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# The Trustee for SDA Unit Trust Module 5: Specialist Disability Accommodation Policy and procedure manual

## Table of Contents

Participants' Rights and Responsibilities Policy and Procedure .....	9
1.0 Purpose .....	9
2.0 Scope .....	9
3.0 Policy.....	9
4.0 Procedure.....	10
4.1 Organisation requirements prior to participant commencing residency.....	10
4.2 The Trustee for SDA Unit Trust duties to the participant .....	10
4.3 Participant responsibilities .....	11
4.4 Participant rights .....	11
5.0 Related documents .....	12
6.0 References.....	12
Privacy and Confidentiality Policy and Procedure .....	13
1.0 Purpose .....	13
2.0 Scope .....	13
3.0 Policy.....	13
4.0 Procedure.....	14
4.1 Dealing with personal information .....	14
4.2 Participant records.....	15
4.3 Responsibilities for managing privacy .....	15
4.4 Privacy information for participants .....	16
4.5 Privacy for interviews and personal discussions .....	16
5.0 Related documents .....	17
6.0 References.....	17
SDA Service Agreement Policy and Procedure .....	18
1.0 Purpose .....	18
2.0 Scope .....	18
3.0 Policy.....	18

4.0 Procedure.....	19
4.1 Specialist Disability Accommodation (SDA) Service Agreement.....	19
4.2 Filling a vacancy.....	20
5.0 Related documents .....	21
6.0 References.....	21
Specialist Disability Accommodation Participant Management Policy and Procedure .....	22
1.0 Purpose.....	22
2.0 Scope .....	22
3.0 Policy.....	22
4.0 Definitions .....	23
4.1 Roles .....	24
5.0 Related documents .....	24
6.0 References.....	24
Enrolment of Specialist Disability Accommodation Properties Policy and Procedure .....	25
1.0 Purpose.....	25
2.0 Policy.....	25
3.0 Definitions .....	25
3.1 Density restriction .....	25
3.2 Design category.....	26
3.3 Building type.....	27
4.0 Procedure.....	28
5.0 Related documents .....	28
6.0 References.....	28
Delivering Community Services in Partnership Policy and Procedure .....	30
1.0 Purpose.....	30
2.0 Scope .....	30
3.0 Definitions .....	30
4.0 Policy.....	31
4.1 Partnership policy principles.....	31
4.2 Engagement activities, types of participation and collaboration activities .....	31

5.0 Procedure.....	33
5.1 Establishment and approval .....	33
5.2 Monitoring and review .....	33
6.0 Terminology.....	35
7.0 Related documents .....	35
8.0 References.....	35
Legislative Compliance Policy and Procedure.....	36
1.0 Purpose.....	36
2.0 Commitment.....	36
3.0 Procedure.....	36
3.1 Compliance register implementation .....	36
3.2 Non-compliance.....	37
3.3 Monitoring and reviewing.....	37
4.0 Related documents .....	37
5.0 References.....	37
Right to Enter Policy and Procedure.....	39
1.0 Purpose.....	39
2.0 Scope .....	39
3.0 Policy.....	39
4.0 Procedure.....	39
4.1 Seven (7) days' notice .....	39
4.2 Two (2) days' notice.....	40
4.3 Without notice.....	40
4.4 Manner of entry .....	40
4.5 Notice of entry .....	40
4.6 Resident's duty .....	41
5.0 Related documents .....	41
6.0 References.....	41
Continuity of Support Policy and Procedure.....	42
1.0 Purpose.....	42

2.0 Scope .....	42
3.0 Policy.....	42
4.0 Procedure.....	43
4.1 Disruptions and changes .....	43
4.2 Service agreement .....	43
5.0 Related documents .....	44
6.0 References.....	44
Specialist Disability Accommodation Rent Policy and Procedure.....	45
1.0 Purpose .....	45
2.0 Policy.....	45
3.0 Procedure.....	45
3.1 Receipts for rent .....	46
3.2 Records of payment .....	46
3.3 Increasing rent.....	46
3.4 Excessive rent .....	47
3.5 Other charges.....	47
4.0 Related documents .....	47
5.0 References.....	47
Conflict of Interest Policy and Procedure.....	49
1.0 Purpose .....	49
2.0 Scope .....	49
3.0 Policy.....	49
4.0 Procedure.....	50
4.1 Registration of known conflicts of interest .....	50
4.2 Identification and declaration of a conflict of interest.....	50
4.3 Management of conflicts of interest.....	51
4.4 Staff involvement in external activities.....	51
4.5 Contractors .....	52
5.0 Related documents .....	52
6.0 References.....	52

Vacancy Policy and Procedure .....	53
1.0 Purpose .....	53
2.0 Policy .....	53
2.1 Declaring a vacancy .....	53
2.2 Advertising a vacancy .....	53
2.3 Open inspections .....	54
2.4 SDA applications .....	55
2.5 Screening process guidelines .....	56
2.6 Selecting a tenant (participant) .....	58
2.7 Documenting the application process .....	58
2.8 Communicating the outcome .....	59
3.0 Related documents .....	59
4.0 References .....	59
Risk Management Policy and Procedure .....	61
1.0 Purpose .....	61
2.0 Scope .....	61
3.0 Procedure .....	61
3.1 Identification .....	61
3.2 Planning .....	62
3.3 Managing risk .....	62
4.0 Related documents .....	64
5.0 References .....	64
Repairs and Maintenance Policy and Procedure .....	65
1.0 Purpose .....	65
2.0 Policy .....	65
3.0 Procedure .....	66
3.1 Physical environment .....	66
3.2 Goods and appliances .....	66
3.3 Resident input .....	66
3.4 Repairs .....	67

3.5 Documentation and reporting .....	67
4.0 Related documents .....	67
5.0 References.....	67
Violence, Abuse, Neglect, Exploitation and Discrimination Policy .....	68
1.0 Purpose.....	68
2.0 Scope .....	68
3.0 Definition .....	69
3.1 Types of Abuse .....	69
3.2 Abuse Descriptor .....	69
4.0 Policy.....	71
4.1 Statement of commitment to safety .....	72
4.2 Safe Code of Conduct .....	72
4.3 Acceptable behaviours .....	73
4.4 Unacceptable behaviours .....	74
4.5 Screening, supervising, training and human resource practices to reduce risk .....	74
5.0 Procedure.....	75
5.1 Strategies to identify and reduce or remove the risk of harm .....	75
5.2 Reporting violence, abuse, neglect, exploitation and discrimination .....	75
5.3 Reporting roles .....	76
5.4 How to report.....	77
5.5 Details to provide.....	77
5.6 Investigating allegation or incident .....	78
5.7 Supporting the SDA Resident.....	78
5.8 Documentation .....	79
6.0 Related Documents.....	79
7.0 References.....	79
Work Health Safety and Environmental Management Policy and Procedure.....	80
1.0 Purpose.....	80
2.0 Scope .....	80
3.0 Policy.....	80

3.1 Statement of injury management and return to work.....	81
3.2 Environmental management.....	81
3.3 Incident management.....	82
3.4 Work health and safety consultation.....	84
3.5 Workplace incidents .....	85
3.6 Work health and safety management program .....	87
3.7 Education and training.....	88
3.8 Hazard identification and risk management .....	88
3.9 Risk management.....	88
4.0 Definition .....	90
5.0 Related documents .....	95
6.0 References.....	95
Reportable Incident, Accident and Emergency Policy and Procedure .....	96
1.0 Purpose.....	96
2.0 Scope .....	96
3.0 Policy.....	96
4.0 Procedure.....	97
5.0 Related documents .....	102
6.0 References.....	102
Complaints and Feedback Policy and Procedure.....	103
1.0 Purpose.....	103
2.0 Scope .....	103
3.0 Policy.....	103
4.0 Definition .....	105
5.0 Procedure.....	105
5.1 Complaint process.....	105
5.2 Complaint management process.....	106
5.3 Documentation .....	108
5.4 Unresolved complaints .....	108
6.0 Related documents .....	109



References.....109

# **Participants' Rights and Responsibilities**

## **Policy and Procedure**

### **1.0 Purpose**

The purpose of this policy is to ensure that each participant understands their rights and responsibilities when living in a Specialist Disability Accommodation (SDA) dwelling.

It is the intention of The Trustee for SDA Unit Trust to meet all legislative requirements, both state and federal, including the National Disability Insurance Scheme (NDIS) Standards and Quality Indicator Requirements 2018 and the NDIS (Specialist Disability Accommodation) Rules 2018.

The Trustee for SDA Unit Trust will take responsibility for informing participants, guardians or a chosen support person or advocate of all necessary requirements and responsibilities of a participant living in an SDA dwelling.

### **2.0 Scope**

This policy applies to all frontline Staff who engage with participants to provide access to information or who enrol participants for services.

### **3.0 Policy**

The Trustee for SDA Unit Trust will inform every participant of their rights and responsibilities, prior to them becoming a resident and entering the SDA dwelling. The Trustee for SDA Unit Trust will provide information in a suitable manner/format, so that the participant, their guardian, chosen support person or advocate has a clear understanding of the participant's rights and responsibilities to The Trustee for SDA Unit Trust and to other participants (tenants) living at the SDA dwelling.

A participant's tenancy at the SDA dwelling will not be affected by the registered provider who supplies the supported independent living (SIL) activities.

Participant's rights include the right to autonomy. All participants have the right to privacy, intimacy and sexual expression which both Staff and other participants are required to respect.

Our dwellings will only house the same number of participants as the number of SDA bedrooms.

## **4.0 Procedure**

### **4.1 Organisation requirements prior to participant commencing residency**

Prior to a participant commencing residency in an SDA dwelling, The Trustee for SDA Unit Trust must:

- provide the participant with an Information Statement before the SDA Residency Agreement is established and agreed
- provide an explanation of the SDA Residency Agreement in language, mode of communication and terms that the participant is likely to understand
- provide an explanation both orally and in writing, where reasonable
- locate a person who is not employed by The Trustee for SDA Unit Trust to assist any participant who requires support to understand the SDA Residency Agreement and who does not have access to a family member, guardian or administrator. This person is responsible for assisting the participant in understanding the agreement they are signing in a communication mode they understand, e.g. sign language
- have the SDA Residency Agreement prepared and available, prior to commencement of the agreement
- provide a written copy of the SDA Residency Agreement to the participant, their guardian or administrator.

### **4.2 The Trustee for SDA Unit Trust duties to the participant**

Our duties to all participants include:

- treating participants with dignity and respect, with due regard provided to their entitled privacy, intimacy and sexual expression
- not interfering with the participant's right to privacy
- maintaining the participant's accommodation, fixtures and fittings so they are in good repair
- making reasonable adjustments or modifications to the SDA dwelling
- installing fixtures required by the participant to assist with their proper use and enjoyment of the SDA dwelling
- implementing reasonable measures to ensure the security of the premises

- minimising any inconvenience or disruption to the participant when undertaking repairs or renovations
- ensuring that any repairs or renovations are undertaken in a timely manner
- informing the participant, in writing, of any legislative requirements regarding tenancy-related notices, e.g. increase in rent, right to access premises to undertake repairs
- providing information in a language, mode of communication and terms to suit the participant, e.g. Easy Read documentation.

### **4.3 Participant responsibilities**

The participant must:

- maintain the SDA dwelling in a manner that does not create fire, health or safety hazards
- provide notice to The Trustee for SDA Unit Trust after becoming aware of any damage to the dwelling, specifying the nature of the damage
- contribute to the cost of repairing damage that was intentionally caused
- pay the rent on the due date, as per their SDA Residency Agreement.

The participant must not:

- use the premises for a purpose that is illegal at common law
- endanger the safety of other participants and Staff by act or omission
- cause serious disruption to the proper use and enjoyment of the dwelling by residents
- intentionally damage or destroy any part of the premises
- install any fixtures in the dwelling without first obtaining consent, in writing, from The Trustee for SDA Unit Trust.

### **4.4 Participant rights**

It is the participant's right to:

- be respected for their human worth and to be treated with dignity as an individual
- live free from abuse, neglect and exploitation
- realise their individual capacity for physical, social, emotional and intellectual development
- exercise choice and control over their own lives
- access information and communicate in a manner appropriate to their communication and cultural needs

- actively involve a child's family and any other caregivers in decisions affecting the child and to provide the appropriate information and support to enable this to occur
- choose disability workers with values, skills and qualifications that meet their needs
- access services which support their quality of life
- select their own NDIS support provider
- have security of tenure that is not linked to NDIS support personnel supports
- seek a review of any residency-related notices.

## **5.0 Related documents**

- Information Statement
- SDA Residency Agreement

## **6.0 References**

- NDIS Standards and Quality Indicators 2020
- NDIS (Specialist Disability Accommodation) Rules 2018
- United Nations Convention on the Rights of Persons with Disabilities
- Disability Discrimination Act 1992
- Disability Services Act 1986

# Privacy and Confidentiality Policy and Procedure

## 1.0 Purpose

This policy requires The Trustee for SDA Unit Trust to manage the personal information of our participants appropriately, ensuring that all information remains private and is only ever used for the purpose that it is collected for.

## 2.0 Scope

This policy applies to all The Trustee for SDA Unit Trust employees, contractors and consultants.

## 3.0 Policy

The Trustee for SDA Unit Trust is committed to protecting and upholding the right to privacy of our participants, employees, management and representatives of all agencies that we deal with.

The Trustee for SDA Unit Trust is committed to protecting and upholding our participants' right to privacy in the way we collect, store and use information about them, their needs and the services provided to them.

The Trustee for SDA Unit Trust requires our employees and management to be consistent and careful in the way they manage what is written and said about our participants, and how they decide who can see or hear this information.

The Trustee for SDA Unit Trust is subject to the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission. Our organisation follows the guidelines set out in the *Australian Privacy Principles (APP)*, in relation to our information management practices.

The Trustee for SDA Unit Trust will ensure that each participant understands and agrees to the type of personal information that will be collected. We will also inform participants about

why it is necessary to collect such information, including recorded material in an audio or visual format.

The Trustee for SDA Unit Trust will advise each participant of our confidentiality policies using the language, mode of communication and terms that the participant is most likely to understand.

The Trustee for SDA Unit Trust will ensure that:

- we meet our legal and ethical obligations, as an employer and service provider, in relation to protecting the privacy of participants and organisation personnel
- participants are provided with information about their rights regarding privacy and confidentiality
- participants and organisational personnel are provided with privacy and confidentiality when they are being interviewed or discussing matters of a personal or sensitive nature
- all our employees, consultants, contractors and volunteers understand what is required to meet these obligations
- participants are provided autonomy to intimacy and sexual expression.

This policy conforms to the *Federal Privacy Act (1988)* and the *Australian Privacy Principles*, which govern the collection, use and storage of personal information.

This policy applies to all records (whether hard copy or electronic) containing personal information about individuals and interviews or discussions of a sensitive and personal nature.

## **4.0 Procedure**

### **4.1 Dealing with personal information**

When dealing with personal information, our employees will:

- maintain the privacy of participants and employees when they are being interviewed or discussing matters of a personal and sensitive nature
- collect and store personal information that is necessary for the functioning of the organisation and its activities
- use fair and lawful ways to collect personal information
- collect personal information, only by consent, from an individual

- inform people regarding the type of personal information held, what purpose it is held for and how it is collected, used, disclosed and who has access to it
- ensure personal information collected, or disclosed, is accurate, complete and up to date
- provide individual's access to their personal information so they can review or correct any wrong information about themselves
- take reasonable steps to protect all personal information from misuse, loss and unauthorised access, modification or disclosure
- destroy or permanently de-identify personal information no longer needed and/or after legal time length requirements for retaining documents have expired
- ensure that participants understand and agree with the type of personal information being collected and reasons for collection
- ensure that participants are advised of any recordings, in either audio or visual format. The participant's involvement in any recording format must be agreed to, in writing, before collection of material can take place.

#### **4.2 Participant records**

The participant's records will be confidential to the participant and Staff directly engaged in the delivery of service to the participant. Participant information may only be made available to other parties with the consent of the participant, their advocate, guardian or legal representative.

All participant records are kept on a securely protected computer database that is restricted to only the Staff workers directly engaged in the delivery of service to a participant. Electronic records are password protected.

All hard copies are kept securely in a locked filing cabinet located at our head office.

#### **4.3 Responsibilities for managing privacy**

All employees are responsible for the management of personal participant information, to which they have access when conducting research, consultation or advocacy work.

The Director is responsible for the approval of content appearing in The Trustee for SDA Unit Trust publications, communications and on our website and must ensure:

- appropriate consent is obtained for the inclusion of any personal information regarding any individual, including The Trustee for SDA Unit Trust personnel



- information provided by other agencies or external individuals conforms to Australian Privacy Principles
- a privacy statement appears on our website that clearly outlines conditions regarding the collection of any personal information from the public visiting the site.

