

A decorative graphic consisting of a teal gradient bar at the top, with a white curved shape underneath it that tapers to the right.

# Disability Reportable Incidents Division

*‘Your Service, the Police and People with a  
Cognitive Disability’.*

Disability Justice Project Leaders Forum



## Part 3C Ombudsman Act

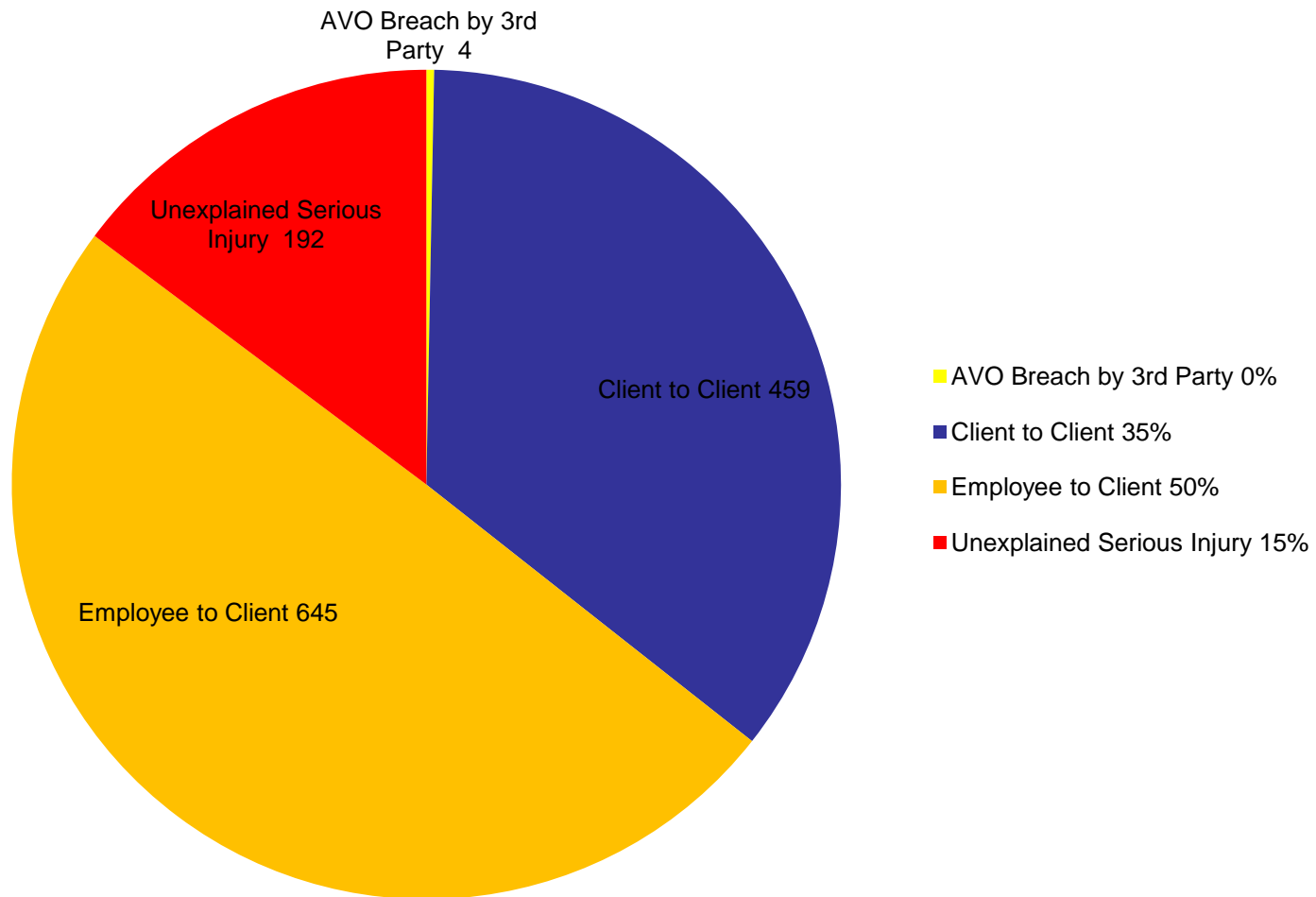
- The scheme commenced on 3 December 2014
  - It is an **allegation-based scheme**.
  - The Secretary of FACS, or the head of agency of a funded provider, must notify the NSW Ombudsman of all “reportable incidents” within **30 days** of becoming aware of an incident.
  - Incidents occur in supported group accommodation and in certain circumstances day programs and employment services.
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## What does the Ombudsman do?

