

Disability Services (Eligible Service Standards) Determination 2020

I, Anne Ruston, Minister for Families and Social Services, make the following determination.

Dated 24 August 2020

Anne Ruston

Minister for Families and Social Services

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Part 1—Preliminary

1 Name

This instrument is the *Disability Services (Eligible Service Standards) Determination 2020*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under paragraph 5A(1)(a) of the *Disability Services Act 1986*.

4 Definitions

In this instrument:

***Act*** means the *Disability Services Act 1986*.

***Advocate*** means a person:

1. who primarily represents the interests of a person with disability in a way consistent with the expressed wishes of the person with disability; or
2. who acts in the best interests of the person with disability, where the person with disability is unable to express their wishes, in order to assist the person with disability to exercise control over their life.

***Agency*** means the management and operational units of an organisation responsible for the service in respect of which funding has been granted to the organisation under the Act.

***Community*** refers to both the immediate local environment and to broader society.

***Complaints and disputes*** refer to instances which involve a problem or cause for discontent relating to some aspect of the agency or the service being provided to a consumer.

***Consent*** means consumer agreement based on an understanding of the implications of a particular activity or decision and the likely consequences for the consumer.

***Consultation*** means seeking, accepting and recognising active consumer input at all stages of the process leading up to and including decision making.

***Consumer*** means any of the following:

1. a person with disability;
2. a family member/s of the person with disability;
3. an unpaid primary carer of a person with disability;

where that person is receiving a service in respect of which financial assistance has been granted to the organisation under the Act.

***Integration*** includes both physical and social integration. Physical integration means ensuring that people with disability have access to the same places, and in the same manner as other people. It also means that they receive services in the community. Social integration means that people with disability are able to build and maintain a wide range of relationships with the members of the community.

***Organisation*** means an eligible organisation.

***Participation*** refers to the process of consumers taking part in, or actively sharing, in the life of the community.

***Relative need*** is a concept that ranks potential consumers on the basis of greatest unmet need and the benefits they would gain from the service.

***Responsibilities***, in respect of a person with disability, means the responsibilities that person can be reasonably expected to carry.

***Resolved***: a complaint or dispute is “resolved” when it is settled or concluded, and each of the parties is notified of the outcome. “Resolved” does not necessarily mean that the complaint or dispute concluded in favour of any of the parties.

***Retribution*** is negative action taken in response to a consumer’s complaint or dispute. It includes intimidation, punishment or withdrawal of service.

Note: A number of expressions used in this instrument are defined in the Act.

5 Repeal

The instrument that is specified in Schedule 1 to this instrument is repealed as set out in the applicable item in the Schedule.

Part 2—Standards

**6 Standards**

For the purpose of paragraph 5A(1)(a) of the Act, the standards specified in Schedule 2 to this instrument are the eligibility standards to be observed in the provision of an eligible service referred to in Part II of the Act.

Schedule 1—Repeal

Disability Services Standards (Eligible Service Standards) (FAHCSIA) Determination 2010

1 The whole of the instrument

Repeal the instrument

Schedule 2—Eligibility Standards

**STANDARD 1 SERVICE ACCESS**

Each consumer seeking a service has access to a service on the basis of relative need and available resources.

**Supporting Standards**

1.1 The agency has developed written entry and exit policies and procedures.

1.2 The agency's entry and exit policies and procedures are accessible by potential and current consumers.

1.3 The agency implements its written entry and exit policies and procedures.

1.4 The agency's entry and exit policies and procedures are reviewed regularly with consumers.

1.5 The agency establishes clear entrance criteria for determining the priority for service for each person with disability.

1.6 The agency's entrance criteria provide for access to be given on the basis of relative need.

1.7 Other than relative need, the access of a person with disability to a service is decided on a non-discriminatory basis.

1.8 Where an agency is unable to provide a person with disability access to its service, a referral to another similar service is made, where this exists.

1.9 The agency targets its information activities to be accessible by all identifiable groups within the target population.

**STANDARD 2 INDIVIDUAL NEEDS**

Each person with disability receives a service which is designed to meet, in the least restrictive way, their individual needs and personal goals.

**Supporting Standards**

2.1 The agency has developed, in consultation with consumers, written policies and procedures on planned approaches to meeting individual needs.

2.2 The agency's policies and procedures on planned approaches to meeting individual needs are made available to consumers in appropriate formats.

2.3 The agency, in consultation with each consumer, identifies and documents the individual, ongoing and changing needs of the person with disability and the approaches for meeting those needs.

2.4 The agreed approach for meeting each consumer's individual ongoing and changing needs is implemented and reviewed with that consumer within an agreed timeframe.

2.5 The agency implements its policies and procedures on planned approaches to meeting individual needs.

2.6 The agency's policies and procedures on planned approaches to meeting individual needs are reviewed regularly with consumers.

2.7 The agency considers the appropriateness of general community facilities and services in meeting the individual needs of each person with disability.

2.8 Each person with disability is provided with support in a manner which maximises their potential to reach personal goals.

2.9 Services are provided in a manner sensitive to the age, gender, and the cultural, linguistic and religious background of each person with disability.

2.10 The agency supports each consumer's efforts to gain access to general community facilities and services and/or to other specialist agencies and/or services.

**STANDARD 3 DECISION MAKING AND CHOICE**

Each person with disability has the opportunity to participate as fully as possible in making decisions about the events and activities of their daily life in relation to the services they receive.

