
Disability Services Division
Day Services Policy
June 2008

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1. Context Statement

Setting the context

Disability Act 2006

The *Disability Act 2006* (the Act) was passed by Parliament on 4 May 2006 and enacted on 1 July 2007. The Act provides the framework for a whole-of-government and whole-of-community approach to enable people with a disability to actively participate in the life of the community. The Act is guided by the principles of human rights and citizenship and provides substantial reform to the law for people with a disability in Victoria.

The Act maintains the current target group for access to disability services and strengthens the way people access disability services by providing a simple and consistent process that is not dependent on a person's type of disability. The Act outlines an approach to the provision of disability supports that advances the inclusion and participation in the community of people with a disability.

Victorian State Disability Plan 2002 - 2012

The *Victorian State Disability Plan 2002 - 2012* (VSDP) was launched in September 2002. The VSDP outlines the Government's vision for the future, and is based on the principles of rights, dignity, choice and achieving social justice and inclusion. It recognises that in order to maximise the important contribution that people with a disability make to the life of Victoria, communities must be supported so they can be more inclusive.

Changing Days and Community Facility Redevelopment Initiatives

The Government announced in 2006-07 funding totalling \$9.2 million over four years to progress the vision and goals of the VSDP across the Day Service sector. The *Changing Days* and the *Community Facility Redevelopment* Initiatives aim to support the Day Service sector to develop more innovative individual support approaches that increase opportunities for community access and inclusion for people with a disability. The two initiatives will support existing Day Services to provide disability supports which enable people with a disability to be genuinely included in their community.

Changing Days Initiative

The '*Changing Days*' Initiative will allocate \$4.2 million over four years to assist Day Services to develop flexible options that will enable them to respond to people's individual needs. This initiative will assist Day Service providers to progress new service delivery approaches that promote individualised planning and support for people with a disability as well as promoting broader, more innovative partnerships within the community sector.

Community Facility Redevelopment Initiative

The Community Facility Redevelopment Initiative (CFRI) will allocate \$5 million over two years, from 2006, to assist Day Services to establish facilities where people with a disability are genuinely included in, and able to access a range of program supports and services co-located with other community service providers.

The Disability service system is positioning itself so that it is better able to respond to requests for more flexible service options. As a result of these initiatives and other initiatives with the sector a number of policy and organisational changes will be made to support a more flexible and responsive service system.

Updated Day Service Policy 2007

In line with the implementation of the Disability Act 2006 the ATSS Policies and Mandatory Guidelines have been updated. The updated Day Service Policy 2007 includes changes in line with the new legislation. The changes relate to the need to ensure that the following legislative requirements are adhered to: -

- Registration of Service Providers
- Implementation of the Disability Support Register
- Planning
- Restrictive Intervention
- Provision of Information, including Complaints

Further changes to the Day Service Policy will occur as part of a substantial review, which will reinforce the goal of inclusion and participation in the community. Many Day Services are moving towards providing more individualised, flexible models of support to increase choice and opportunities based on the needs, aspirations and goals of people with a disability. Learnings from this work and from the outcomes of the Changing Days and Community Facility Redevelopment Initiative will inform the review. The aim of the review will be to support Day Service providers by developing a policy framework that promotes the vision and goals of the State Plan whilst recognising and supporting the valuable role of parents and carers and by ensuring that their needs continue to be met.

The review of the Day Service Policy will be the subject of extensive consultation with participants of the Day Service sector, parents and carers, disability service providers, Peak bodies and other interested parties. It is anticipated that a full review and update of the Day Service Policy will be completed within 12 months.

Associated areas related to the provision Day Service supports, which will be the subject of formal reviews, include the following: -

- Analysis of Unit Cost
- Fees structure within Day Service sector
- Portability of funding

2. Definitions

The Act	Means the <i>Disability Act 2006</i>
Disability Service Provider	Means (a) the Secretary or delegated Department of Human Services staff who are providing disability services under the Act, or (b) a person or body (community service organisation) registered on the register of disability service providers
Day Services	Previously referred to as an Adult Training and Support Service (ATSS). A Day Service provides support and activities for a person aged 16 years and over with a disability.
Disability Support	Means the support being provided by a disability service provider
Register of Disability Service Providers	Means the register of disability service providers kept under Section 46 of the Act.
Authorised Officer	Means a person appointed as an authorised officer under section 207 of the Act.
Authorised Program Officer	Is a person appointed under section 139 or section 190 of the Act.
Support Plan	Means a support plan prepared under Section 54 of the Act for a person with a disability who is receiving ongoing disability services.
Futures for young Adults	A program to provide funded supports to enable young people leaving school to transition to adult options.
Support Persons	Means family members and/or primary carer or guardian.
SAMS	Service Agreement Management System, Database of service agreements between DHS and funded service providers.
Service Agreement	Agreement/contract between DHS and community service organisations documenting funding, service requirements, terms and conditions and respective obligations.