The Director is responsible for safeguarding personal information relating to The Trustee for SDA Unit Trust employees, management, contractors and consultants.

The Director will be responsible for ensuring:

- all employees are familiar with this policy and the administrative procedures for handling all personal information
- participants, and other relevant individuals, are provided with information outlining their privacy rights
- any queries or complaints regarding a privacy issue are handled correctly.

#### **4.4 Privacy information for participants**

During initial discussions with a participant, The Trustee for SDA Unit Trust Staff inform them of the details of the information that we will collect, how their privacy will be protected, and what their rights are in relation to this information. This is reiterated, verbally and in documentation, in the formal induction process.

Participants must provide consent to any information sharing between our organisation and government bodies. The participant is informed they can opt-out of any NDIS information sharing between audits.

#### **4.5 Privacy for interviews and personal discussions**

To ensure privacy for participants or employees when discussing sensitive or personal matters, our organisation will:

- only collect personal information which is necessary for the provision of information on the site, which is given voluntarily
- store information securely on The Trustee for SDA Unit Trust database.

When in possession or control of a record containing personal information, The Trustee for SDA Unit Trust will ensure that:

- a record is protected against loss, unauthorised access, modification or disclosure, by such steps as reasonable in the circumstances to take

- when it is necessary to provide a record to a person in connection with the provision of a service to The Trustee for SDA Unit Trust, everything, within reason, will be done to prevent unauthorised use or disclosure of that record.

The Trustee for SDA Unit Trust will not disclose personal information to a third party without the individual's consent unless that disclosure is required or authorised by or under law.

## **5.0 Related documents**

- Code of Conduct Agreement
- Consent Policy and Procedure
- Easy Read Documents
- Privacy and Confidentiality Agreement
- Privacy Statement
- NDIS Audit Opt-Out Consent Form

## **6.0 References**

- Disability Discrimination Act 1992
- Disability Services Act 1986
- Privacy Act 1988
- Australian Privacy Principles
- NDIS (Quality and Safeguards) Commission 2018

# SDA Service Agreement Policy and Procedure

## 1.0 Purpose

The Trustee for SDA Unit Trust provides an SDA Service Agreement during the participant induction process and discusses the contents collaboratively with relevant parties.

## 2.0 Scope

It is the responsibility of the Director or their delegate to undertake the development of an SDA service agreement for each participant so that it is reflective of each individual participant.

## 3.0 Policy

The Trustee for SDA Unit Trust will follow the protocols and processes outlined in the **National Disability Insurance Scheme (NDIS) Terms of Business for Registered Providers**. Our organisation will only provide participants assistance when a written service agreement is in place. The Trustee for SDA Unit Trust collaborates with each participant to develop a service agreement which establishes the:

- supports provided under the service agreement
- cost of rent
- location and dwelling type being provided
- length of the tenancy
- when and how the service agreement will be reviewed
- process of dealing with problems or issues that may arise
- participant's responsibilities under the service agreement, e.g. letting the provider know if the participant is moving out of the dwelling
- provider's responsibilities under the service agreement, e.g. maintenance and upgrades
- details of how a service agreement may change or end.

The participant will be supported to understand their service agreement and conditions using language, mode of communication and terms that the participant is most likely to understand. Current residents at the dwelling are considered in the process of filling the vacancy.

## 4.0 Procedure

The Trustee for SDA Unit Trust undertakes the following process with each participant to develop a service agreement:

1. Collaborate with the family, advocate or representative, to ensure that the service agreement meets the participant's requirements.
2. Use appropriate communication methods to explore, explain and determine what is being provided within the service agreement.
3. Records are kept explaining the process undertaken.
4. A copy of the service agreement is provided to the participant.

Should a participant not want to keep a copy of the agreement, The Trustee for SDA Unit Trust will then document the circumstances under which the participant did not receive a copy. This information will be kept on the participant's file. In this situation, it is good practice to have the participant make a note on the agreement that they did not require a copy.

### 4.1 Specialist Disability Accommodation (SDA) Service Agreement

The SDA Service Agreement must include details of the party or parties responsible and their roles (where applicable) for each of the following matters:

- Addressing how a participant's concerns regarding the dwelling will be communicated.
- Specifying that the rent that must be paid by the participant.
- Specifying the method and timing of rental payments and arrangements, including the issuance of receipts.
- If relevant, specifying board payments that have been agreed upon, including:
  - details of what the payments will cover
  - method and timing of making board payments.
- Specifying a minimum notice period to be given by the provider, prior to increasing rent or board payable by the participant.
- Providing contact details for the following situations:
  - *using an agent* – provide agent's name, telephone number, address and their responsibilities.
  - *not using an agent* – provide contact name, address and phone number of the registered provider.
- Managing potential conflicts involving participant/s.

- Agreeing on how changes to participant circumstances and/or support needs will be communicated.
- If in shared living; outlining the method of filling vacancies, including each participant's right to have their needs, preferences and situation considered.
- Managing behaviours of concern which may put tenancy at risk, if relevant to the participant.
- Providing five business days written notice of any changes in the service agreement.
- Detailing the agreed commencement date, duration of the service agreement, and how the agreement can be extended.
- Specifying circumstances of the termination of the service agreement by the participant or The Trustee for SDA Unit Trust.
- Informing the participant that The Trustee for SDA Unit Trust will provide ninety (90) days' notice before requiring the participant to vacate the premises (unless shorter notice is required to address the risk of harm to the participant or others).
- Establishing expectations and explaining the responsibilities of the SDA provider in relation to the dwelling.
- Specifying the rights and responsibilities of the participant in accessing the dwelling.
- Listing the dwelling's safety features, e.g. fire alarms and building evacuation procedures.
- Listing how information will be communicated to other providers who develop supported independent living (SIL) to each participant.

## **4.2 Filling a vacancy**

The procedure for filling the vacancy is discussed with the current residents, as relevant in a shared apartment, as their input and considerations are at the core of the process.

Note: If the housemate is a young female, then preference may be for another young female. The Director must take all these factors into consideration and keep the current residents, of any relevant apartment, informed of the selection process.

It is the role of the Director to undertake the following process:

1. Inform current residents that there is a vacancy.
2. Consider the property group dynamic so a suitable replacement can be found.
3. Advertise the vacancy.
4. Meet with and show interested candidates around the building.
5. Offer apartment then apply SDA Residency Agreement procedure.

The participant is considered a resident in an SDA dwelling until:

- their vacancy is filled
- they are provided with a notice to vacate due to behaviour that might represent a risk to other residents, Staff or to the participant
- they vacate the dwelling, without giving notice, or have been given notice to vacate
- the vacancy is available for a participant and the agency has been notified
- ninety (90) days after the day of the event (for a dwelling that is enrolled to house four or five residents) that the participant:
  - dies
  - provides notice that they will vacate the dwelling.
- Sixty (60) days after the day of the event (for a dwelling that is enrolled to house two or three residents) that the participant:
  - vacates the dwelling without giving notice or has been given notice to vacate; whichever is sooner
  - dies
  - provides notice that they are vacating the dwelling
  - is provided notice to vacate due to behaviour that might represent a risk to themselves, other residents, Staff, or other people accessing the SDA dwelling.

## **5.0 Related documents**

- SDA Service Agreement
- SDA Residency Agreement

## **6.0 References**

- Work Health and Safety Act 2011
- National Standards for Disability Services 2013
- NDIS (Quality and Safeguards) Commission (2018)
- NDIS Terms of Business for Registered Providers

# **Specialist Disability Accommodation**

## **Participant Management Policy and Procedure**

### **1.0 Purpose**

The Trustee for SDA Unit Trust will support effective tenancy management and provision of appropriate Specialist Disability Accommodation (SDA) dwellings to meet the requirements of our participants, allowing them to exercise choice and control.

### **2.0 Scope**

This policy applies to all parties involved in tenancy management and provision of SDA dwellings to reinforce their obligation to provide appropriate and necessary support to participants.

### **3.0 Policy**

The Trustee for SDA Unit Trust will ensure that dwellings are the home of the resident and will provide the necessary support so that a participant can control their environment and choices. All participants have the right to a safe environment, so The Trustee for SDA Unit Trust will work with the supported independent living (SIL) provider to make the dwelling safe for its tenant participants, physically and emotionally.

Participants have the right to express their concerns to The Trustee for SDA Unit Trust. If the participant's concerns are voiced to the SIL provider, the SIL provider must share this information with The Trustee for SDA Unit Trust, for us to manage the situation or repair and adjust the SDA dwelling.

The Trustee for SDA Unit Trust will work with the SIL provider closely, so any participant with behaviour/s of concern is provided the necessary supports, including those related to the SDA dwelling. It is a priority that all tenant participants and Staff are safe. If the participant's behaviour/s of concern leads to problems with other tenant participants or places the participant at risk, then the participant may be required to source other accommodation.

The Trustee for SDA Unit Trust and the SIL provider will establish the support plan and the required supports for the participant. This information will be communicated to The Trustee for SDA Unit Trust through meetings, sharing of the behaviour support plan (if participant consent is gained) and regular update meetings between the organisations.

Changes in the participant's circumstances or supports will be communicated via phone and email, so an appropriate response can be determined quickly to suit the circumstance. The participant's circumstances may lead to reasonable adjustments being made to the SDA dwelling, but this will be determined in a meeting between both parties. Where the adjustments exceed the design category and functionality, the participant may need to find alternative accommodation.

An emergency that involves the evacuation of the SDA dwelling requires both The Trustee for SDA Unit Trust delegated officer and the SIL provider to work together to move participants to a predetermined site; this will vary due to the circumstances of the emergency.

If a vacancy needs to be filled, both parties will discuss the best means to advertise. Alternatively, there may be a participant (known to one of the parties) who is interested in the vacancy (see the 'Vacancy Policy and Procedure' included in this document).

## 4.0 Definitions

Terminology	Definition
<b>Specialist disability accommodation (SDA)</b>	Refers to housing provided by an NDIS registered provider of SDA, to participants who require specialist housing solutions to assist with the delivery of their supports. SDA refers to the dwelling itself and not support that is provided there.
<b>Supported independent living (SIL)</b>	Refers to the provider of support to participants, including assistance with, or supervision of, the tasks of daily life in a shared living arrangement.



## 4.1 Roles

SIL Support Provider	SDA Provider
Provide support and promote participation in household and community activities.	Provide residents with accommodation and a written agreement to live in the home.
Help people to manage money and household budget.	Set and collect rent.
Assist the SDA provider in making offers to prospective tenant participants.	Offer prospective tenant participants accommodation.
Help manage household tasks such as preparing food.	Fix and maintain homes.
Manage and supervise workers.	Address damages.
Ensure that workers are screened.	Perform major updates.
Notify residents of changes to the service agreement.	Notify residents of changes to the service agreement.
Address complaints about the support provided.	Address complaints about the SDA.

## 5.0 Related documents

- Complaints and Feedback Policy and Procedure
- Vacancy Policy and Procedure

## 6.0 References

- NDIS Standards and Quality Indicators 2020
- NDIS (Specialist Disability Accommodation) Rules 2018
- Residential Tenancy Act

# **Enrolment of Specialist Disability Accommodation Properties Policy and Procedure**

## **1.0 Purpose**

The purpose of this policy is to provide the participant with a specialist disability accommodation (SDA) dwelling that meets design type, category and other standards requirements that are identified during the dwelling enrolment process.

## **2.0 Policy**

The Trustee for SDA Unit Trust will ensure that dwellings meet design type, category and density restrictions required under NDIS (SDA Conditions) Rules 2020. The Trustee for SDA Unit Trust will only apply to enrol an SDA dwelling that meets the definitions listed in this policy.

## **3.0 Definitions**

### **3.1 Density restriction**

The density restriction applies in relation to a single parcel of land with multiple dwellings whether they all provide SDA; this includes a dwelling that is:

- a new build
- existing stock.

If any of the dwellings on the parcel of land is enrolled to house three or more residents, then the density restriction is satisfied if the number of participants with SDA in their plan (who reside in a dwelling on the parcel and receive SDA funding) is no more than the greater of:

- ten (10)
- 10% of the total number of residents capable of residing on the parcel, assuming one resident per bedroom.

If all of the dwellings that are enrolled in the parcel are enrolled to house only one or two residents per dwelling, then the density restriction is satisfied if the number of participants with SDA in their plan (who reside in a dwelling on the parcel and receive SDA funding) is no more than the greater of:

- fifteen (15)
- 15% of the total number of residents capable of residing on the parcel, assuming one resident per bedroom.

### ***In the case of intentional communities***

If any of the dwellings on the parcel of land is enrolled to house three or more residents, then the density restriction is satisfied if the number of participants with SDA in their plan (who reside in a dwelling on the parcel and receive SDA funding) is no more than the greater of:

- ten (10)
- 10% of the total number of residents capable of residing on the parcel, assuming one resident per bedroom.

If all of the dwellings that are enrolled in the parcel are enrolled to house only one or two residents per dwelling, then the density restriction is satisfied if the number of participants with SDA in their plan (who reside in a dwelling on the parcel and receive SDA funding) is no more than the greater of:

- fifteen (15)
- 25% of the total number of residents capable of residing on the parcel, assuming one resident per bedroom.

## **3.2 Design category**

Category	Description
<b>Basic design</b>	Refers to housing without specialist design features, but with a location or other features that cater to the needs of people with disability and assist with the delivery of support services.
<b>Improved liveability design</b>	Refers to housing that has been designed to improve 'liveability' by incorporating a reasonable level of physical access and enhanced provision for people with sensory, intellectual or cognitive impairment.

<b>Fully accessible design</b>	Refers to housing that has been designed to incorporate a high level of physical access provision for people with significant physical impairment.
<b>Robust design</b>	Refers to housing that has been designed to incorporate a high level of physical access provision and to be very resilient, reducing the likelihood of reactive maintenance and reducing the risk to the participant and the community.
<b>High physical support design</b>	Refers to housing that has been designed to incorporate a high level of physical access provision for people with significant physical impairment and requiring very high levels

### 3.3 Building type

Building Type	Description
<b>Apartments</b>	Self-contained units occupying only part of a larger residential building. Apartments are typically classified as Building Class 2 under the Building Code of Australia.
<b>Duplexes, villas and townhouses</b>	Separate, but semi-attached, properties within a single land title or strata-titled area. The dwellings will be separated from one or more adjoining dwellings by a fire-resisting wall (although fire resistance is not required for existing stock). These may also include ancillary dwellings that are located on the same parcel of land as another dwelling (such as standalone villas or 'granny flats'). These types of buildings are typically classified as Building Class 1(a)(i), 1(a)(ii) or 3
<b>Houses</b>	Detached low-rise dwellings with garden or courtyard areas. Houses are typically classified as Building Class 1(a)(i), 1(b)(i) or 3 under the Building Code of Australia.
<b>Group Homes</b>	Houses that are enrolled (or will be enrolled) to house four or five long-term residents. Group homes are typically classified as Building Class 1(b)(i) or 3 under the Building Code of Australia.
<b>Larger dwellings</b>	Dwellings which are enrolled (or will be enrolled) to house more than five long-term residents.

## 4.0 Procedure

Before applying to enrol an SDA dwelling, The Trustee for SDA Unit Trust will ensure that the dwelling is:

- a permanent dwelling
- intended to provide long-term accommodation for at least one participant, i.e. is not used only for respite, emergency or temporary accommodation
- not already being funded as accommodation by the Commonwealth, State or Territory under a scheme unrelated to disability
- not excluded from SDA, because it has previously received home modifications funding from the National Disability Insurance Agency (NDIA) of the type described in SDA Rule 6.9.

The Trustee for SDA Unit Trust will hold a written assessment that the dwelling complies with the requirements in the SDA Rules and the NDIA's Price Guide for SDA regarding its type, location and features. The Trustee for SDA Unit Trust will engage a third-party assessor, e.g. Liveable Housing Australia (LHA), a certified access consultant or building assessor.

The Trustee for SDA Unit Trust will hold written certification that the dwelling meets relevant building codes and laws in the following form:

- certification from an appropriately authorised building authority or entity such as an occupancy certificate (or equivalent).

The Trustee for SDA Unit Trust will ensure that we comply with the NDIS (Specialist Disability Accommodation) Rules 2018 by ensuring the organisation implements:

- Management Meetings
- An Internal Audit Schedule

## 5.0 Related documents

- Internal Audit Schedule

## 6.0 References

- NDIS Standards and Quality Indicators 2020
- NDIS (Specialist Disability Accommodation) Rules 2018
- NDIS (SDA Conditions) Rules 2020

- NDIS Price Guide
- Residential Tenancy Act

# Delivering Community Services in Partnership

## Policy and Procedure

### 1.0 Purpose

The purpose of this policy is to outline The Trustee for SDA Unit Trust guidelines for delivering community services in partnership. Our organisation develops partnerships and collaborates to effectively work with community support networks, organisations and government agencies, as relevant and when appropriate. Involving all stakeholders in our work is essential if progressive improvements and outcomes are to be achieved.