**Supporting Standards**

3.1 The agency has developed, in consultation with consumers, written policies and procedures which maximise consumer participation in decision making at the individual and service level.

3.2 The agency's policies and procedures to maximise consumer participation in decision making are made available to consumers in appropriate formats.

3.3 The agency offers each person with disability support to make informed decisions and choices in relation to the service they receive.

3.4 The agency informs each consumer of other services that might meet their needs.

3.5 The agency implements its policies and procedures to maximise consumer participation in decision making at the individual and service level.

3.6 The agency's policies and procedures to maximise consumer participation in decision making are reviewed regularly with consumers.

3.7 Each person with disability can involve an advocate in making decisions about the service they receive.

3.8 The right of each person with disability to exercise control over their life is not restricted by the policies and procedures of the agency.

3.9 The agency takes reasonable care to avoid foreseeable risks without unduly limiting the ability of each person with disability to take responsibility for their own decisions.

**STANDARD 4 PRIVACY, DIGNITY AND CONFIDENTIALITY**

Each consumer's right to privacy, dignity and confidentiality in all aspects of their life is recognised and respected.

**Supporting Standards**

4.1 The agency has developed, in consultation with consumers, written policies and procedures on protecting consumers' privacy, dignity and confidentiality.

4.2 The agency's policies and procedures on protecting consumers' privacy, dignity and confidentiality are made available to consumers in appropriate formats.

4.3 The agency only collects consumer information that is directly relevant to effective service delivery.

4.4 Each consumer is informed of the types of personal information that the agency holds and the reasons for holding this information.

4.5 Each consumer's consent is obtained before any information about them is sought or released by the agency.

4.6 Each consumer's right to dignity and privacy is recognised, respected and protected in relation to personal activities.

4.7 The agency implements its policies and procedures on protecting consumers' privacy, dignity and confidentiality.

4.8 The agency's policies and procedures on protecting consumers' privacy, dignity and confidentiality are reviewed regularly with consumers.

4.9 Each consumer has the right to see any information the agency keeps about them.

**STANDARD 5 PARTICIPATION AND INTEGRATION**

Each person with disability is supported and encouraged to participate and be involved in the life of the community.

**Supporting Standards**

5.1 The agency's written policies and procedures are framed in a way that provides opportunities for people with disability to participate in the community.

5.2 Services are provided in a way that facilitates the integration and participation of each person with disability in the community, at times and in ways similar to other members of the community.

5.3 Each consumer is provided with information about general community facilities and services and how to use them.

5.4 The agency provides each person with disability the opportunity to form and maintain a variety of ties, connections and involvements in the community.

**STANDARD 6 VALUED STATUS**

Each person with disability has the opportunity to develop and maintain skills and to participate in activities that enable them to achieve valued roles in the community.

**Supporting Standards**

6.1 The agency's written policies and procedures reflect the valued status of consumers.

6.2 The agency promotes the abilities, contribution and competence of people with disability.

6.3 Each person with disability has the opportunity to develop and maintain skills, capacities and life-styles that are valued in the community.

**STANDARD 7 COMPLAINTS AND DISPUTES**

Each consumer is free to raise and have resolved, any complaints or disputes they may have regarding the agency or the service.

**Supporting Standards**

7.1 The agency has developed, in consultation with consumers, written policies and procedures on the resolution of consumers' complaints and disputes.

7.2 The agency's policies and procedures on consumers' complaints and disputes resolution are made available to consumers in appropriate formats.

7.3 Each consumer is able to have resolved issues regarding aspects of the agency or service with which they are dissatisfied.

7.4 Complaints or disputes are handled in a manner consistent with the agency's policies on privacy.

7.5 The agency implements its policies and procedures on consumers' complaints and disputes resolution.

7.6 The agency's policies and procedures on consumers' complaints and disputes resolution are reviewed regularly with consumers.

7.7 Each consumer is encouraged and assisted to raise any concerns they have about the agency or service, without fear of retribution.

7.8 The complaints and disputes procedure allows for the participation of the consumer's advocate, where requested.

7.9 Each consumer is provided with information on relevant complaints and disputes processes available in the community.

7.10 The agency ensures that progress towards resolution of each complaint or dispute is reviewed within an agreed timeframe.

**STANDARD 8 SERVICE MANAGEMENT**

Each agency adopts sound management practices which maximise outcomes for consumers.

**Supporting Standards**

8.1 The agency ensures the legal and human rights of people with a disability are upheld within the service.

8.2 The agency provides a safe physical environment for its consumers.

8.3 Consumers have the opportunity and support to take part in the planning, management and evaluation of the service.

8.4 The agency monitors its activities and regularly evaluates whether it is meeting its objectives and these Disability Services Standards.

8.5 The roles and responsibilities of the board, committee of management, and staff of the agency are clearly defined, documented and available.

8.6 People with disability receive services from appropriately skilled and competent staff.

8.7 The agency ensures that its employed and volunteer staff receive appropriate support; and that they understand their role, the administration of the agency and the service, and their accountability for their work related activities.

8.8 The agency implements a policy on affirmative action with regard to employment of people with disability.

8.9 The agency develops and implements written policies and procedures relating to complaints and disputes by staff and other persons.

8.10 Resources are managed to maximise the funds available to provide services for consumers.

8.11 The agency has available, upon request, annual reports that demonstrate consumer, service and financial outcomes.

8.12 The agency has a process of co-ordination with other agencies, advocacy and consumer organisations in the area.