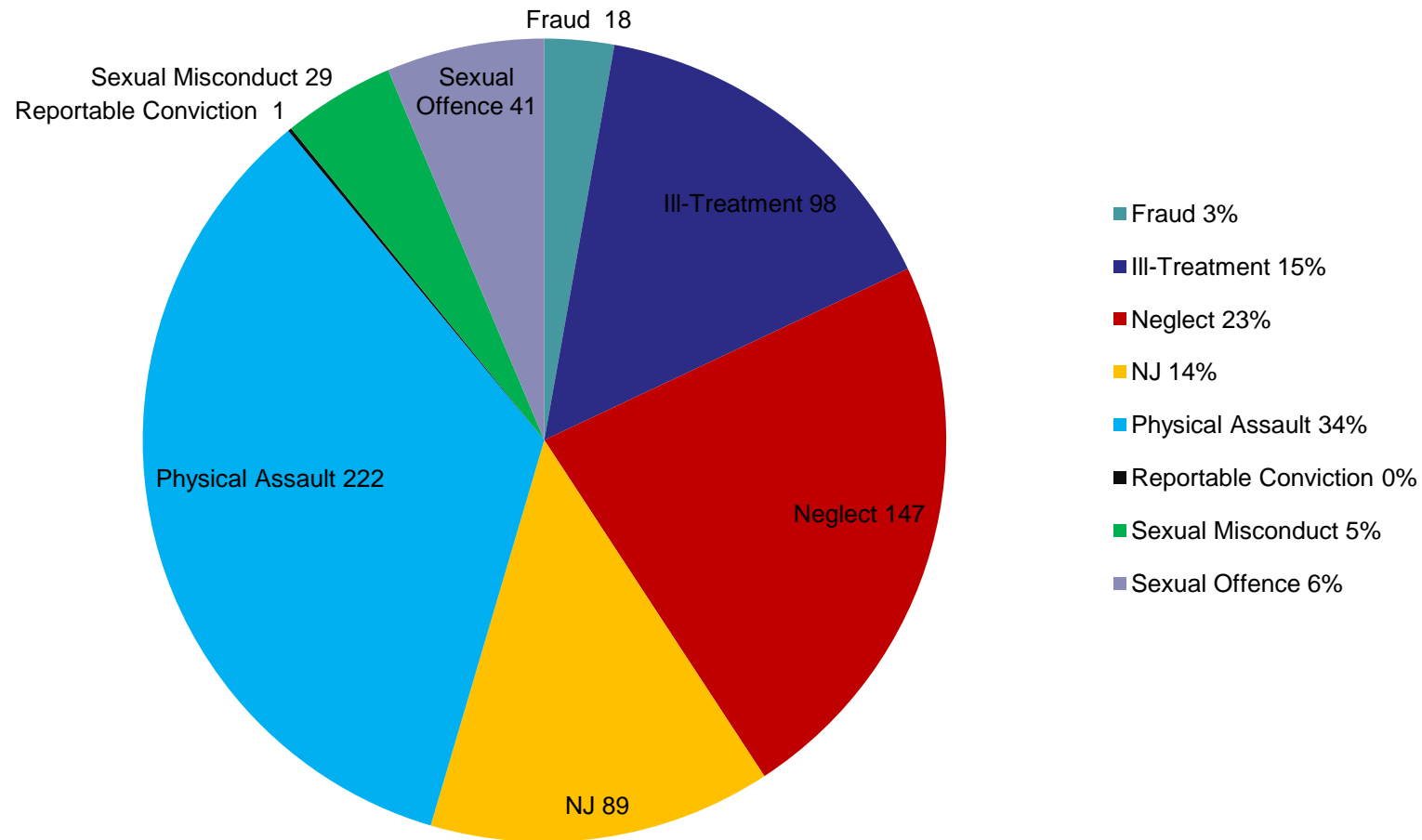
### The NSW Ombudsman will:

- consider whether an investigation into a reportable incident has been properly conducted, and whether appropriate risk management action has been taken arising from the incident
  - keep under scrutiny the systems disability services have in place for ***preventing, handling and responding*** to reportable incidents in supported group accommodation.
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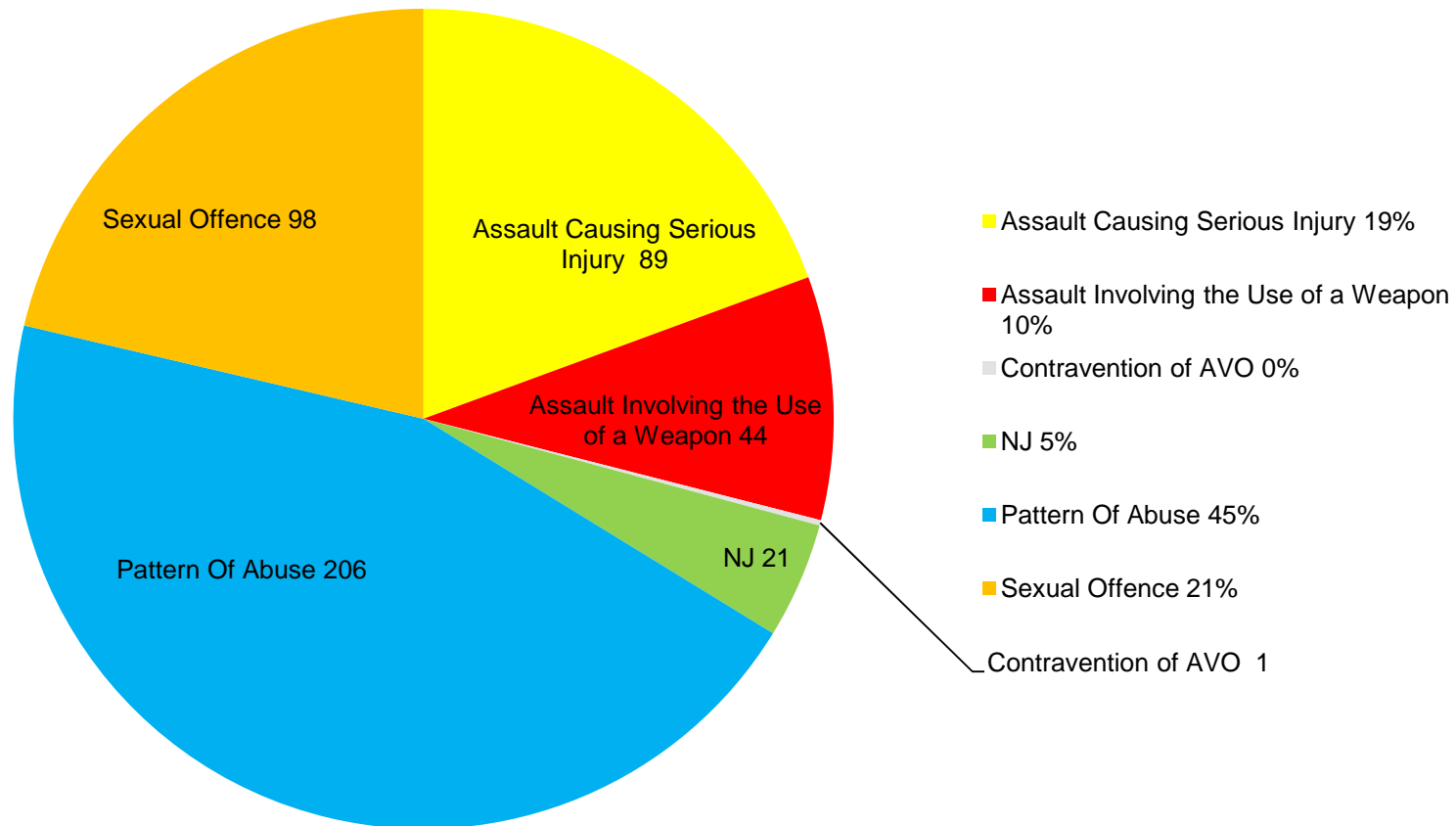
## Number of Cases received since 3 Dec 2014 - 1300