The Trustee for SDA Unit Trust recognises the valuable contribution that participants, families, carers and community members make to the planning, implementation, delivery and evaluation of National Disability Insurance Scheme (NDIS) programs and services. We recognise the importance of working with a broad range of partners to meet critical strategic objectives.

### 2.0 Scope

This policy applies to all partnerships agreed between The Trustee for SDA Unit Trust and other entities.

### 3.0 Definitions

Terminology	Definition
<b>Partnership</b>	<p>A formal relationship between The Trustee for SDA Unit Trust and other parties to achieve specific objectives.</p> <p>A partnership may include individual persons, industry, government, institutions, including educational providers and community organisations.</p>

<p><b>Memorandum of Understanding (MOU)</b></p>	<p>A document that expresses mutual accord on an issue between two or more parties. MOUs are recognised as binding, even if no legal claim could be based on the rights and obligations laid down in them.</p> <p>To be legally operative, a memorandum of understanding must:</p> <ul style="list-style-type: none"> <li>• identify the contracting parties</li> <li>• spell out the subject matter of the agreement</li> <li>• summarise the essential terms of the agreement</li> <li>• be signed by the contracting parties.</li> </ul>
<p><b>Collaboration Agreement</b></p>	<p>A MOU is also called a letter of intent. In the context of The Trustee for SDA Unit Trust, the document that expresses mutual accord is termed a Collaboration Agreement, crafted by legal representatives and, in turn, legally binding.</p> <p><b>NOTE:</b> A separate MOU/Collaboration Agreement is drafted by The Trustee for SDA Unit Trust, the SDA (provider of dwelling), for every SIL (provider of services) who works with participants with a SDA Residency Agreement.</p> <p>Source:  <a href="http://www.businessdictionary.com/definition/memorandum-of-">http://www.businessdictionary.com/definition/memorandum-of-</a> </p>

## 4.0 Policy

### 4.1 Partnership policy principles

The Trustee for SDA Unit Trust develops partnerships with other institutions, community groups, government, businesses and industries that deliver tangible outcomes to all parties and who have common strategic goals.

The Director will approve all partnerships resulting in a formal agreement with The Trustee for SDA Unit Trust.

### 4.2 Engagement activities, types of participation and collaboration activities



The Trustee for SDA Unit Trust collaborates to effectively work with community support networks, organisations and government agencies.

#### **4.2.1 Engagement activities**

Engagement activities include, but are not limited to:

- committees, e.g. steering, advisory, reference and working groups
- consultations, forums, focus groups and workshops
- selection and recruitment panels
- special projects.

#### **4.2.2 Types of participation**

Types of participation include, but are not limited to:

- providing services to participants to support their needs, goals or aspirations
- working with supported independent living (SIL) supports to provide shared living arrangements that work for tenant participants
- attendance and participation in an approved activity (including by video or teleconference)
- writing reports, resources, articles, brochures or newsletters
- designing and facilitating a discussion group, activity or event
- presenting as a guest speaker to provide a personal perspective
- reading in preparation for an activity
- researching to gain a broader or better understanding of the issue at hand
- consulting and networking with other people
- discussions, before or after an activity, to prepare, clarify or debrief
- reviewing or evaluating information, material and reports
- assisting our workers in preparing for, or organising, an engagement activity or event
- training (there may be occasions where people are invited to attend training relevant to, and in support of, their participation role).

#### **4.2.3 Diverse participation**

- The Trustee for SDA Unit Trust is committed to respectful, sensitive and culturally secure engagement and will provide diverse groups access to participation in relevant community activities, e.g. interpreter services, specific venues, support persons.

- Any partnership arrangement must be consistent with external legislative requirements and standards and The Trustee for SDA Unit Trust's policies and procedures.
- Partnership arrangements may be developed to cover singular or multiple activities or a type of partnership.
- The Trustee for SDA Unit Trust may propose the establishment of domestic partnerships or a memorandum of understanding (MOU) or Collaboration Agreement with institutions or organisations that are principally focused on supported independent living.

## **5.0 Procedure**

The process associated with the development and maintenance of partnership arrangements, that cover a combination of types of partnerships, must be consistent with the requirements for each type of partnership with a focus on support activities, for the tenant (participant) in an SDA dwelling.

### **5.1 Establishment and approval**

Any team member may propose the establishment of domestic, community, industry and government partnerships. The proposer/s prepares a business case for a partnership. The business case may include:

- an outline of the strategic value of the partnership to The Trustee for SDA Unit Trust and its contribution to the achievement of our goals
- a risk and benefit analysis of the proposal
- a due diligence report on the partner institution(s), as appropriate.

### **5.2 Monitoring and review**

#### **5.2.1. Responsibilities**

The Director or their delegated officer will:

- review and monitor the leadership and commitment applied to this policy
- be responsible for any partnerships involving government
- establish all partnerships, including MOUs and Collaboration Agreements
- monitor and manage all partnerships
- manage and monitor community and industry partnerships
- evaluate formal agreement reports against proposed outcomes

- follow established communication protocols
- visit each partner institution to meet key stakeholders at least once annually, or as required
- review the operation of each partnership six (6) and nine (9) months prior to the expiration of a community, industry or government partnership contract; reviews will form the basis for the renewal and/or renegotiation of a partnership agreement
- evaluate and review one year from endorsement, based on quantitative and qualitative information plus anecdotal evidence from participant, their family and carer
- conduct a review with the participant to determine how appropriate their support activities are and if their needs are being met.

The following table outlines the responsibilities of each partner:

<b>SIL Support Provider</b>	<b>SDA Provider</b>
Provide support and promote participation in household and community activities.	Provide residents with accommodation and a written agreement to live in a home.
Help people manage money and household budgets.	Set and collect rent.
Assist the SDA provider in making offers to prospective tenant participants.	Offer accommodation to prospective tenants.
Help manage household tasks, e.g. preparing food.	Fix and maintain homes.
Manage and supervise workers.	Address damages.
Ensure that workers are screened.	Perform major updates.
Notify residents of changes to the service agreement.	Notify residents of changes to the SDA Residency and SDA Service Agreement.
Address complaints regarding support	Address complaints about the SDA.

## 6.0 Terminology

Term	Definition
<b>Staff, employee or worker</b>	Includes management, employees, contractors, other service providers, or where relevant, organisational volunteers.
<b>Participant</b>	Includes the participant or client, their representative or visitors. This term may also include, where relevant, members of the public or volunteers who could be impacted by our services or
<b>Workplace or environment</b>	Includes wherever our services are delivered, e.g. in a participant's home, during transport, within community activities and in public spaces or other facilities.
<b>Service</b>	All aspects of the services and activities we deliver, or are associated with, under or related to the SDA Service
<b>We, us and our</b>	The legal entity who is, or the highest authority or management of, the service provider (including both singular and plural meanings of these terms).

## 7.0 Related documents

- SDA Residency Agreement
- SDA Service Agreement

## 8.0 References

- Disability Discrimination Act 1992
- Privacy Act 1988
- Work Health and Safety Act 2011
- NDIS (Quality and Safeguards) Commission 2018

# **Legislative Compliance Policy and Procedure**

## **1.0 Purpose**

The Trustee for SDA Unit Trust is committed to meeting our legislative and contractual compliance obligations, relating to all aspects of working under the National Standards for Disability Services and the associated State requirements.

The Trustee for SDA Unit Trust manages legislative requirements linked to building standards and tenancy law, and we endeavour to continuously improve our procedures and services by complying with all necessary legal requirements.

## **2.0 Commitment**

The Trustee for SDA Unit Trust has developed an Internal Audit Schedule that aligns to our business strategy. Critical and high-risk legislative compliance obligations are identified, regularly reviewed and assessed on an annual basis.

## **3.0 Procedure**

### **3.1 Compliance register implementation**

The Director is responsible for:

- identifying, maintaining, monitoring and assessing all compliance, including our legislative obligations
- maintaining controls and taking appropriate action necessary to ensure compliance
- undertaking awareness initiatives and training of Staff to ensure knowledge of compliance policies and procedures; this will include training due to legislative changes
- maintaining the compliance register
- conducting an annual legislation audit.

The Compliance Register includes:

- legislation and contracts linked to the compliance of the service
- date of any changes
- list of changes

- plan of action regarding implementation of changes, e.g. training Staff
- responsible officer for specific implementation training.

### **3.2 Non-compliance**

The Trustee for SDA Unit Trust acknowledges that any non-compliance issues are critical to the reputation and financial success of our business; these types of issues may include:

- risk of financial penalty
- loss of income
- inability to fulfil business goals
- negative publicity
- legal action.

### **3.3 Monitoring and reviewing**

The Trustee for SDA Unit Trust reviews all legislation and contracts on an annual basis. The Trustee for SDA Unit Trust has also developed an Internal Audit Schedule to ensure that all legislative requirements are reviewed.

If the Director identifies any non-compliance issues, then they will:

- undertake analysis of non-compliance
- identify what is currently not occurring
- identify correct, current practice requirements
- review differences (to ascertain actual difference)
- inform senior management of situation
- advise senior management of best means of rectification
- plan and develop information sharing or necessary training
- record details in the Continuous Improvement Register
- review the implementation of required changes and improvements.

## **4.0 Related documents**

- Compliance Register
- Internal Audit Schedule
- Continuous Improvement Register

## **5.0 References**

- Disability Discrimination Act 1992
- Disability Services Act 1986
- Privacy Act 1988
- Work Health and Safety Act 2011
- United Nations Convention on the Rights of Persons with Disabilities
- NDIS Standards and Quality Indicators 2020
- NDIS (Specialist Disability Accommodation) Rules 2018
- Australian Government's National Standards for Disability Services

# Right to Enter Policy and Procedure

## 1.0 Purpose

This policy clarifies when The Trustee for SDA Unit Trust, or their agent, can enter a specialist disability accommodation (SDA) dwelling. The policy outlines how The Trustee for SDA Unit Trust will provide support for a resident's (participant's) tenancy in their home environment.

## 2.0 Scope

The Trustee for SDA Unit Trust must ensure that residents (participants) are informed of their rights regarding the SDA provider's entry to an SDA dwelling. The Trustee for SDA Unit Trust will ensure that any entry to an SDA dwelling complies with state and federal legislative requirements.

## 3.0 Policy

The Trustee for SDA Unit Trust will ensure that the residents (participants) are informed prior to entering the dwelling for any purpose. This policy defines the time frames and reasons for entry into an SDA dwelling as per state legislative requirements. This policy does not impact entry requirements for a public advocate, community visitor, relevant state legislator, a representative of the National Disability Insurance Agency (NDIA) or the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission.

## 4.0 Procedure

### 4.1 Seven (7) days' notice

The Trustee for SDA Unit Trust can enter an SDA dwelling any time that has been agreed by the resident, if:

- no more than seven (7) days prior to entry, after notice has been provided
- all residents have been informed
- entry is four (4) times every twelve (12) months.



#### **4.2 Two (2) days' notice**

The Trustee for SDA Unit Trust can only enter between 8.00 am and 6.00 pm (except public holidays) if at least two (2) days' notice has been provided and only:

- if a resident has informed The Trustee for SDA Unit Trust of their intention to vacate the dwelling and The Trustee for SDA Unit Trust wishes to show a prospective participant the property
- if there is a new resident to the dwelling (this can only be undertaken within the last fourteen (14) days prior to a resident exiting the dwelling)
- if the SDA dwelling is being sold (or used as security for a loan) and entry is required by a prospective buyer or lender (maximum two times per week)
- to carry out on-premise maintenance duties
- to undertake repairs and maintenance of the dwelling.

#### **4.3 Without notice**

The Trustee for SDA Unit Trust can only ever enter an SDA dwelling, without prior notice:

- if the resident agrees to entry at the time entry is sought
- if there is an emergency
- if there are reasonable grounds that entry is required to protect the health and safety of the resident/s or others
- if there are reasonable grounds to ascertain if a resident has abandoned the dwelling
- to undertake urgent repairs.

#### **4.4 Manner of entry**

The Trustee for SDA Unit Trust may not stay any longer than is necessary to achieve the purpose of entry and the request to enter premises has been undertaken reasonably.

#### **4.5 Notice of entry**

Notice of entry will be provided by The Trustee for SDA Unit Trust to the resident/s:

- in writing (all residents who live in the relevant dwelling will be informed individually) including the reason/s why The Trustee for SDA Unit Trust or agent needs to enter the dwelling
- by mail, email or hand-delivered (only between 8.00 am and 6.00 pm)
- within the appropriate notice time frame.

#### **4.6 Resident's duty**

The participant who is a resident in the SDA dwelling must introduce the person entering the dwelling to all other residents in that shared apartment.

#### **5.0 Related documents**

- SDA Service Agreement
- SDA Residency Agreement

#### **6.0 References**

- Disability Discrimination Act 1992
- Privacy Act 1988
- Work Health and Safety Act 2011
- United Nations Convention on the Rights of Persons with Disabilities
- NDIS (Specialist Disability Accommodation) Rules 2018
- NDIS Standards and Quality Indicators 2020

# Continuity of Support Policy and Procedure

## 1.0 Purpose

Continuity of support planning contributes to improved safety and quality of care which, in turn, increases participant, carer and service provider satisfaction. Continuity of support maximises the use of resources, including access to the required level of support. Specialist disability accommodation (SDA) dwellings are designed to provide relevant physical supports so that a participant can reside in their own accommodation.

The Trustee for SDA Unit Trust undertakes steps to meet a participant's reasonable and necessary supports, including any informal supports already available to the individual (informal arrangements that are part of family life or natural connections with friends and community services), as well as other formal supports, e.g. health and education.

To this end, The Trustee for SDA Unit Trust will ensure that the participant is provided consistent support to allow them to undertake daily activities and supports to maintain their life choices.

## 2.0 Scope

This policy applies to Staff managing and working with our participants.

## 3.0 Policy

The supported independent living (SIL) provider will arrange schedules to inform participants who will be attending to their needs and supports. The SIL provider will pair participants with workers who hold appropriate skills and knowledge. Participant requests, e.g. someone who speaks the same language or has the same cultural background, will be matched where possible.

The Trustee for SDA Unit Trust will work cooperatively with the SIL provider in cases of emergency to ensure the safety of all participants (residents); this includes working harmoniously together to remove participants from the SDA dwelling in the event of a natural disaster or other emergency.

## **4.0 Procedure**

The Trustee for SDA Unit Trust acknowledges that the SIL provider will provide the supports to the participant but, in the event of an emergency, our organisation must know the location of the participant. In an emergency, when participants are required to evacuate the SDA dwelling, the SIL (who is caring for the participant) must inform The Trustee for SDA Unit Trust of the location of the participant to ensure that any evacuation includes all participants.

The SIL provider will provide timely and appropriate support, without interruption, to the participant. The role of the SIL provider is to:

- document all participant requirements
- list all appointments and tasks related to participant needs
- allocate Staff to allow continuity of support, according to the needs of the participant
- access, read and comply with the participant's plan
- provide quality services as per the plan
- contact the participant if there are any changes or potential changes to their care
- undertake emergency procedures, as required.

### **4.1 Disruptions and changes**

The Trustee for SDA Unit Trust informs participants when an unavoidable interruption occurs. Staff will make every attempt to inform the participant via telephone, email or in person, before any unavoidable interruptions to services or participant appointments.

### **4.2 Service agreement**

The Trustee for SDA Unit Trust makes all necessary arrangements to ensure the SIL can provide supports to a participant, without interruption, throughout their service agreement period. These arrangements are relevant and proportionate to the scope and complexity of supports delivered.

Contingency plans are drawn up and adhered to, so we can maintain continuity of care for participants throughout their time with The Trustee for SDA Unit Trust.

Evacuation plans are displayed clearly on walls of an SDA dwelling, to inform residents (participants) of procedures and exit points.

When possible, participants are informed in advance if there is going to be any interruption to their services.

## **5.0 Related documents**

- Participant Support Plan
- Emergency Plan
- Personal Emergency Evacuation Plan (PEEP)
- SDA Service Agreement

## **6.0 References**

- NDIS (Quality and Safeguards) Commission 2018
- Australian Government's National Standards for Disability Services 2018
- NDIS Act (2013)
- Privacy Act 1988
- Disability Discrimination Act 1992

# **Specialist Disability Accommodation Rent Policy and Procedure**

## **1.0 Purpose**

The purpose of this policy is to clarify The Trustee for SDA Unit Trust's specialist disability accommodation (SDA) rent payment process and to define what the payments cover.

The policy is also designed to support a participant's tenancy over their home environment and to inform them of their rights and responsibilities regarding SDA rental payments.

## **2.0 Policy**

The Trustee for SDA Unit Trust will charge rent for accommodation services as per the SDA Service Agreement with the participant. The Trustee for SDA Unit Trust will inform participants of their rental payment requirements.