3. Structure and Format

This document has three key components:

Legislative requirements – these are written in the legislation and provide a basis for the policy. Legislative requirements *must* be fulfilled.

Policy requirements – Policy requirements *must* be fulfilled to ensure the intent and purpose of the legislation is realised.

Practice Guidelines - Disability Services has provided some guidance for people with a disability and service providers when applying this policy. This guidance comes from a number of sources including current practice in Victoria and best practice from interstate and overseas.

4. Application of this Policy

This policy provides information for: -

- People who have a disability as defined by the Act and who are requesting support from Disability Services.
- People with a disability who are currently supported by a Disability Service Provider and
- Disability Service Providers in relation to the new requirements in the Disability Act 2006.

5. Objective

The objectives of this policy are to:

- Provide an overview of Sections 3, 8, 41, 37, 49 – 55, 89, 104 –106, 223 of the Act.
- Provide people with a disability, their support networks and Disability Service Providers with an understanding of the way in which people can access services.
- Outline a direction for the delivery of day services that is based on the principles of community inclusion and access for persons with a disability.

6. Policy Principles

Day Services will:

- Provide support to persons with a disability in a manner that respects their privacy and dignity.
- Demonstrate flexibility and responsiveness to the individual needs and goals of a person with a disability through an individualised planning process.
- Consider and respect the role of support persons who are significant in the life of the person with a disability.

- Support persons with a disability to access services that enhance their choices and independence.
- Encourage and facilitate persons with a disability to access services as part of their local community and foster collaboration, coordination and integration with other services.
- Recognise that people with different types of disability and at different stages in their lives may require different models of service/practice to realise their physical, social, emotional and intellectual capacities.
- Develop and administer services and supports to ensure that persons with a disability are able to have access to advocacy, support, and enable meaningful decision making about the services they receive.
- Demonstrate accountability for the quality of services provided and for the extent to which the rights of persons with a disability are promoted and protected in the provision of those services.
- Provide services and supports in a way that reasonably balances safety with the rights of persons with a disability to choose to participate in activities involving a degree of risk.
- Lead the way in developing partnerships with other community organisations and government agencies that enable people with a disability to access a wider range of activities within their local communities.

7. Policy Elements

7.1 Day Service Funding Arrangements

As outlined in the Disability Services Policy and Funding Plan 2006-09, Day Services are funded based on the support needs of persons with a disability. Support needs are assessed using the *ATSS Client Support Needs Assessment Version 3 tool*.

Day Services receive funding in two ways:

- An agreed number of places are funded via a recurrent grant allocation
- An individual is funded via an individual package of support or attached funding, such as Futures for Young Adults (FFYA), Community Options, ISP, Flexible Day Options. Such funding is attached to the individual and is therefore portable.

Unit Price

The unit price refers to the following requirements for Effective Full time Placement in a day service.

- A minimum of thirty hours attendance per week (6 hours per day)
- Involvement in structured program activities for a minimum of twenty-two and a half hours per week (4.5 structured program hours per day)
- For forty-six weeks per year (excluding public holidays and three program development days).

No one person can be allocated more than one EFT irrespective of his/her number of program hours and/or attendance time per week.

The unit price covers salary-related costs and net operating costs, including the provision for long service leave, extended sick leave, the net cost of providing transport support and depreciation and maintenance of assets (including vehicles and buildings). Payment of indexation is dependent on Government appropriation of the necessary funds. The indexation is provided to assist agencies to meet adjustments to:

- The relevant State or Federal Awards
- General cost of living increases
- The WorkCover industry levy rate
- The employer's cost of contributory and noncontributory superannuation.

The definition of EFT remains the same for those services providing predominately group based activities and/or where individuals and their support people continue to require thirty hours support per week.

As outlined in the context statement, further development of policies and guidelines will occur as a result of learnings from the Changing Days, Community Facility Redevelopment Initiatives.