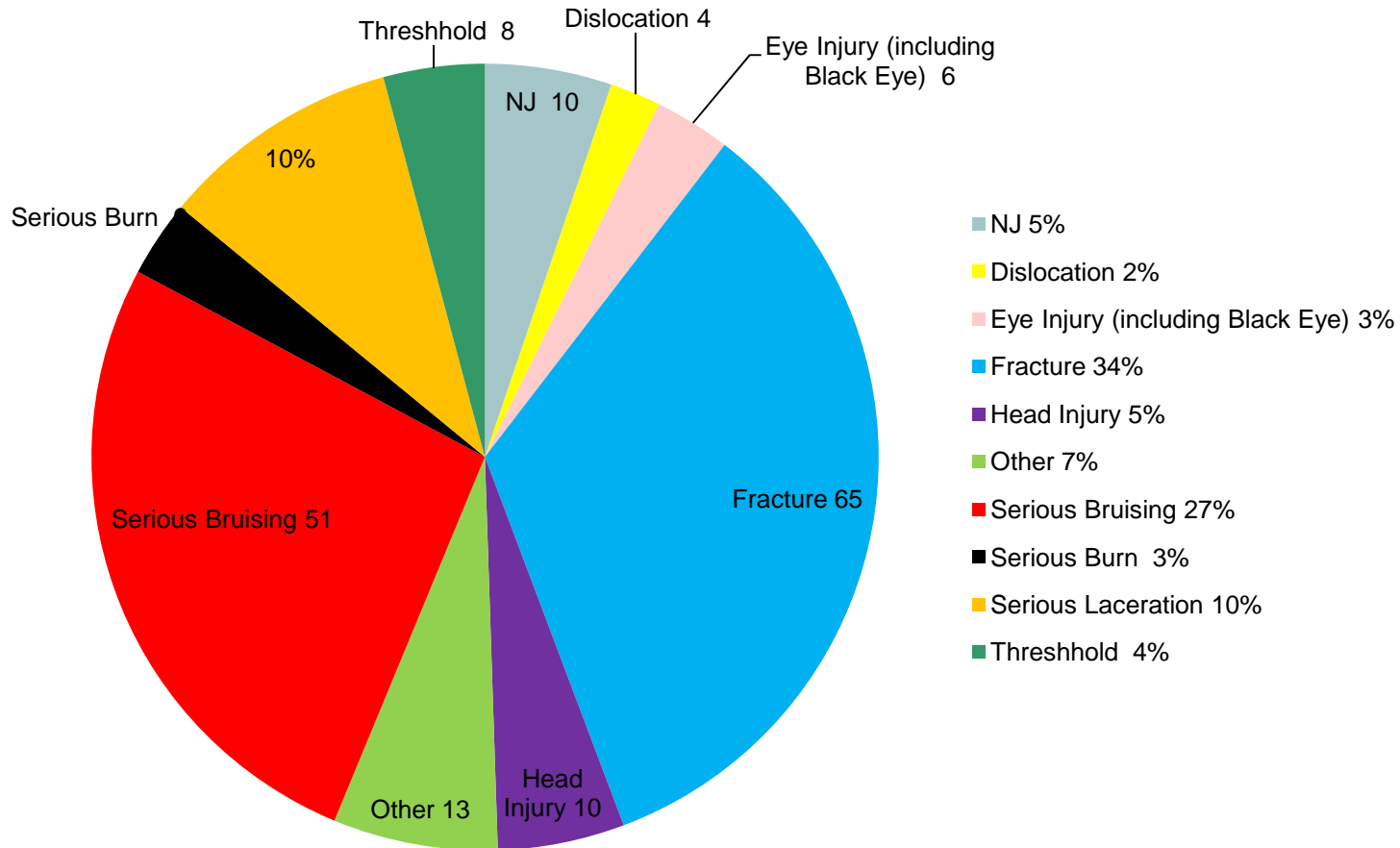
## Employee to Client - 645



## Client to Client - 459



## Unexplained Injury - 192



## What are the outcomes for an employee SOA?

There have been 15 criminal charges (since 3/12/2014)