This policy defines the time frames, payment options, handling of rent increases and accounting processes. Participants are informed of rent increases following appropriate legislative requirements; they are provided the right to express their opinion regarding this matter.

The Trustee for SDA Unit Trust will not accept goods in place of rent payment.

## **3.0 Procedure**

- The Trustee for SDA Unit Trust will not collect rent more than thirty (30) days in advance.
- Payments will be made to The Trustee for SDA Unit Trust on a monthly basis.
- Payments will be made into The Trustee for SDA Unit Trust's bank account, through electronic funds transfer.
- Participants are required to apply to The Trustee for SDA Unit Trust's Director if they wish to undertake any other payment method.
- While funding is attached to a participant, it may be paid directly to the provider/s; this will be reviewed on an individual basis.

- Benchmark prices are expressed as a price per participant by the National Disability Insurance Agency (NDIA). The agency assumes participants are in receipt of the Disability Support Pension, and that the rent contribution is twenty-five (25) per cent of the base rate of the payment and that rent excludes board.
- The contribution should be adjusted in respect of dwellings in which the tenant participants would be eligible for Commonwealth Rent Assistance (CRA). The participant rent contribution component of the benchmark prices will be automatically adjusted when the Disability Support Pension payment rates are changed. Therefore, The Trustee for SDA Unit Trust will monitor and record payments against the participant.

### **3.1 Receipts for rent**

- All monies paid in person will immediately be given a written receipt.
- If payment is not made in person and a receipt is requested, a receipt will be forwarded to the participant within five (5) business days.

### **3.2 Records of payment**

- A record of all payments will be maintained for a minimum of twelve (12) months.
- Payment statements can be requested by a participant, guardian or administrator.
- A statement or record of payment will be forwarded within five (5) business days of the request.
- Receipts will include the following information:
  - participant name
  - receipt date
  - period for which payment is made
  - amount paid
  - labelled appropriately if for rent payment.

### **3.3 Increasing rent**

In the event of a rent increase, The Trustee for SDA Unit Trust will provide sixty (60) days' notice in writing to the participant, their guardian or administrator. This increase can only occur after six (6) months and in intervals of six (6) months.

The Trustee for SDA Unit Trust will review rents every six (6) months to determine if an increase is required to maintain the viability of the accommodation.

### **3.4 Excessive rent**

If a participant receives a written notification of a rent increase and views the rental increase as excessive, they (participant, guardian or advocate) can apply to the relevant state body for an order that states the new rent is excessive. The participant must apply within thirty (30) days of receiving the notification of the rent increase.

If the participant, guardian or administrator is still unsatisfied, then the relevant rental tribunal will be contacted by The Trustee for SDA Unit Trust to provide a decision.

### **3.5 Other charges**

- The Trustee for SDA Unit Trust will not charge a bond.
- The Trustee for SDA Unit Trust will not demand, or receive, any guarantee for the performance of duties under the agreement.
- The Trustee for SDA Unit Trust will not charge for preparation, continuation or renewal of an agreement.
- The Trustee for SDA Unit Trust will not demand, or receive from the participant, a charge or indemnity for the first issue of a rent payment card or establishment and use of direct debit.
- The Trustee for SDA Unit Trust will undertake all costs linked to the installation of electricity, water, sewerage and drainage.
- The Trustee for SDA Unit Trust will not seek overpayment for the utility charges and will seek only the amount owed.

## **4.0 Related documents**

- SDA Residency Agreement
- Rent Receipt Register - per tenant
- Rent Review Notification Form

## **5.0 References**

- Disability Discrimination Act 1992
- Residential Tenancy Act
- Privacy Act 1988
- Work Health and Safety Act 2011



- NDIS Standards and Quality Indicators 2020
- NDIS (Specialist Disability Accommodation) Rules 2018

# Conflict of Interest Policy and Procedure

## 1.0 Purpose

The Trustee for SDA Unit Trust is committed to ensuring that actions and decisions taken at all levels in our organisation are informed, objective and fair. A conflict of interest may affect the way a person acts, the decisions they make, or the way they vote on group decisions.

The Trustee for SDA Unit Trust will proactively manage perceived and actual conflicts of interest through the development and maintenance of organisational policies (such as this) so that organisational/ethical values do not impede a participant's right to personal choice and control. Conflicts of interest will be identified, and appropriate action taken, so personal or individual interests do not impact on the organisation's services, activities or decisions.

## 2.0 Scope

All The Trustee for SDA Unit Trust employees, consultants and contractors are required to act in the best interests of The Trustee for SDA Unit Trust and must notify us immediately when there is a perceived conflict with other interests or commitments.

Declaration and appropriate management of conflicts of interest is required by all The Trustee for SDA Unit Trust members of management, as this is considered an essential part of their legal responsibilities.

## 3.0 Policy

This policy is made available to participants in a language, mode of communication and in terms which assist them in understanding the content. The Trustee for SDA Unit Trust works with participants to explain the difference between providing a dwelling (SDA) and the provision of supports (SIL) delivered in the dwelling.

The Trustee for SDA Unit Trust does not provide both services to participants. Participants select their own SIL service provider to supply them services within the SDA dwelling.

This policy requires all employees of The Trustee for SDA Unit Trust to:

- act impartially and without prejudice

- declare any potential or actual conflict of interest
- not accept gifts or benefits that would influence any decision.

This includes situations in which:

- close personal friends or family members are involved, e.g. decisions regarding employment, discipline or dismissal, service allocation or awarding of contracts
- an individual, or their close friends or family members, may make a financial gain or gain some other form of advantage
- an individual is involved with another organisation or offers services that are in a competitive relationship with our organisation, and therefore may have access to commercially sensitive information, plans or financial information
- prior agreements or allegiances bind an individual to other individuals or agencies that requires them to act in the interests of the other person or agency or take a biased stance regarding an organisational issue.

## **4.0 Procedure**

### **4.1 Registration of known conflicts of interest**

A Conflict of Interest Register will be maintained, and all senior management and Staff will be asked to declare:

- potential or actual conflicts of interest that exist when a person joins The Trustee for SDA Unit Trust
- any conflict of interest that arises during their involvement with The Trustee for SDA Unit Trust.

The Director will maintain the register. All potential and actual conflicts will be recorded in the register, detailing the:

- name of the individual
- position or role in the organisation
- nature of the interest they hold
- date of record
- incident/s that arose when their interest conflicted with the interests of The Trustee for SDA Unit Trust, the date of the incident and a summary of how it was managed.

### **4.2 Identification and declaration of a conflict of interest**

In addition to an initial declaration of any potential conflict of interest at the beginning of their involvement with The Trustee for SDA Unit Trust, all employees are required to declare any potential or actual conflicts of interest they are aware of as follows:

- at the beginning of any meeting or decision-making process, the Staff member must inform those present when a conflict becomes apparent
- outside of a meeting, the Staff member should speak with the Director when a conflict becomes apparent
- provide formal notification in writing to the Director.

#### **4.3 Management of conflicts of interest**

Where a conflict of interest is declared or identified for an employee:

- the conflict will be assessed by the immediate senior manager of the employee or the Director
- if a conflict of interest exists, or there is a perception that a conflict exists, the employee may be asked to:
  - contribute to the discussion, but abstain from voting or taking part in a decision on the matter
  - observe, but not take part in, the discussion or decision making
  - leave the meeting during discussion and decision on the matter.

#### **4.4 Staff involvement in external activities**

The Trustee for SDA Unit Trust encourages and supports all employees to be involved in community activities and volunteer work in their personal lives. However, it is possible Staff may undertake volunteer or professional roles outside the organisation that give rise to a conflict of interest, or a perception of conflict, e.g. employee undertaking consultancy work for member organisations or government agencies.

The Trustee for SDA Unit Trust expects all employees to declare their involvement in external activities that relate to the work of The Trustee for SDA Unit Trust at the time of employment being offered. At this point, the employee can discuss and plan with the Director how any potential conflict of interest will be managed.

It is the responsibility of any employee taking on other (new) work, outside of The Trustee for SDA Unit Trust, to inform the Director before starting any new position.

#### **4.5 Contractors**

All contracts with external consultants/contractors engaged by The Trustee for SDA Unit Trust include a declaration that no conflict of interest exists.

#### **5.0 Related documents**

- Conflict of Interest Declaration
- Conflict of Interest Register
- Privacy and Confidentiality Policy and Procedure

#### **6.0 References**

- The National Standards for Disability Services for its Australian Disability Enterprises (DSS funded) services and operations
- The National Standards for Disability Services for its Ageing, Disability and Home Care (ADHC)
- Privacy Act 1988
- Australian Privacy Principles
- NDIS Act 2013
- NDIS (Quality and Safeguards) Commission 2018
- NDIS (Specialist Disability Accommodation) Rules 2018

# Vacancy Policy and Procedure

## 1.0 Purpose

This policy's purpose is to ensure The Trustee for SDA Unit Trust supplies accommodation to eligible participants while complying with all standards and legislative requirements.

It is The Trustee for SDA Unit Trust's responsibility to select a participant who is the best fit for the existing community within the Specialist Disability Accommodation (SDA) dwelling.

## 2.0 Policy

The Trustee for SDA Unit Trust will comply with the National Disability Insurance Agency's (NDIA) terms of business. This process is undertaken cooperatively, as per the memorandum of understanding (MOU) or Collaboration Agreement, with the Supported Independent Living (SIL) provider.

The Trustee for SDA Unit Trust operates transparently throughout our vacancy process, which includes declaring a vacancy, opening the SDA dwelling for inspection, the application, screening and decision-making process, and informing the successful and unsuccessful applicants.

### 2.1 Declaring a vacancy

A vacancy may arise at an SDA dwelling if:

- a new dwelling is enrolled with the NDIA
- a participant advises that they are vacating the premises
- The Trustee for SDA Unit Trust issues a notice to vacate or notice of temporary relocation
- the participant has been appropriately advised they have ninety (90) days to relocate to new accommodation
- a participant dies.

### 2.2 Advertising a vacancy

The Trustee for SDA Unit Trust may advertise a vacancy in an SDA dwelling through:

- public advertisements, e.g. local newspaper
- online
- existing networks.

The Trustee for SDA Unit Trust will ensure that advertisements include clear information regarding the vacancy, i.e. location, design type, category and general description of facilities.

The Trustee for SDA Unit Trust complies with the standards and will:

- advertise the vacancy for at least ten (10) business days
- ensure the SDA dwelling is available to prospective participants for open inspections or tours at a mutually convenient and agreed time.

The Trustee for SDA Unit Trust will provide all eligible participants with the opportunity to view and apply for a vacancy. All vacancy information will be accessible in a language, mode of communication and terms that participants are most likely to understand.

The Trustee for SDA Unit Trust will not advertise a vacancy unless an exit date has been agreed between the existing tenant (participant) and The Trustee for SDA Unit Trust. This is done to prevent unintended pressures on the participant to exit the SDA dwelling.

## **2.3 Open inspections**

Open inspections are an integral feature of advertising an SDA dwelling and provide a valuable opportunity for prospective participants to view the dwelling and seek further information regarding the accommodation and location.

The Trustee for SDA Unit Trust will:

- provide existing residents reasonable notice of the dates and times of the planned inspections, as relevant, given SDA properties on offer are self-contained apartments
- minimise disruptions to the existing tenant(s)
- ensure the inspection does not cause any security or safety problems to the existing tenant(s)
- in a shared apartment, respect existing tenant's privacy, including the outgoing tenant if they are still residing in the SDA dwelling, by restricting access to their private rooms during inspections
- ensure inspections are only available to prospective participants and their supports

- arrange private inspections for a prospect and their supports, on a case-by-case basis, to ensure the needs and privacy of existing tenant(s) are correctly considered in accordance with this policy

## **2.4 SDA applications**

The Trustee for SDA Unit Trust provides potential participants information to allow them to make informed decisions regarding whether to apply to reside at the SDA dwelling. The application process gathers information that allows The Trustee for SDA Unit Trust to determine if the applicant is a good fit for the existing property and if they are likely to enjoy a long-term and sustainable residency.

### ***2.4.1 Identifying a preferred participant***

The Trustee for SDA Unit Trust will review each application on its merits. Prospective applicants will be screened to ascertain if they are a good fit for the property and to check if they have a positive accommodation history.

### ***2.4.2 Eligibility***

The Trustee for SDA Unit Trust will review the applicant's plan to confirm that the SDA will provide funding for the dwelling type, i.e. design category and building type.

### ***2.4.3 Screening***

The Trustee for SDA Unit Trust and the supported independent living (SIL) provider will screen applicants and review their applications to find the most appropriate participant to support sustainable and long-term residencies in the SDA dwelling.

Failure to meet the needs of a resident may result in issues such as property damage, resident conflict and high vacancy rates. Factors that may impact on sustainable and long-term residency of an SDA dwelling may include:

- age
- gender
- cultural background
- community of origin
- engagement with local providers
- supports needed including:



- personal support, e.g. physical assistance or prompting and supervision
- self-management, e.g. self-control, interactions with others and personality
- activities of daily living, e.g. using money, telling time, cleaning and cooking
- mobility, e.g. utilising transport and public facilities
- behaviours of concern and protective skills including risk assessments, where appropriate
- communication skills, e.g. expressive and receptive
- personal interests, e.g. recreation pursuits, including solitary and group activities.

Our screening process also takes into consideration any history of bullying. Bullying (repeated verbal, physical, social or psychological abuse) creates a risk to the victim's physical and mental health and safety. In severe cases, bullying behaviours may be treated as a crime.

Screening will also include the preferences and goals of the current residents to maintain harmonious living arrangements.

## **2.5 Screening process guidelines**

The Trustee for SDA Unit Trust uses the following guidelines during the screening process:

### **2.5.1 Age**

Age-related compatibility refers to personal, developmental and support needs, as well as chronological age. Age-related life changes occur for all people, including people with a disability. People of the same age and stage in life are more likely to share the same interests.

Consideration may be given to compatibility based on shared interests. Interests are usually affiliated with age and ability; however, for some participants, chronological age is not representative of developmental ability. There may be situations where two participants share a common interest and are developmentally similar, but they are of significant difference in age.

### **2.5.2 Gender**

The gender mix of the property will be considered when assessing the compatibility of a participant. This consideration also applies to the gender mix or profile of the SIL partner's Staff. Factors that may be considered include:

- capacity of the Staff workers to provide support to all participants and maintain the safety and wellbeing of everyone in the dwelling
- acknowledgement and understanding of any cultural differences or issues that may impact on gender issues
- a participant's personal history or background that may impact on feelings of safety and wellbeing.

### ***2.5.3. Cultural background***

A participant's cultural background and beliefs may mean adaptations are required to routines and procedures. Similarities and differences between existing tenants and the prospective tenant should be considered for compatibility and transition planning.

### ***2.5.4 Support needs***

Offering an SDA dwelling place to a participant based on them having the same disability or similar support needs or behaviours of concern to existing residents is not necessarily advantageous to all participants.

Evidence suggests that deliberately placing participants with similar behaviours of concern together in the one residence can overwhelm the Staff and their ability to provide individualised care.

However, if the SDA dwelling offers specialist types of support, then participants with those support needs will be considered as a priority for offering them SDA.

Health-related needs may also be considered when screening participants to confirm that the SIL provider, in consultation with the relevant health practitioners, can meet the needs of the participant.

### ***2.5.5 Communication skills***

The opportunity for participants to communicate with each other, not just with the Staff, is essential to supporting their independence and development. Implementing strategies to

support participants to maximise their communication skills encourages residents in the dwelling to communicate with each other, using their preferred methods of communication.

It is essential that Staff understand each resident's preferred methods of communication so that they can provide appropriate support.

### **2.5.6 Behaviours of concern**

Behaviour of concern refers to any behaviour that causes harm to the participant or another person. SIL providers may consider developing and implementing support strategies that provide opportunities for participants to develop skills for meaningful interaction and participation which prevent, or significantly reduce, any risk to the current residents or the participant. For example, this may include a behaviour support plan that documents behavioural history, current legal orders, risks to self or others, relevant risk indicators, protective factors and strategies for low, moderate and severe escalation.

In situations where existing residents are more independent than the applicant, but still have support needs resulting from behaviours of concern, the SIL provider should determine if there are likely issues of incompatibility and potential risk of harm. If this is the case, the SIL provider must determine if they can implement appropriate measures to ensure the safety of all residents in the dwelling.

## **2.6 Selecting a tenant (participant)**

The Trustee for SDA Unit Trust, in partnership with the SIL provider, will collaborate to identify a preferred participant to whom to offer residency. The process of determining the preferred participant includes sharing information and reviewing existing residents of the dwelling.

The obligation to communicate and share information only applies so far as is necessary and where lawful to do so. Any exchange of information is subject to the requirements of the *Privacy Act 1988* and the *Disability Discrimination Act 1992*. It is the responsibility of both parties involved to understand their legislative obligations and ensure compliance.

