advocacy support by directing them to the [Disability Advocacy Resource Unit](https://www.daru.org.au/organisation-type/individual-advocacy) who have a register of advocacy agencies on their website at <https://www.daru.org.au/organisation-type/individual-advocacy>.

The matter can also be reported as a complaint to the following:

| Who | How |
| --- | --- |
| All residents | Community Visitor program:* Phone: 1300 309 337
* [Public Advocate’s Community Visitors page](https://www.publicadvocate.vic.gov.au/your-rights/in-your-home/community-visitors) <https://www.publicadvocate.vic.gov.au/your-rights/in-your-home/community-visitors>
 |
| NDIS participants, andDisability Support for Older Australians Program clients (formerly called the Commonwealth Continuity of Support Program) | NDIS Quality and Safeguards Commission:* Phone: 1800 035 544
* [NDIS Commission’s How to make a complaint about a provider page](https://www.ndiscommission.gov.au/about/complaints) <https://www.ndiscommission.gov.au/about/complaints>
 |
| Residents who are **not** NDIS participants or clients of the Disability Support for Older Australians Program | Disability Service Commissioner:* Phone: 1800 677 342
* [Disability Service Commissioner’s Make a complaint page](https://www.odsc.vic.gov.au/making-a-complaint/how-to-make-a-complaint) <https://www.odsc.vic.gov.au/making-a-complaint/how-to-make-a-complaint>
 |
| Where the complaint is about a breach of the SDA residency agreement  | Consumer Affairs Victoria (CAV):* Phone: 1300 558 181
* [CAV’s Complaints in SDA page](https://www.consumer.vic.gov.au/housing/specialist-disability-accommodation/for-residents/complaints-in-sda-residents) <https://www.consumer.vic.gov.au/contact-us/resolve-your-problem-or-complaint>
 |

## What happens if the department becomes aware of a conflict of interest in SDA?

If the department enters an arrangement where an unintended conflict of interest arises, the department will declare a conflict to the SDA resident and their nominated contact person and take immediate steps to resolve the matter.

Staff will document and manage any situation where a conflict of interest has been identified.

# Complaints

## M**aking a complaint about department-owned SDA**

If any person has a complaint about department-owned SDA, they should:

1. Discuss the complaint with the department staff they had contact with through the process.
2. If this has not resolved concerns, the person can ask to speak with a senior department manager.
3. If the concern is still not resolved, the person can choose one of the following ways to make a complaint:
	* + submit an online complaint – see the [department’s Making a complaint page](https://www.dffh.vic.gov.au/making-complaint) <https://www.dffh.vic.gov.au/making-complaint>
		+ call the department’s feedback service on 1300 884 706
		+ send a letter to:
		Complaints
		GPO Box 4057
		Melbourne VIC 3000.

More information is available in the departments *Feedback including compliment and complaints management policy* available at the [department’s Making a complaint page](https://dhhsvicgovau.sharepoint.com/sites/SDAProjects-GRP/Shared%20Documents/SDA%20policies/Policies/department%E2%80%99s%20Making%20a%20complaint%20page) <<https://www.dhhs.vic.gov.au/making-complaint>>.

Residents or their nominated contact person may wish to access advocacy services to assist them in making a complaint. Staff can help residents access advocacy support by directing them to the [Disability Advocacy Resource Unit](https://www.daru.org.au/organisation-type/individual-advocacy) who have a register of advocacy agencies on their website at <https://www.daru.org.au/organisation-type/individual-advocacy>.

## **What residents can make a complaint about**

Residents or their nominated contact person can make a complaint about any experience with the department. This includes where the resident:

* felt a department service was unsatisfactory
* did not receive enough information or choice
* was denied respect, dignity, or privacy.

## Role of staff in handling complaints

For all complaints or feedback, staff should:

* provide information that is helpful, accurate, and in the language or mode that the resident and their nominated contact person is most likely to understand
* be courteous and considerate with communication
* promptly refer requests to the appropriate person
* respond to requests within a reasonable time
* keep the complainant informed of progress or delays.

Staff should document the concerns, including details that will help investigation into and resolution of the issues raised.

## Other organisations residents can complain to

Residents can also make complaints to other parties. Refer to the following table for details.

Staff must help any of these organisations when a complaint is made by providing the information required for them to investigate the complaint and to resolve the issue.

| Who | How |
| --- | --- |
| All residents | Community Visitor program:* Phone: 1300 309 337
* [Public Advocate’s Community Visitors page](https://www.publicadvocate.vic.gov.au/your-rights/in-your-home/community-visitors) <https://www.publicadvocate.vic.gov.au/your-rights/in-your-home/community-visitors>
 |
| NDIS participants, andDisability Support for Older Australians Program clients (formerly called the Commonwealth Continuity of Support Program) | NDIS Quality and Safeguards Commission:* Phone: 1800 035 544
* [NDIS Commission’s How to make a complaint about a provider page](https://www.ndiscommission.gov.au/about/complaints) <https://www.ndiscommission.gov.au/about/complaints>
 |
| Residents who are **not** NDIS participants or clients of the Disability Support for Older Australians Program | Disability Service Commissioner:* Phone: 1800 677 342
* [Disability Service Commissioner’s Make a complaint page](https://www.odsc.vic.gov.au/making-a-complaint/how-to-make-a-complaint) <https://www.odsc.vic.gov.au/making-a-complaint/how-to-make-a-complaint>
 |
| Where the complaint is about a breach of the SDA residency agreement  | Consumer Affairs Victoria (CAV):* Phone: 1300 558 181
* [CAV’s Complaints in SDA page](https://www.consumer.vic.gov.au/housing/specialist-disability-accommodation/for-residents/complaints-in-sda-residents) <https://www.consumer.vic.gov.au/contact-us/resolve-your-problem-or-complaint>
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