- 3 sexual assault, 1 indecent assault, 9 physical assaults and 2 fraud offences

A sample of outcomes from 272 closed files (as at 2/11/2016) include:

- 43 employees have been dismissed
  - 30 employees were permitted to resign
  - 28 were placed in restricted or altered duties
  - 28 employees issued a warning
  - 23 employees counselled, and
  - 38 employees subject to performance management
  - 72 provided with training
  - 1 employee demoted
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## What are the outcomes for a client SOA?

There have been 7 criminal charges (since 3/12/2014)

- 5 assaults, 1 other indictable offence and 1 breach ADVO

A sample of outcomes from 157 closed files, include:

- 83 BIS plans developed or reviewed
  - Increased behaviour support obtained 24 times
  - 59 instances of increased supervision or monitoring of the SOA
  - New accommodation obtained on 33 occasions
  - SOA support needs reviewed 39 times
  - Clinical/medical support obtained 18 times
  - Restricted practice reviewed 1 time
  - Restricted practice sought/authorised 4 times
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# NSW Police, DRID & The Disability Sector

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## Where DRID intersects with Policing

- We check the COPS system during our intelligence assessment of new notifications to assess risk
  - This identifies criminal investigations linked to a reportable incident
  - We are proactive with service providers to ensure relevant criminal offences are reported to Police and that any workplace investigation does not contaminate a criminal investigation (the Care & Crime Protocol is relevant in this regard)
  - We check the status of a criminal investigation when monitoring a reportable incident
  - We contact the relevant LAC Crime Manager if we identify concerns regarding the policing response
  - We promote the value of DSPs developing and maintaining contact points within LACs
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## General Observations

- The impact of delays in interviewing PWD
  - The skills of investigators in interviewing PWD
  - The need to liaise with Service Providers to determine the victim's capacity and communication support needs
  - Generally, direct conversation is required with the victim; in particular, if the victim wants to speak with the investigator
  - The need for ongoing communication with the victim, family and Service Provider
  - Decisions made not to pursue a matter based on the 'capacity' of the victim or the quality of a victim's account, without exploring other available lines of enquiry
  - The need to ensure that a support person is present at the point of initial questioning of a subject of allegation.
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## Disability Services contact with NSWPF

### **What do police need to know about the client's ability to make decisions?**

Police should be given information about:

- the person's disability and its impact, including their communication needs and whether they have had any recent assessment
  - whether the person is under guardianship and, if so, details of the guardian and the decisions the guardian can make, and
  - whether the person has informal support from family or close friends.
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## Disability Services contact with NSWPF

### **What should you ask for from the police?**

- the event number and the names and contact details of the officers who responded
  - when the Police will be able to tell you if they will investigate or take other action
  - what information (if any) about the involvement of police can be shared, and with who – in an investigation it is common for police to ask services not to mention police involvement to an alleged offender and/or others, and
  - details of any AVOs (and their conditions), charges, bail conditions, and court dates.
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## How we work with the NSWPF

- Best Practice Working Group
  - *Best Practice Resource for the initial and early response to abuse and neglect in disability services*
  - *Joint Protocol to reduce the contact of people with disability in supported accommodation with the criminal justice system*
  - Project on interviewing people with a disability
  - We are closely reviewing the intermediary scheme in relation to its potential roll-out to adults with disability
  - Presentations – Vulnerable Communities Sponsor’s forum and Detective Inspector’s Conference
  - A related inquiry into the Abuse & Neglect of people with disability living in the community
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## Other rights based work involving people with disability and the justice system

- We are keen to explore the scope for the development of an evidence based practice framework for responding to the abuse, neglect and exploitation of vulnerable adults
  - The Rights based project: equipping people with disability and service providers to speak about abuse and neglect
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## Contact us

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