## **2.7 Documenting the application process**

The Trustee for SDA Unit Trust will retain the decision-making notes on file in an appropriate document management system. Documentation will include a clear explanation of the

process taken to consider the relevant factors (outlined above) for all participants who applied to live in the SDA dwelling.

The Trustee for SDA Unit Trust acknowledges that if there are any subsequent issues in the dwelling, resulting in an Incident Report or a complaint to the NDIS Quality and Safeguards Commission, the documentation may be required to inform how The Trustee for SDA Unit Trust acted with due care, skill and diligence when offering a participant SDA.

## **2.8 Communicating the outcome**

A formal offer of specialist disability accommodation will be made to the preferred participant, at which time the participant (in consultation with their support coordinator or their informal supports) may elect to accept, decline or negotiate the offer.

If the participant declines the offer, The Trustee for SDA Unit Trust may decide to:

- offer that SDA dwelling place to the next preferred participant
- re-advertise the vacancy in the SDA dwelling.

The Trustee for SDA Unit Trust will notify any unsuccessful applicants and their supports of the application outcome using a communication method that best suits their needs.

## **3.0 Related documents**

- Dwelling Profile Template
- Incident Report
- Meeting Template
- Screening Tool
- Vacancy Minutes
- Vacancy Notification Form

## **4.0 References**

- Disability Discrimination Act 1992
- Privacy Act 1988
- Work Health and Safety Act 2011
- NDIS (Quality and Safeguards) Commission 2018
- NDIS Practice Standard and Quality Indicators 2020

- NDIS Act 2013
- NDIS (Specialist Disability Accommodation) Rules 2018
- NDIA Terms of Business

# Risk Management Policy and Procedure

## 1.0 Purpose

The Trustee for SDA Unit Trust actively works towards identifying, addressing and monitoring potential risks for residents and visitors of SDA dwellings to promote a safe environment. Focusing on risk mitigation strategies creates an effective, responsive and viable business operation.

## 2.0 Scope

It is the responsibility of the Director to carry out risk management analyses of The Trustee for SDA Unit Trust and to take appropriate risk mitigation measures.

## 3.0 Procedure

### 3.1 Identification

Potential risks are identified through the following mechanisms:

- hazard data
- risk assessments, including environmental and equipment assessments
- incident and accident reports
- resident feedback and complaints
- maintenance log items
- regular reviews of policies and procedures
- input from the Staff during meetings
- information obtained via education and training
- maintaining current registrations and insurances
- internal and external audits.

The Trustee for SDA Unit Trust has established and implemented a Risk Management Plan. The plan identifies and addresses:

- **Risk to the organisation:** Including, but not limited to, loss of funding, inability to deliver funded outcomes within budget, embezzlement of funds, lack of suitably qualified Staff, extended employee illness and loss of data due to natural disasters.

- **Risk to Staff:** Including, but not limited to, lack of suitably qualified Staff, extended employee illness, Staff injury due to work health and safety issues, impacts of natural disasters or infection.
- **Risk to tenant residents:** Including, but not limited to, environmental, fire, falls, transport, employees working in a participant's home, interruptions to service delivery and exit plans (transitioning services to another service provider).

### 3.2 Planning

The organisation must have a risk management plan as part of the Core Standards. Adjust the 2 month review timing to suit. Failures in this area will lead to non-conformity at audit.

The Risk Management Plan includes the following information:

- details of risk
- date risk was identified
- risk rating
- possible consequence/s of the risk
- actions to eliminate, mitigate or control the risk
- risk review dates
- new controls and changes to existing controls.

The Risk Management Plan is reviewed by the Director every two (2) months, or more frequently as required, in response to information received via audits and the continuous improvement plan and systems.

### 3.3 Managing risk

#### 3.3.1 Controls

Controls are strategies utilised to manage risk and are balanced against the cost and inconvenience of the control. Controls utilised by The Trustee for SDA Unit Trust include the:

- Strategic Plan
- Risk Management Plan
- actions from environmental risk assessments and all other The Trustee for SDA Unit Trust risk assessments
- organisational information systems, including:
  - meetings and memos
  - policy, procedures and work instructions

- building review
- building maintenance reports (required by NDIS for re-registration)
- capital maintenance and equipment budgets and plans
- maintenance of current registrations and insurances.

### **3.3.2 Improvement Committee**

- Members of the Improvement Committee are representatives of The Trustee for SDA Unit Trust workforce, including partners. All risks are also reviewed by all senior management.
- The committee meets quarterly. Its function is to identify risk through the review of information listed (see above '3.0 Procedure > 3.1 Identification').
- Where risks are ongoing, these items are entered into the Risk Management Plan.
- Management is charged to implement all actions required to manage risk within the nominated time frames.

### **3.3.3 Hazard identification**

- Where a hazard or potential hazard is identified, the Staff must complete the Hazard Report Form and provide it to the Director on the same working day.
- If the consequences of the hazard are assessed as high or extreme, the Staff will contact The Trustee for SDA Unit Trust office to inform the Director immediately, or as soon as it is safe to do so.
- The Director will take steps to address extreme or highly dangerous hazards immediately.
- Detailed documentation of action/s taken must be documented on a Hazard and Risk Assessment Form and a Hazard Report Form.
- All hazards reported are forwarded to our Improvement Committee for review.

### **3.3.4 Monitoring**

- Risk management processes and systems are regularly audited as part of our internal and external audit programs.
- Staff, participants and stakeholders are encouraged to provide The Trustee for SDA Unit Trust with ongoing feedback on issues and areas where improvements can be made.



## **4.0 Related documents**

- Hazard and Risk Assessment Form
- Hazard Report Form
- Continuous Improvement Plan
- Risk Management Plan
- Strategic Plan

## **5.0 References**

- Disability Discrimination Act 1992
- Privacy Act 1988
- Privacy Principles
- Work Health and Safety Act 2011
- NDIS (Quality and Safeguards) Commission (2018)
- NDIS Practice Standards and Quality Indicators 2020

# Repairs and Maintenance Policy and Procedure

## 1.0 Purpose

It is The Trustee for SDA Unit Trust's duty to maintain the SDA dwelling in safe and sound repair. As our participants have the right to live within a safe home environment, we are committed to an ongoing review of the SDA dwelling's capacity to meet the physical environment and safety requirements of the participants.

## 2.0 Policy

The Trustee for SDA Unit Trust will repair and maintain the SDA dwelling in good repair. Repair and maintenance of dwellings is part of our 'Work Health Safety Environmental Management Policy and Procedure' (see our 'Core Standards Policy and Procedure Manual') which ensures that we review the dwelling regularly.

Residents are provided access to relevant representatives of The Trustee for SDA Unit Trust, with respect to repairs and maintenance. Details of these contacts are included in the Residency Handbook and SDA Service Agreement. Residents can contact the relevant personnel to inform of any aspect of the SDA dwelling that requires attention. The Trustee for SDA Unit Trust manages input from all parties and will respond appropriately to any issues raised by these delegated contact people, a SIL Staff person on site, or a tenant or their designated representative(s).

Our dwellings are to be maintained in a good state of repair and appropriately sustained, with regard for the safety, security and privacy of residents.

**Note:** The SDA funding received by residents covers the cost of the housing (including the land it is on) and any ongoing costs, e.g. maintenance.

## **3.0 Procedure**

### **3.1 Physical environment**

The Trustee for SDA Unit Trust will review and maintain the physical environment of the SDA dwelling in the following ways:

- reduce risk by removing hazards that may cause a fall
- service fire extinguishers regularly
- replace fire alarm batteries on a designated date annually, e.g. 1 April
- review paint or brickwork appearance for any damage
- ensure plumbing is functioning as designed, e.g. taps turn on and off easily, toilets flush, washing machines are plumbed in
- arrange electrical checks, e.g. check for frayed cords, perform annual safety check of appliances
- clean filters and service air conditioner/s regularly
- undertake maintenance of the yard area (this will need to be specified in the agreement, so this may not be required)
- undertake mowing and gardening monthly
- clear gutters annually, or as required
- review security to ensure that participants are safe
- review the inside environment to ensure privacy and security is maintained e.g. doors close and lock as required.

### **3.2 Goods and appliances**

- The Trustee for SDA Unit Trust will ensure that refrigerators, washing machine dryers, ovens and microwaves are in good working order.
- The Trustee for SDA Unit Trust will arrange for specialist repairers to fix an appliance if it is faulty or broken.

### **3.3 Resident input**

- Residents, guardians, nominees or administrators who identify a necessary repair should contact the relevant personnel (whose details are included in the Residency Handbook and SDA Service Agreement).
- Requests for repairs can be made by calling, emailing or writing a note/letter to the designated contact personnel.

- Residents have a voice and are to inform if they have any issues regarding the dwelling, including their safety and security.

### **3.4 Repairs**

- Repairs will be undertaken within one (1) working week on most occasions. There may be occasions when that is not possible, e.g. an unavailable part to fix an electrical appliance.
- So that The Trustee for SDA Unit Trust can undertake repairs and maintenance, a Staff worker or contractor or agent will need to enter the SDA dwelling (see 'Right to Enter Policy and Procedure' included in this document).
- Residents, guardians, nominees or administrators have the right to complain if repairs are not undertaken in an appropriate and timely manner (for more information see our Complaints and Feedback Policy and Procedure).

### **3.5 Documentation and reporting**

- Records are maintained by maintenance Staff to accurately record the maintenance activities.
- Issues regarding broken equipment must be entered into the Property Maintenance and Repair Register.

## **4.0 Related documents**

- Property Maintenance and Repair Register
- Hazard Report Form
- Hazard and Risk Assessment Form
- Right to Enter Policy and Procedure
- Complaints and Feedback Policy and Procedure

## **5.0 References**

- Disability Discrimination Act 1992
- Privacy Act 1988
- Work Health and Safety Act 2011
- Residential Tenancy Act
- NDIS (Specialist Disability Accommodation) Rules 2018
- NDIS Standards and Quality Indicators 2020

# **Violence, Abuse, Neglect, Exploitation and Discrimination Policy**

## **1.0 Purpose**

The Trustee for SDA Unit Trust recognises the right of all SDA Residents to feel safe and to live in an environment that protects them from assault, neglect, exploitation, discrimination or any other form of abuse. People with disabilities, children and young people are some of the most vulnerable groups in our society. The Trustee for SDA Unit Trust must identify, consult and respond to instances where persons with disabilities, children or young persons are at risk of significant harm.

Common reasons for people with disabilities, children and young people to be at risk of significant harm include:

- domestic and family violence
- physical, sexual and emotional abuse
- neglect.

This policy aims to prevent and mitigate the effects of violence, abuse, neglect, exploitation and discrimination on SDA Residents through training and implementing processes to inform employees or contractors and protect SDA Residents at risk of significant harm.

## **2.0 Scope**

The Trustee for SDA Unit Trust will encourage and support any person who has witnessed the abuse of a service user or suspects that abuse has occurred to make a report and be confident of doing so without fear of retribution. SDA Residents have the right to live in their homes without fear of violence, abuse, neglect, exploitation, and discrimination; therefore, all staff are trained in this policy to ensure the physical and emotional safety of SDA Residents'.

### 3.0 Definition

#### 3.1 Types of Abuse

Terminology	Description
<b>Abuse and Neglect</b>	Any behaviour outside the norms of conduct entails a substantial risk of causing physical or emotional harm to a person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e. neglect) and commission (i.e. abuse).
<b>Discrimination</b>	Treating or proposing to treat someone unfavourably because of a personal characteristic protected by the law. Discrimination includes bullying someone because of a protected characteristic.
<b>Exploitation</b>	The action of mistreating someone to benefit from their work or using and benefiting from resources.
<b>Violence</b>	Violent behaviour by a person towards another can include abusive behaviour that is physical, sexual, intimidating and forceful.

#### 3.2 Abuse Descriptor

Terminology	Signs and Symptoms	Causes
<b>Physical Abuse</b>	Bruising, lacerations, welts, rashes, broken or healing bones, burns, weight loss, facial swelling, missing teeth, pain or restricted movements, crying, acting fearful, agitation, drowsiness, hair loss and/or poor physical well-being	Hitting, slapping, pushing, punching and/or burning entails an incident that is physical in nature and non-accidental, resulting in pain or injury.
<b>Psychological/ Emotional Abuse</b>	Loss of interest in self-care, helplessness, withdrawal, apathy, insomnia, fearfulness, reluctance to communicate openly, chooses not to maintain eye contact, paranoia and confusion.	Intimidation, humiliation, harassment, threatening, sleep deprivation, withholding affection, and/or not allowing them to maintain their decision-making powers lead to a repeated pattern.

<b>Sexual Abuse</b>	Unexplained sexually transmitted disease, vaginal/anal bleeding, fear of specific people or places, bruising to genital areas, inner thigh or around breasts, anxiety, torn or bloody underclothes, difficulty walking or sitting, change in sleep pattern and repeating nightmares.	Rape (penetration and/or oral-genital contact), interest in older person's bodies, inappropriate comments and sexual references, inappropriate (possibly painful) administration of enemas or genital cleansing, indecent assault, and sexual harassment, which is mainly about violence and power over another person, rather than sexual pleasure.
<b>Neglect</b>	Poor hygiene or personal care, unkempt appearance, lack of personal items, absence of health aids, weight loss, agitation, inappropriate clothing and/or lack of food.	The intentional failure to provide basic life necessities.
<b>Domestic and family abuse</b>	Any controlling, bullying, threatening or violent behaviour between people in a relationship, including emotional, physical, sexual, financial or psychological abuse.	Many experts believe in psychopathology. Witnessing abuse as the norm, or being abused, destroys the child's ability to trust others and undermines their ability to control emotion.

## 4.0 Policy

This policy aims to:

- take a preventative, proactive and participatory approach to SDA Resident safety
- value and empower the SDA Resident to contribute to decisions that affect their lives
- foster a culture of openness that supports all persons to disclose the risks of harm to SDA Resident safety
- respect diversity in cultures and child-rearing practices while keeping the SDA Resident's safety paramount
- provide training to staff on appropriate conduct and behaviour towards SDA Residents and manage and report any actual or potential incidents
- engage with SIL Providers to ensure that their staff who work with SDA Residents are professionally trained and provide a quality service
- ensure SDA Residents know who to talk to if they are worried or feeling unsafe and that they're comfortable and encouraged to raise any issues
- report suspected abuse, neglect or mistreatment promptly to the appropriate authorities
- share information appropriately and lawfully with other organisations where the safety and wellbeing of the SDA Resident are at risk
- value the input of families and advocates and communicate regularly with them.
- have clear guidelines for SIL Providers and our staff to understand the importance of physical and emotional safety of SDA Resident's rights to safety in their homes.
- review with the SIL Providers any SDA Resident whose behaviour puts another SDA Resident at risk
- determine actions to deal with behaviours of concern, including asking the SDA Resident to vacate the SDA Enrolled Dwelling

If the situation meets the criteria of a reportable incident, then the *Reportable Incident, Accident and Emergency Policy and Procedure* will apply.



#### **4.1 Statement of commitment to safety**

The Trustee for SDA Unit Trust upholds and maintains a 'zero-tolerance' approach to abuse and neglect. Directors and company workers are expressly prohibited from exploiting any participant. To this end, all staff and workers hold a current Working with Children Check, staff in relevant roles also hold a Worker Screening and all Directors and employees participate in preventative education, via online modules and other professional development as relevant. This policy outlines the organisation's procedures for how incidents will be managed, including internal and external reporting processes and how incidents are also used to inform continuous improvement processes.

The Trustee for SDA Unit Trust is committed to the safety and well-being of all SDA Residents. This commitment is the primary focus of our support and decision-making. The Trustee for SDA Unit Trust is committed to providing a safe environment where SDA Residents are safe, and their voices are heard and included in decisions that affect their lives. Attention is paid to the cultural safety of SDA Residents from culturally or linguistically diverse backgrounds.

All decisions made by our organisation and staff must prioritise the well-being and safety of all SDA Residents and young people. We must ensure that the SDA Resident's safety and well-being are at the forefront of our actions and words, individually and collectively.

SDA Residents whose behaviour places other SDA Residents, staff or others at risk will have their actions reviewed to determine if they should be asked to vacate the premises.

#### **4.2 Safe Code of Conduct**

The Trustee for SDA Unit Trust is committed to the safety and well-being of SDA Residents. Our business recognises the importance of, and responsibility for ensuring our environment is a safe, supportive and enriching environment that respects and fosters the dignity and self-esteem of all people, enabling them to thrive.

This code of conduct aims to protect SDA Residents, employees and contractors, and reduce abuse or harm opportunities. It also assists in understanding how to avoid or better manage risky behaviours and situations. It's intended to complement child protection

legislation, disability legislation, policies and procedures, professional standards, codes or ethics as these apply to all staff.

The Trustee for SDA Unit Trust management supports implementing and monitoring the Code of Conduct. We will plan, implement and monitor arrangements to provide inclusive and safe environments.

All employees, contractors, volunteers, and other community members involved in SDA Resident-related work must comply with the Code of Conduct by observing expectations for appropriate and acceptable behaviour (see '4.3 Acceptable behaviours' below). The Code of Conduct applies to all situations, including planned activities, digital technology, and social media.

#### **4.3 Acceptable behaviours**

Employees, contractors or any other persons involved with SDA Resident-related work are responsible for supporting and promoting the safety of SDA Residents by:

- upholding The Trustee for SDA Unit Trust's Statement of Commitment to the SDA Resident's safety
- treating the SDA Resident, their family and advocates with respect, within the environment and during outside activities, as part of everyday social and community activities
- listening and responding to the SDA Resident's views and concerns, particularly if they are reporting that they or another person have been abused; or that SDA Resident is worried about their safety or the safety of another SDA Resident
- promoting cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander people through interactions with their community leaders and members
- promoting the cultural safety, participation and empowerment of people with culturally or linguistically diverse backgrounds through engagement with the community accessing the service
- promoting the safety, participation and empowerment of people with disabilities
- reporting any allegations of abuse or personal safety concerns to management
- understanding and complying with all reporting or disclosure obligations (including mandatory state reporting) as they relate to protecting the SDA Resident from harm or abuse

- maintaining the right to live in a safe environment by promoting and informing the SDA Residents of their rights
- ensuring SDA Residents are safe and protected from harm, as quickly as possible, once abuse is suspected
- informing SDA Residents that they must not cause any physical or emotional harm to any other SDA Enrolled Dwelling, staff or any other person at the SDA Enrolled Dwelling
- identifying themselves to the SDA Resident upon entering the premises and showing any required identification.

#### **4.4 Unacceptable behaviours**

As workers, volunteers and community members involved in SDA Resident-related work, we must not:

- ignore or disregard any concerns, suspicions or disclosures of abuse
- develop a relationship with any SDA Resident that could be viewed as favouritism or grooming behaviour, e.g. offering gifts
- exhibit behaviours, or engage in activities with SDA Residents that can be interpreted as abusive and unjustifiable in an educational, therapeutic or service delivery context
- ignore behaviours by other adults towards young SDA Residents when being overly familiar or inappropriate
- discuss content of an intimate nature or use sexual innuendo with SDA Residents, except where it occurs relevantly in the context of parental/advocate guidance or a therapeutic setting
- treat an SDA Resident unfavourably because of their disability, age, gender, race, culture, vulnerability, sexuality or ethnicity
- communicate directly with an underage SDA Resident through personal or private contact channels, e.g. social media, email, instant messaging or texting. Except where communication is reasonable in all circumstances related to work, activities, safety concerns, or other urgent matters.

#### **4.5 Screening, supervising, training and human resource practices to reduce risk**

Our personnel and staff will be required to undertake checks, including Working With Children Check and Worker Screening (as relevant to role) and the mandatory NDIS Worker Orientation Module. All records will be maintained in their personnel file. Our organisation will collaborate with the SIL Provider to ensure that their staff are trained to respond to SDA Residents at risk of actual or potential harm.

## **5.0 Procedure**

### **5.1 Strategies to identify and reduce or remove the risk of harm**

The Trustee for SDA Unit Trust recognises that creating a safe organisation begins with a clear understanding of the potential risks to the SDA Resident and employees/contractors in an organisation's setting. The Trustee for SDA Unit Trust will identify possible issues and problems and plan to reduce or remove these risks.

To reduce the likelihood of harm, The Trustee for SDA Unit Trust will consider, define and act against its organisational risks.

These strategies include:

- considering the organisation, activities and services provided to SDA Residents
- ensuring the SIL providers reviews and plans how to make all activities as safe as possible
- developing a safety and emergency plan for SDA Residents who require additional supports
- supporting SDA Residents to understand plans and safety procedures using appropriate communication methods
- informing SDA Residents that they have the right to live in a safe environment
- informing SDA Residents to inform SIL provider staff and our staff if they feel at actual or potential risk of harm by another SDA Resident
- acting proactively to reduce the likelihood of any risks.

### **5.2 Reporting violence, abuse, neglect, exploitation and discrimination**

A report must be made if the following occurs:

- SDA Resident shows a change in behaviour or mood, which may indicate they're being abused

- someone is observed behaving towards the SDA Resident in a way that makes others feel uncomfortable
- SDA Resident advises another person is abusing them
- SDA Resident advises that they are abusing another SDA Resident
- SDA Resident or visitor informs that they have observed abusive acts
- SDA Resident advises that they feel discriminated against, e.g. language and actions
- SDA Resident presents as unkempt or seeking food
- there is evidence of unexplained bruising or similar
- an action or inaction is witnessed that may be considered abusive
- when an individual, for any reason, believes the SDA Resident is being abused.

Failure to report an abusive situation may result in a criminal offence.

Reporting procedure below relates to the following:

- abuse or neglect of a person with a disability
- unlawful sexual or physical contact with, or assault of, a person with a disability
- sexual misconduct committed against (or in the presence of) an SDA Resident, including grooming for sexual activity
- unauthorised use of restrictive practices concerning a person with a disability.

### **5.3 Reporting roles**

The organisation will establish the following roles and ensure that allocated staff are aware of their responsibilities:

1. Approved Reportable Incident Approver responsibilities:
  - o Have the authority to review reports before submission to the NDIS Commission.
  - o Submit new Reportable Incidents, including the SDA Resident's valid NDIS number
  - o View previous Reportable Incidents submitted by their organisation.
2. Authorised Reportable Incidents Notifier responsibilities:
  - o Supports the Authorised Reportable Incidents Approver to collate and report the required information.
  - o Creates new Reportable Incident notifications to be saved as a draft for review and submission by the authorised Approver.

## 5.4 How to report

The Director will review the information and contact the police immediately to inform them of the suspected abuse.

Reportable Incidents are submitted via the NDIS Commission Portal > 'My Reportable Incidents' page.

1. Complete an Immediate Notification Form and submit it within 24 hours or five (5) days for the unauthorised use of the restrictive practice.
  - Approved Reportable Incident Notifier will create for approval.
  - Approve Reportable Incident Approver will approve and submit.
    - Note: Approved Reportable Incident may create and submit as required by the circumstance of the incident.
2. The 5-day form is to be completed within five (5) days of informing critical stakeholders.
  - Approved Reportable Incident Notifier will create for approval.
  - Approve Reportable Incident Approver will approve and submit.
    - Note: Approved Reportable Incident may create and submit as required by the circumstance of the incident.
3. A final report will be submitted if requested by the NDIS Commission.
  - Approved Reportable Incident Notifier will create for approval.
  - Approved Reportable Incident Approver will approve and submit.
    - Note: Approved Reportable Incident may create and submit as required by the circumstance of the incident.

## 5.5 Details to provide

The Director will give the following information to the authorities:

- SDA Resident's name, age, date of birth and address
- description of injury, abuse and neglect (outline current and previous)
- SDA Resident's current situation
- location of the SDA Resident and alleged perpetrator, if known
- explanation of when and how abuse was discovered and by whom.

Note: NDIS forms must be submitted to the NDIS Commission. The required police contact will use the above information.

## **5.6 Investigating allegation or incident**

The Director undertakes a review of the allegation or incident by:

- gathering data from relevant person/s
- analysing the situation to determine what occurred, how it occurred, and the parties involved
- determining the effect on the SDA Resident/s
- consulting with relevant stakeholders; never seek information from children, as this requires a specialist. Appropriate authorities will conduct any questioning once the incident is reported
- informing the SDA Resident or their family that they have access to a support advocate
- reviewing the outcome against practices, including the cancellation of the SDA Resident's SDA Residency Agreement due to the risk of harm to other SDA Residents
- undertaking action to prevent the incident from being repeated
- considering all incidents in light of continuous improvement processes

## **5.7 Supporting the SDA Resident**

Reported allegations or incidents require the Director to gather all the relevant information and make a report to the relevant authority, such as the police or via each state's reporting process.

Support will be provided to the SDA Resident relevant to the allegation or incident. The SDA Resident will be provided with an appropriate advocate if required. We will work with the SIL Provider to support the SDA Resident.

## **5.8 Documentation**

- Recording all allegations and incidents in the Incident Register.
- Complete the relevant Incident Investigation Form(s), if required.
- Reports are to be included in the SDA Resident's file.
- Complete the Immediate Notification Form and 5-Day Form, and NDIS Report, as required.
- Cross reference with continuous improvement processes and documentation as relevant.
- Maintain records for seven (7) years.

## **6.0 Related Documents**

- Authority to Act as an Advocate Form
- Code of Ethics and Conduct Agreement
- Incident Investigation Form
- Incident Register
- Risk Assessment Form
- Reportable Incident, Accident and Emergency Policy and Procedure

## **7.0 References**

- NDIS (Incident Management and Reportable Incidents) Rules 2018
- NDIS Quality and Safeguards Practice Standards and Quality Indicators
- The National Framework for Protecting Australia's Children
- United Nations Convention on the Rights of the Child 1989
- United Nations Convention on the Rights of Persons with Disability 2006



# **Work Health Safety and Environmental Management Policy and Procedure**

## **1.0 Purpose**

Work Health and Safety (WHS) regulations place an obligation on decision-makers of the service to take reasonable steps to gain an understanding of the hazards and risks associated with working and support activities, and to allocate appropriate resources and processes, to eliminate or minimise these risks to health and safety.

These legal requirements extend to eliminating risks to employees, Staff, participants, contractors and subcontractors, volunteers and visitors, whenever it is practical. If it is not feasible to eliminate all risks, then they will be minimised wherever possible.

## **2.0 Scope**

The Trustee for SDA Unit Trust staff and employees, participants, volunteers and contractors and sub-contractors are obligated to protect their own and other people's health and safety. Their responsibilities also extend to identifying hazards and risks, managing work health safety risks and applying appropriate treatments. Employees should also consult with supervisors or management about these risks.

## **3.0 Policy**

The Trustee for SDA Unit Trust aims to promote and maintain the highest degree of physical, mental and social wellbeing of all individuals in the workplace. The organisation will comply with all relevant federal and state legislation to ensure a safe workplace. All personnel have a responsibility to ensure a safe workplace by implementing safe systems of work.

The Trustee for SDA Unit Trust will provide the resources required to comply with relevant acts and regulations associated with workplace health and safety to ensure that the organisation's workplaces are safe and without risk to health.

The Trustee for SDA Unit Trust will undertake regular reviews and take steps to enhance workplace health and safety on a continuous improvement basis.

### **3.1 Statement of injury management and return to work**

The Trustee for SDA Unit Trust is committed to:

- establishing and reviewing the return to work program, that is consistent with the injury management program, to ensure injured workers return to work in a timely and safe manner
- managing all claims and the return to work of the employee injured in the workplace
- establishing individualised injury management plans according to legislative requirements, as outlined in the policy and procedures
- consulting with the employee and other stakeholders on health and safety issues
- complying with relevant work health and safety legislation and regulations and other associated legislation
- providing and maintaining equipment and appropriate personal protective equipment for the safety of our employees
- providing employees with information, training and supervision, as necessary, to enable them to work in a safe manner and without risks to health
- documenting, investigating and reviewing incidents
- displaying, documenting and distributing this 'work health safety environmental management policy and procedure' and all other associated documentation in the workplace, including the return to work program
- maintaining the required insurance cover
- appointing a designated person to manage all claims for workers' compensation, occupational rehabilitation and return to work programs
- outlining the roles and responsibilities of all relevant parties in the return to work process
- regularly reviewing workers compensation claims.

### **3.2 Environmental management**

Management will endeavour to minimise environmental impact in the following areas:

- waste
- site contamination and spills
- noise emission
- damage to flora and fauna
- unnecessary energy consumption.

The Trustee for SDA Unit Trust will actively take part in:

- identifying waste streams and options for effective waste management
- reviewing purchasing behaviour, e.g. buy recycled materials, reduce waste, use less harmful/volatile chemicals
- improving storage, e.g. reduce the quantity of waste and spills; reduce odours by keeping containers closed
- conserving energy, e.g. install eco-friendly lights, turn lights and computers off when not needed, purchase energy-efficient emergency equipment, use greener fuel sources
- conserving water, e.g. install water-saving accessories and repair leaks
- creating an emergency plan and spill response
- improving education and awareness
- notifying relevant authorities in the event of a major environmental impact.

### **3.3 Incident management**

Incident management is an integral element of our organisation's planning processes. All stakeholders are encouraged to raise any concerns regarding risk, incidents or safety. Support delivery issues, and their contributing factors, are identified and utilised as performance measures:

- The Trustee for SDA Unit Trust management is ultimately accountable for incident management throughout our services.
- We reinforce our accountability by using governance structures including policy, performance management and delegations; and define the acceptable level of risk for The Trustee for SDA Unit Trust.

The Director is responsible for:

- overseeing the incident management system including monitoring, reviewing and reporting on its effectiveness
- managing, reviewing and implementing the contingency disaster plan, including establishing and maintaining all service agreements
- implementing incident management processes
- advising results and analysis of incident investigations
- evaluating and documenting actual and potential risks with a formal risk assessment
- ensuring all employees within The Trustee for SDA Unit Trust have a responsibility to identify and engage in the minimisation of risks that may exist in service delivery.



### **3.3.1 Responding and reporting obligations**

- The Trustee for SDA Unit Trust has a responsive risk management hazard, incident and accident reporting system in place.
- All incidents, of any nature, are a matter of concern and, as such, should be recorded using incident and hazard reports.
- All notifiable incidents are to be reported to state WorkCover authorities and the NDIS Commission, as per regulatory requirements.
- Details of incidents will be documented through the incident management system.

### **3.3.2 Documentation**

- All information is gathered with due regard to privacy and confidentiality, recorded comprehensively and stored securely.
- The incident report is for the use of the Director only, as it will contain identifying information. Minimum information required includes a description of the event, damage, injuries, reporting requirements, parties/persons involved and recommendations.
- When discussing the incident findings and recommendations in a meeting, care must be taken not to minute any identifying information.

### **3.3.3 Evaluation and feedback**

- Staff involved in the incident will be advised of the findings and recommendations of the incident investigation.
- Information will be reported through the meeting system.
- The Trustee for SDA Unit Trust may trend incidents, accidents and critical events.
- Reviews of policy, procedure and equipment may occur because of an incident or accident.

### **3.3.4 Support for stakeholders**

Any employee, participant or visitor involved in (or affected by) an incident is offered support.

### **3.4 Work health and safety consultation**

The Trustee for SDA Unit Trust will establish and maintain systems for work health and safety consultation to enable Staff to contribute to the decision-making process regarding matters that affect their health, safety and welfare at work.

The intended outcomes of this policy include:

- prevention of risk of injury to workers and others
- consultation with workers regarding the risk management process
- reduction of social and financial costs of work health and safety hazards
- establishment and maintenance of safe systems of work
- regulatory compliance maintenance
- prompt consultation on work health and safety matters, taking into consideration the level of risk involved in any specific issue
- training is updated according to current work health and safety regulatory requirements and made available to Staff.

#### **3.4.1 Nature of consultation**

The purpose of the work health safety consultation with our Staff is to:

- share health and safety information
- provide Staff with a reasonable opportunity to:
  - express their views
  - raise work health and safety issues
  - contribute to the decision-making process
- consider the opinions of Staff
- promptly inform Staff of outcomes.

#### **3.4.2 When consultation is required**

Consultation is required when:

- identifying and assessing risks to health and safety
- deciding ways to eliminate or minimise those risks
- deciding on the adequacy of facilities for worker welfare
- proposing changes that may affect the health and safety of workers.

### **3.4.3 Work health and safety resolution**

- Staff are to be consulted on proposed changes to the work environment, equipment, policies, protocols and procedures that may affect their health and safety.
- Information on hazards, work health and safety activities, and achievements will be disseminated to employees through Staff meetings, memos or similar.
- Staff may approach the Director to bring forward issues in the workplace.
- The Director will attempt to resolve the issue locally.
- The Trustee for SDA Unit Trust will always make a reasonable effort to achieve a timely, final and effective resolution of work health safety matters.

Work-related problems, concerns or complaints concerning work health and safety will be managed in accordance with our Human Resource Management Policy.

Only after reasonable efforts have been made to resolve the issue can the parties seek the assistance of an inspector. This right arises whether all, some or only one of the parties have made reasonable efforts to have the work health and safety issue resolved; this means that a party's unwillingness to resolve the issue would not prevent an inspector being called in.

The inspector's role is to assist in resolving the issue which could involve the inspector providing advice or recommendations or exercising any of their compliance powers, e.g. issuing a notice.

Even if an inspector has been requested to assist in resolving a work health and safety issue, the rights of a worker to cease unsafe work remain under the *Work Health and Safety Act 2011* model.

When an issue is resolved, the details of the issue and the resolution will be set out in writing to the satisfaction of all the parties, as soon as reasonably practicable:

- Worker/s affected by the issue will be informed of the details of the agreement between the parties.
- A copy of the agreement to the resolution of an issue may be forwarded by any of the parties involved or the organisation that represents the party.

### **3.5 Workplace incidents**

The Trustee for SDA Unit Trust will:

- hold current workers' compensation insurance policy that covers all workers
- notify a worker of any workplace incidents, as per legislative requirements
- make suitable duties available to injured workers
- maintain a record of wages according to regulatory requirements
- maintain a register of workplace-related injuries and illnesses
- forward any workers' compensation payments to injured workers
- avoid dismissing an injured worker because of their injury, within six months of the injury or illness occurring, and the injured worker's incapacity to work
- maintain a register of acceptable modified duties
- prepare an offer of modified duties in writing and provide these to the injured worker and healthcare practitioner
- educate employees about the causes of the injury and subsequent risk
- keep associated records as required
- ensure all employees are aware of responsibilities and rights concerning return to work plans through training and education
- manage disputes according to regulatory requirements.

### ***3.5.1 Notification of injuries***

- The Director will be notified of all injuries, as soon as possible.
- All injuries are to be recorded.
- The workers' compensation agent will be notified of any injuries within 48-hours.
- Workers will be notified immediately of any serious incidents involving a fatality or a serious injury or illness.

### ***3.5.2 Recovery***

- The Director will ensure that the injured worker receives appropriate first aid and medical treatment as soon as possible.
- The injured worker must nominate a treating doctor who will be responsible for the medical management of the injury and assist in planning a return to work.

### **3.5.3 Return to work**

The Director will:

- arrange a suitable person to explain the return to work process and the injury management plan to the injured worker
- ensure the injured worker's right to the confidentiality of medical information
- ensure no information will be used to discriminate against the injured worker
- provide mechanisms to communicate across cultures including ethnicity, gender and age
- ensure all return to work plans are completed within the legal time frames
- prepare the return to work plans based on the advice of the employee's own treating health practitioner/doctor and the workplace rehabilitation provider
- follow the relevant legislation and agreed to consultation procedures
- create availability of suitable work where possible when an employee's injury does not allow a return to immediate pre-injury duties. these suitable duties shall be made available temporarily
- maintain contact and communication with an injured employee during the period of incapacity and absence from work
- ensure the confidentiality of the injured employee's information and records.

### **3.6 Work health and safety management program**

The management program consists of a set of activities, policies and procedures that are updated as required, which relate to all aspects of work health and safety, including:

- work health and safety training and education
- work design, workplace design and standard/safe work procedures
- emergency procedures
- provision of work health and safety equipment, services and facilities
- workplace inspections and evaluations
- reporting, recording and reviewing incidents, accidents, injuries and illnesses
- hazard identification activities
- equipment assessment procedures and practices
- participant risk assessment procedures and practices
- Staff risk assessment procedures and practices
- provide information on work health and safety to employees, participants and their families
- implement safe manual handling procedures and safe work procedures.



### **3.7 Education and training**

Every employee, within seven days of commencing employment, shall be provided instruction regarding:

- identification and minimisation of hazards in/around the SDA property, a participant's home (as relevant) and in the workplace
- procedures to be followed in the event of an emergency.

Every employee will receive emergency training at least annually. Education/training will always be conducted by appropriately authorised and skilled personnel.

### **3.8 Hazard identification and risk management**

Management actively encourages the reporting of hazards and promotes a positive and timely response; employees and contractors are informed of the mechanism for hazard identification.

On identification and reporting of a hazard, Staff and subcontractors will:

- take immediate action to minimise the hazard(s), where possible
- immediately report to the person in charge when the action is beyond role limitations, and the hazard poses a high risk
- record the hazard according to the hazard reporting requirements.

Identified hazards are reported and reviewed using our continuous improvement and risk management processes.

### **3.9 Risk management**

The Trustee for SDA Unit Trust considers risk management to be fundamental to good management practice. Effective management of risks will provide an essential contribution to the achievement of The Trustee for SDA Unit Trust's strategic and operational objectives and goals.

Risk management must be an integral part of our organisation's decision making and must be incorporated within the strategic and operational planning processes, at all levels, across The Trustee for SDA Unit Trust.

The Trustee for SDA Unit Trust will maintain strategic and operational risk management plans. Management is committed to ensuring all employees are provided with adequate guidance and training on the principles of risk management and their responsibilities so that they can implement risk management effectively.

The Trustee for SDA Unit Trust will regularly review and monitor the implementation and effectiveness of the risk management process, including the development of an appropriate risk management culture across The Trustee for SDA Unit Trust.

## 4.0 Definition

Terminology	Definition
<b>Bullying</b>	Bullying can be defined as “unreasonable and inappropriate workplace behaviour that may intimidate, offend, degrade, insult or humiliate an employee (or another person), in front of others and which can include physical or psychological behaviours.”
<b>Clinical Risk Management</b>	Clinical risk management is an approach to improving quality of care which places special emphasis on identifying circumstances which put participants at risk of harm, and then acting to prevent, control or accept those risks. The aim is to improve the quality of care for participants and to reduce the costs of risks for care providers.
<b>Dangerous Goods</b>	Those substances that give rise to an immediate physical effect, such as fire, explosion, vapour release and are defined as such under work health and safety legislation.
<b>Due Diligence</b>	<p>Where a PCBU (person conducting a business or undertaking) has a health and safety duty, an officer of the PCBU is required to exercise ‘due diligence’ to ensure the PCBU meets that duty.</p> <p>Due diligence means taking reasonable steps:</p> <ul style="list-style-type: none"> <li>● to gain and update knowledge of work health and safety matters</li> <li>● to understand the nature of the business, undertaking’s operations and the general hazards and risks involved</li> <li>● to ensure the PCBU has appropriate resources for eliminating/minimising risks, and that these resources are used</li> <li>● to ensure the PCBU has processes for receiving, reviewing and responding to information about incidents, hazards and risks</li> <li>● to ensure the PCBU implements processes for complying with their duties, such as: <ul style="list-style-type: none"> <li>○ consultation</li> <li>○ providing training and instruction</li> <li>○ reporting of notifiable incidents.</li> </ul> </li> </ul>

<b>Environment</b>	<p>Components of the earth, including:</p> <ul style="list-style-type: none"> <li>• land, air and water</li> <li>• any layer of the atmosphere</li> <li>• any organic or inorganic matter and any living organism</li> <li>• human-made or modified structures and areas and includes interacting natural ecosystems.</li> </ul>
<b>Hazard</b>	Something with the potential to cause injury, illness or disease.
<b>Hazardous Substances</b>	Those substances which can cause detrimental health effects, such as damage to the respiratory tract, skin, eyes, etc., including carcinogens, as defined as such under work health and safety legislation.
<b>Health &amp; Safety Representative (HSR)</b>	The person elected by members of a work group within the PCBU, or across several businesses (e.g. multiple workplaces) to represent that workgroup during consultation on work health and safety issues
<b>Health and Safety Committee (HSC)</b>	A PCBU must establish an HSC where requested to do so by the HSR, or a minimum of 5 or more workers at the workplace or at the PCBUs own initiative. The HSR can be a member of the HSC if they consent.
<b>Incident</b>	Incidents can be either an event that has occurred, or a 'near miss', and include all complications of care, accidents and side effects, a common feature being that incidents are either potentially harmful or harmful.
<b>Notifiable Incident</b>	<p><b>Notifiable incident</b> means:</p> <ul style="list-style-type: none"> <li>• the death of a person</li> <li>• a serious injury or illness of a person</li> <li>• a dangerous incident</li> <li>• abuse or neglect of a person</li> <li>• unlawful sexual or physical contact or</li> <li>• assault of a person</li> <li>• sexual misconduct committed against or in the presence of a person</li> <li>• the unauthorized use of a restrictive practice in relation to a person</li> </ul>

<b>Dangerous Incident</b>	<p><b>A dangerous incident</b> means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from immediate or imminent exposure to:</p> <ul style="list-style-type: none"> <li>(a) an uncontrolled escape, spillage or leakage of a substance</li> <li>(b) an uncontrolled implosion, explosion or fire</li> <li>(c) an uncontrolled escape of gas or steam</li> <li>(d) an uncontrolled escape of a pressurised substance</li> <li>(e) electric shock</li> <li>(f) the fall or release from a height of any plant, substance or thing</li> <li>(g) the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations</li> <li>(h) the collapse or partial collapse of a structure</li> <li>(i) the collapse or failure of an excavation or of any shoring supporting an excavation</li> <li>(j) the inrush of water, mud or gas in workings, in an underground excavation or tunnel</li> <li>(k) the interruption of the main system of ventilation in an underground excavation or tunnel</li> <li>(l) any other event prescribed by the regulations but does not include an incident of a prescribed kind.</li> </ul>
<b>Safety Data Sheet (SDS)</b>	<p>Information containing data regarding the properties and effects of a substance that must be provided by the manufacturer, supplier or importer of the hazardous substance/dangerous goods. The SDS must be current – within five years of the issue date and meet specific legislated format requirements.</p>
<b>Officer of the PCBU</b>	<p>A person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking.</p>
<b>Person conducting a business or undertaking (PCBU)</b>	<p>A person or entity that conducts the business or undertaking alone or with others whether the business or undertaking is conducted for profit or gain.</p>

<b>Personal Protective Equipment (PPE)</b>	Personal Protective Equipment (PPE) is defined as safety clothing or equipment for specified circumstances or areas, where the nature of the work involved or the conditions under which people are working, requires its wearing or use for their personal protection to minimise risk.
<b>Provisional Improvement Notice (PIN)</b>	A written notice from a Health and Safety Representative to a person or the PCBU, advising there either has been a breach of the Act that is likely to be repeated, or there is a current breach of the Act.
<b>Reasonably Practicable</b>	Taking all steps a duty holder was reasonably able to in order to consider the cost of eliminating or minimising the risk and whether this cost far exceeds the level of reduction of risk.
<b>Risk</b>	The chance of something happening that will have an impact upon the services The Trustee for SDA Unit Trust provides. Measured in terms of likelihood and consequences.
<b>Risk Analysis (Incident)</b>	The seriousness of the event's consequences and its likelihood or frequency of occurring again. This provides a Category Code (CAT), generating a numerical rating which guides appropriate action.
<b>Risk Identification</b>	Data sources that assist identification of risk include coroners' reports, clinical indicators, variance analysis, incident reporting, complaints and other feedback.
<b>Risk Register</b>	All levels of The Trustee for SDA Unit Trust are responsible for the continual monitoring of the strategic risk profile. A risk register identifies major risks for The Trustee for SDA Unit Trust, including an indication if existing controls or management systems are in place to manage that risk.
<b>Risk Treatment</b>	Risk can be avoided, controlled, retained or eliminated. Two major approaches to control risk are reducing risk before it arises (in essence proactive system design such as Work Health Safety Risk Management Site for Safe Work Method Statement, equipment maintenance) or reducing the risk after the problem arises (countermeasures or barriers such as increased training).

<p><b>Serious injury or illness</b></p>	<p><b><i>Serious injury or illness</i></b> of a person means an injury or illness requiring the person to have:</p> <p>(a) immediate treatment as an in-patient in a hospital</p> <p>(b) immediate treatment for:</p> <ul style="list-style-type: none"> <li>(i) the amputation of any part of his or her body</li> <li>(ii) a serious head injury</li> <li>(iii) a serious eye injury</li> <li>(iv) a serious burn</li> <li>(v) the separation of his or her skin from an underlying tissue (such as degloving or scalping)</li> <li>(vi) a spinal injury</li> <li>(vii) the loss of a bodily function</li> <li>(viii) serious lacerations</li> </ul> <p>(c) medical treatment within 48 hours of exposure to a substance, and any other injury or illness prescribed by the regulations but does not include an illness or injury of a</p>
<p><b>Shift work</b></p>	<p>Shift work is defined as any system of working whereby out of hours work is required. This includes the weekend, afternoon, night and rotating shifts, split or broken shifts, extended shifts, rostered overtime and extended working hours.</p>
<p><b>Trained first aid personnel</b></p>	<p>Trained first aid personnel means:</p> <ul style="list-style-type: none"> <li>• a person who holds a current first aid certificate issued after successful completion of a WorkCover-approved first aid course</li> <li>• a person who holds a current occupational first aid certificate issued after successful completion of a Work Cover-approved occupational first aid course</li> <li>• an ambulance officer or a medical practitioner</li> <li>• a registered nurse</li> </ul>
<p><b>Worker</b></p>	<p>Anyone who is carrying out work, in any capacity, for a PCBU including direct employees; contractors and subcontractors, and their employees; labour-hire employees engaged in working in the business or undertaking; out-workers; apprentices, trainees and students on work experience; and volunteers.</p>

<b>Work group</b>	A work group is the group of people represented by the HSR. This could be a specific department, shift (e.g. day/night shift), location or type of worker. Work groups are determined by negotiation between the PCBU and workers (and their representative if required).
<b>Work Health and Safety (WHS)</b>	The main objective of the model Work Health and Safety Act is to: <i>'provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces'</i> .
<b>Workplace</b>	A workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.
<b>Work Health and Safety Entry Permit Holder</b>	A WHS entry permit holder is representative of a relevant union.

## 5.0 Related documents

- Complaints and Feedback Form
- Complaints Register
- Continuous Improvement Policy and Procedure
- Emergency Plan
- Hazard Report Form
- Incident Investigation Form
- Position Descriptions
- Risk Management Policy and Procedure

## 6.0 References

- NDIS (Quality and Safeguards Commission) 2018
- Safe Work Australia National Code of Practice
- Work Health and Safety Act 2011



# Reportable Incident, Accident and Emergency Policy and Procedure

## 1.0 Purpose

The Trustee for SDA Unit Trust will comply with the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018.

It is our objective to maintain an incident management system that covers incidents that consist of acts, omissions, events or circumstances that:

- occur in connection with the provision of supports or services to a person with a disability
- has, or could have caused harm to a person with a disability.

## 2.0 Scope

All employees are responsible for ensuring the safety of all participants who access our services. All incidents must be reported as per this policy. Management is responsible for ensuring that our employees are trained and undertake the NDIS Worker Orientation training module.

## 3.0 Policy

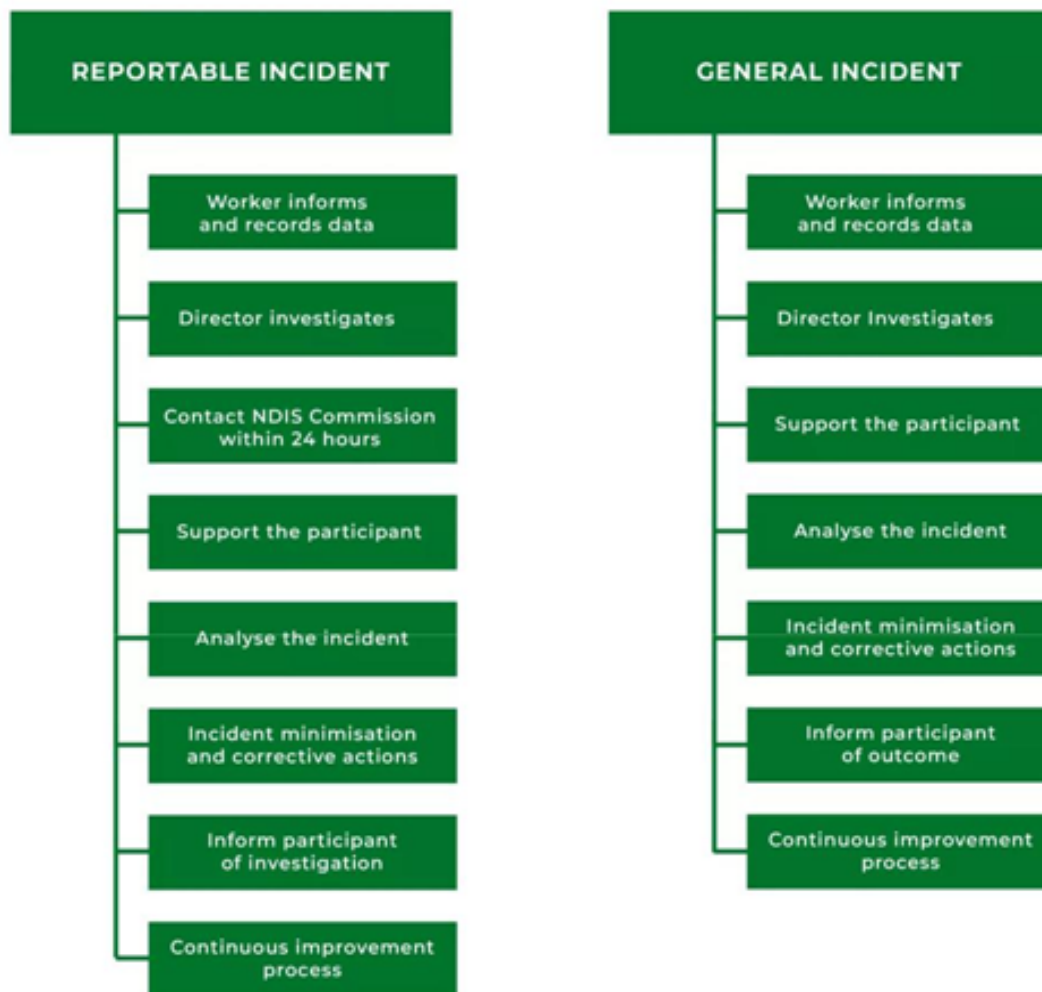
The Trustee for SDA Unit Trust recognises that many of the participants using our services may be at risk of incidents and accidents. The Trustee for SDA Unit Trust's 'Reportable Incident, Accident and Emergency Policy and Procedure' seeks to:

- minimise risk and prevent future incidents through the development of appropriate participant-centred plans, Staff training, assessment and review
- ensure that there's immediate management of an incident, accident or emergency and that each of these events is prioritised, managed and investigated appropriately
- identify opportunities to improve the quality of participant supports by ensuring that the incident system is planned and coordinated and is linked to the quality and risk management systems.

Participants will be provided information in Easy Read format, as required.

## 4.0 Procedure

### 4.1 Incident management procedure



The Trustee for SDA Unit Trust will establish a procedure that identifies, manages and resolves incidents, as follows:

#### **Step 1. Inform of incident**

1. Worker to report the incident to the Director.
2. Worker completes an Incident Report that identifies and records details relating to the incident, i.e. people, place, time and date.

#### **Step 2. Investigation**

1. The Director will determine, from the information provided, if the incident is classified as a reportable incident by the NDIS Quality and Safeguards Commissioner or a different type of incident:
  - a. A reportable incident must comply with the reportable incident reporting process.
  - b. The Trustee for SDA Unit Trust will comply with the National Disability Insurance Scheme (Incident Management and Reportable) Rules 2018.
  - c. A general incident is an accident with non-reportable injuries.
2. The Director will review details of the incident, including
  - a. people involved
  - b. location
  - c. circumstances
  - d. the outcome, e.g. injury.
3. The Director will investigate the incident/accident in accordance with the process outlined in the Incident Investigation Form to determine the:
  - a. immediate reasons for the event
  - b. underlying reasons for the event
  - c. immediate actions required to fix the cause of the event
  - d. preventative actions required for the future
4. Any information learned from incidents/accidents will be incorporated into our continuous improvement cycle to enable prevention of the incident/accident in the future.
  - a. The analysis and investigation of each incident will vary based on the seriousness of the incident.

### ***Step 3. Support participant***

1. The Director ensures that the affected participant is supported and assisted by:
  - a. informing them that they have access to an advocate; if the participant does not have an advocate the Director can assist in accessing an independent advocate
  - b. reviewing their health status to assist and support
  - c. assessing the environment to ensure their safety and to prevent any recurrence
  - d. ensuring their wellbeing and assisting in developing the participant's confidence and competence, so they do not lose any function/s.
2. The Director or their delegate will review the incident with the participant.
  - a. The Trustee for SDA Unit Trust will collaborate with the person/s involved to manage and resolve the incident.

#### **Step 4. Analyse incident**

1. As part of our continuous improvement process, the information gained from an incident is used to amend or implement new practices. This includes:
  - a. when an investigation by a registered NDIS provider is necessary to establish the cause/s of an incident, its effect, any operational issues that may have contributed to the incident occurring and the nature of the investigation.
  - b. if an incident requires the implementation of corrective action, an appropriate plan will be developed to adjust practices according to the nature of the action required.
2. The Director or their delegate will undertake the analytical process to:
  - a. determine the cause of the incident
  - b. ascertain if the incident was an operational issue
  - c. consider the participant's perspective, including:
    - i. whether the incident was preventable
    - ii. how the incident was managed and reviewed
    - iii. determining any remedial action required to minimise future impacts and prevent a recurrence
  - d. identify why the incident occurred, e.g. environmental factors, participant's health
  - e. ascertain if current strategies or processes require review and improvement
  - f. devise new strategies or procedures, if required
  - g. plan Staff training of any new strategies
  - h. implement new strategies
  - i. evaluate the success of new strategies.

All Incident Investigation Forms must be closed out by the Director or their delegate, and one other person.

#### **Step 5. Incident/accident minimisation and corrective action**

1. The Trustee for SDA Unit Trust will risk-assess all participants in conjunction with our 'Risk Management Policy and Procedure'.
2. Incident, accident, emergency minimisation and procedures are taught during Staff orientation and in regular ongoing training sessions.
3. Risks will be identified, and control mechanisms agreed upon with participants.
4. The Trustee for SDA Unit Trust will consult with participants, and relevant stakeholders, to design specific risk control mechanisms to reduce risk to participants and their environment.

5. Effectiveness of mechanisms will be evaluated via:
  - a. participant review processes; including support plan review
  - b. participant feedback
  - c. case conferencing.
6. Internal and external risk audits.
7. Reviews of policies and procedures.

### ***Corrective actions***

On completion of the incident analysis procedure, any corrective action will be implemented. Each corrective action identified will be evaluated to ascertain the effectiveness of the action, as per our 'Continuous Improvement Policy and Procedure', i.e. plan, do, check, act.

### ***Step 6. Informing participants***

The Trustee for SDA Unit Trust will inform participants, or their advocate, of the outcome/s of the incident, either in writing or verbally, dependent on the participant and the situation. Collaborative practice will be undertaken to ensure the participant and their advocate are involved in the management and resolution of the incident.

## **4.2 Staff training**

The Trustee for SDA Unit Trust recognises the importance of prevention to ensure the safety of both employee and the participant. Our orientation process includes training in work health and safety practices, including infection control, safe environment, risk and hazard reduction.

Upon commencing employment with The Trustee for SDA Unit Trust, all Staff are trained in organisational incident management processes, including how to report an incident and who to report an incident to the Director. To provide further ongoing guidance, Staff are provided access to all our policies and procedures.

### **4.3 Reportable incidents**

The Director is responsible for reporting all reportable incidents to the NDIS Quality and Safeguards Commission. Reportable incidents are serious incidents, or allegations, which result in harm to any NDIS participant.

The Trustee for SDA Unit Trust, as a registered provider, is required to report serious incidents (including allegations) arising from the organisation's service provision to the NDIS Quality and Safeguards Commission. Reportable incidents, involving NDIS participants, include:

- death
- serious injury
- abuse or neglect
- unlawful sexual or physical contact or assault
- sexual misconduct committed against, or in the presence of, an NDIS participant including grooming for sexual activity
- unauthorised use of a restrictive practice.

#### ***4.3.1 Reportable incident procedure***

1. The Staff member must immediately notify the Director.
2. The Director will follow the process outlined in this policy.
3. The Director or their delegate will notify the NDIS Quality and Safeguards Commission within 24 hours of becoming aware of a reportable incident, via the NDIS Commission Portal:

<https://www.ndiscommission.gov.au/providers/ndis-commission-portal>

Assessment of the incident by the Director, or their delegate, will involve:

- assessing the incident's impact on the NDIS participant
- analysing and identifying if the incident could have been prevented
- reviewing the management of the incident
- determining what, if any, changes are required to prevent further similar events from occurring
- recording all incidents and responsive actions taken.

#### **4.4 Documentation**

- All reportable incident reports and registers must be maintained for seven (7) years.
- This policy is to be reviewed on an annual basis, or when legislation changes occur.
- All participants, families and advocates are informed of this policy in the induction process.
- All employees will be trained in the procedures outlined in this policy. Training details are recorded in the employees' personnel files.

#### **5.0 Related documents**

- Continuous Improvement Policy and Procedure
- Incident Report
- Incident Investigation Form
- SDA Residency Handbook
- Participant Orientation Checklist
- Reportable Incident, Accident and Emergency Policy and Procedure
- Risk Assessment Form
- Risk Management Plan
- Risk Management Policy and Procedure

#### **6.0 References**

- NDIS (Incident Management and Reportable Incidents) Rules 2018
- NDIS Practice Standards and Quality Indicators 2020
- Privacy Act 1988
- Work Health and Safety Act 2011

# Complaints and Feedback Policy and Procedure

## 1.0 Purpose

This policy is intended to ensure that complaints are handled fairly, efficiently and effectively. Our complaint management system is intended to:

- allow us to respond to issues raised by individuals making complaints in a timely and cost-effective way
- boost participant confidence in our administrative process
- provide information to be used by us to deliver quality improvements in our services, supports, roles and complaints handling process.

## 2.0 Scope

This policy guides our employees and participants who wish to make a complaint implementing the fundamental principles and processes of our complaint management system.

## 3.0 Policy

The Trustee for SDA Unit Trust will create an environment where complaints and concerns, compliments and suggestions are welcomed and viewed as an opportunity for acknowledgement and improvement. This process is to ensure that individuals have the right to make complaints and are encouraged to exercise their right in a blame-free and resolution-focused culture, respecting an individual's right to privacy and confidentiality.

It is acknowledged that all comments and complaints are vital to review internal performance and processes and to develop continuous improvement of services as we seek to achieve our care commitment.

Participants, families, advocates or other stakeholders may submit a Complaints and Feedback Form regarding our supports, services, Staff, or contractors. The participants are provided information in Easy Read format if required.



It is our policy to follow the principles of procedural fairness and natural justice and comply with the requirements under the National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018.

The Trustee for SDA Unit Trust maintains that complaints and feedback can be managed effectively through:

- implementing an open and transparent complaint handling system
- observing the principles of natural justice and compliance with relevant mandatory reporting under Australian law
- committing to the right of stakeholders to complain, either directly or through a representative
- undertaking procedural fairness to reach a fair and correct decision
- taking reasonable steps to inform the complainant of the NDIS Commission complaints process, including the use of various communication means, e.g. oral and written
- maintaining complete confidentiality and privacy
- abiding by the NDIS Code of Conduct
- training employees in our complaint process and the rights of all stakeholders to complain
- considering all complaints seriously and respectfully
- advising participants and Staff of their right to complain and informing them on how to make a complaint during assessment and orientation processes (including guidance on the complaint process outlined in the welcome information provided to participants)
- provision of support for people who may need assistance to make a complaint
- protection of complainants against retribution or discrimination
- prompt investigation and resolution of complaints
- communicating and consulting with participants, family and advocates during the complaints process and providing feedback and resolutions
- interpretation and application of policies and processes
- providing opportunities for all parties to participate in the complaint resolution process
- accepting The Trustee for SDA Unit Trust and Staff accountability for actions and decisions taken due to a complaint
- committing to resolving problems at the point of service or through referral to alternatives
- committing to use complaints as a means of improving planning, delivery and review of services through our continuous improvement processes

- referring complaints and feedback into our Continuous Improvement Policy and Procedure
- annually auditing the Complaints and Feedback Policy and Procedure.

## 4.0 Definition

Terminology	Definition
<b>Complaint</b>	An expression of censure, discontent and dissatisfaction or a circumstance regarded as a cause for such expression.

## 5.0 Procedure

### 5.1 Complaint process

Complaints and suggestions can be made by:

- using the Complaints and Feedback Form
- contacting a Staff member of The Trustee for SDA Unit Trust verbally or in writing and the Staff member then must offer to document the complaint on behalf of the participant if required
- the Staff member must refer the matter to the Director
- directly contacting the Director, verbally or in writing
- responding to questionnaires and surveys
- sending an email to our contact email
- attending meetings/care conferences
- contacting external complaint agencies, e.g. NDIS Quality and Safeguards Commission
- communicating orally, in writing, or any other relevant means.

Complaints may be made by:

- employees
- participants
- members of the public
- advocates
- family members

- carers
- anonymous person/s.

Results are recorded in a Complaint Register which allows for input into our continuous improvement processes. The Continuous Improvement Register will be used to record improvements that are established after the finalisation of the complaint management process.

If a complaint is about:

- Support or services: the complaint will be dealt with by the Director
- The Staff member/s: the complaint will be dealt with by the Director
- The Director: an external person or body may be approached, e.g. NDIS Quality and Safeguards Commission.

Employees, participants, family and advocates, visiting health professionals and visitors are informed of our complaints process via:

- participant welcome information
- Staff orientation, induction and training
- meetings
- participant agreements
- contractor agreements.

## **5.2 Complaint management process**

The process and investigation must adhere to the principles of impartiality, privacy, confidentiality, transparency and timeliness. Complaints will not be discussed with anyone who does not have responsibility for resolving the issue. The Trustee for SDA Unit Trust must take into consideration any cultural and linguistic needs of a participant and provide the relevant support mechanism such as an interpreter or similar.

### ***Step 1. Acknowledge***

- 1) 1. Acknowledge all complaints quickly, within one (1) working day, where possible.

### ***Step 2. Review of the complaint***

- 2) Consult with the participant regarding their desired outcome.
- 3) Inform the complainant of support regarding:
  - a) their right to an advocate and interpreter
  - b) stages of decision-making

- c) mechanisms to protect privacy
- d) their right to complain to the NDIS Quality and Safeguards Commission
- e) progress and outcomes.
- 4) Determine the type of complaint, i.e. service, support or process.
- 5) Notify the complainant of each stage of their complaint.
- 6) If a meeting is required, it will be held in a safe environment that has been determined by the complainant and at a time relevant to the participant.
  - a) Where the complainant is a recipient of disability services under the NDIS, check the participant record for a preferred contact for complaints; ask the participant if they would like to nominate a contact from one of The Trustee for SDA Unit Trust's personnel assigned to handle complaints.

### ***Step 3. Assessing the complaint***

- 1. When assessing a complaint, the Director, or their delegate, must prioritise the complaint and determine a resolution pathway (where required).
- 2. After the pathway is established, the complaint will be investigated.

### ***Step 4. Investigation and decision process***

- 1. At the time of lodging the complaint, the Director should determine if it is practicable to find an immediate resolution.
- 2. The Director must keep the complainant informed about the complaint.
- 3. Consult with the complainant to gather information about the underlying issue.
- 4. Analyse antecedents and underlying issues when determining a decision.
- 5. Written responses must be approved by the Director before being sent out.
- 6. Respond to the complainant with a clear decision.

### ***Step 5. After the decision***

- 1. After investigation and a satisfactory response has been documented, the Director will:
  - a. Inform the complainant/s of the decision, including the reason for the decision, and provide options for reviewing the decision.
  - b. Ensure that the complaint investigation is satisfactorily completed.
  - c. Determine if the complainant is satisfied with the outcome.
  - d. Follow up and consult with the complainant/s about any concerns.
  - e. Ascertain preventative actions and continuous improvement.
  - f. Consider if any systemic issues need addressing.
  - g. Record the information about the complaint in the Complaint Register.

- h. Record the details of the improvement stemming from a complaint in the Continuous Improvement Register, if required.
2. The complaint resolution will be monitored according to the audit schedule, and feedback will be provided to the complainant personally.

### 5.3 Documentation

- All complaints will be recorded in a Complaint Register.
- Information in the register will include:
  - complaint details
  - identified issues
  - actions are undertaken to resolve the complaint
  - the outcome of the complaint.
- All documents, including Complaint and Feedback forms, are to be uploaded into the computer system.
- Copies of any information provided to the complainant are stored in the file.
- A copy of all complaint documents is retained in the file for seven (7) years from the day of record.
- Statistical and other information will be collected to:
  - review issues raised
  - identify and address systemic issues
- Report information to the Commissioner, if requested by the NDIS Quality and Safeguards Commissioner.
- A policy review will occur if there are legislative changes or when determined by a regular or annual review.

### 5.4 Unresolved complaints

Unresolved complaints will be referred to the Director for investigation and resolution. Should the complaint not be resolved to the complainant's satisfaction, the complaint will be escalated to a person nominated by the complainant (with the complainant's permission).

When complaints cannot be resolved internally, the complainant may be referred to:

**NDIS Quality and Safeguards Commission**

Phone: 1800 035 544 (free call from landlines) or TTY 133 677

National Relay Service and ask for 1800 035 544

Interpreters can be arranged.

To complete an NDIS Complaint Contact Form online go to [business.gov.au](https://business.gov.au)

## 6.0 Related documents

- Complaint and Feedback Form
- Complaints Process Checklist
- Complaint Register
- Continuous Improvement Policy and Procedure
- Continuous Improvement Register
- Risk Management Policy and Procedure

## References

- NDIS (Complaints Management and Resolution) Rules 2018
- NDIS Practice Standards and Quality Indicators 2020
- Privacy Act 1988
- Work Health and Safety Act 2011