In the interim, Day service providers will continue to be supported to develop more flexible, individualised approaches to service delivery. To assist in this process, regions may approve variations to the minimum requirements relating to program and attendance time as long as:

- the change will improve the day program outcomes for the client
- the change does not shift costs to another DHS funded service (e.g. Community Residential Service)
- the change does not impose unreasonable burdens on the client's family, permanent carers or other community services.

Proposals from a Day Service to implement significant alternative arrangements to service delivery must be put in writing to the regional Manager, Disability Services. Variations to the required program and attendance time must not be implemented unless explicitly approved in writing by the relevant Manager, Disability Services."

Grant Payments

Approved Annual Grant

A Day Service provider's annual grant is based on the number of EFT places that DHS agrees to fund the Day Service provider. This will be adjusted to reflect the actual number of EFT places delivered during the year.

Payment of Grants

Grant payments to all service providers are based on a quarterly advance-adjusted process. DHS advances funds based on actual levels of service provision achieved in the preceding quarter and estimates of service provision for subsequent quarters. At the beginning of each quarter, the Day Service Provider submits details of actual service provision for the quarter and, if necessary, revises the estimates of service provision for the remaining quarters of the year. The monthly grant is based on:

- The actual level of service provision achieved in the preceding quarter
- The revised estimates of service provision for the balance of the year and
- Any cash flow requirements or constraints affecting the Day Service or DHS.

Schedule of Grant Payments

Grant payments will be credited directly to a Day Service Provider's nominated bank account using electronic funds transfer on the date specified in the schedule. This will generally be on the first working day of the month. Adjustments to the grant payments reflecting the previous quarter's service provision will occur in the third monthly instalment for the quarter. The total value of monthly instalments in a quarter is intended to match funding as closely as possible to actual levels of service provided, up to the approved grant level of the Day Service. That is, the grant payments will reflect actual and estimated levels of service to the end of the current quarter, provided that the total actual and estimated service provision to the end of the year is within the agreed funding levels.

Definition of a Vacancy

A vacancy within a Day Service is defined as the proportion of an approved EFT place that becomes available through either permanent or temporary absence such as:

- A person with a disability exiting the service on a permanent basis
- A person with a disability reducing their current approved EFT by attending another activity or Commonwealth-funded service
- A person with a disability taking leave through illness or planned absence, such as a family holiday or placement in another program for a period of time, which exceeds 20 working days.

A vacancy is not considered in terms of core, high or intensive levels of support. The vacancy refers to an amount of funding available to support the new person with a disability whom the regional priority of access panel deems to have the priority for access to services.

A Day Service provider must refer all people with a disability requesting either a service or changes to their current service to the Client Services Intake Worker at DHS regional offices. Only people with a disability registered on the Disability Support Register will be considered for placement. (Refer to Section 7.4 of this document)

Reassessments Of Service Needs Assessment (SNA)

Reassessment can be requested where:

- Support requirements have increased or decreased from the previous assessment; and this constitutes a permanent or long-term change in support requirements. Reassessment using the Support Needs Assessment Version 3 tool will not be considered where a person with a disability:
- Requires increased support in the short to medium term, for example, as a result of an illness, psychiatric episode, and transition to or from services or in response to a significant life event. Such issues may require increased short term funding. For example, Special Needs Funding, training, specialised support or equipment.
- Has been attending the Day Service for less than three months.

Reassessment can only occur through conducting a formal reassessment using the Support Needs Assessment Version 3 tool.

Reassessment Procedure

Day Service staff as well as DHS regional staff may make requests for a reassessment to be undertaken. Requests for reassessment by Day Service provider must be made in writing to the Manager, Partnerships and Service Planning.

Where an officer from the DHS regional team makes a request for reassessment the Day Service must first be consulted. If the Day Service is making a request for reassessment they are required to contact the Disability Services Intake and Response team.

The Day Service provider and DHS must make available past and present Support Plans/Individual Program Plans and all other relevant assessment information to support the reassessment process.

The Day Service and DHS regional team representatives must jointly complete a new Support Needs Assessment Version 3 process, with representatives of both parties approving the assessment once agreement is reached.

Where agreement cannot be reached, the matter should be referred to the Disability Manager for resolution. The Disability Manager must confirm, in writing to the Day Service provider, the score of the reassessment, any adjustments, permanent or temporary, to the Day Service's approved capacity and EFT ratio, and any revised funding arrangements.

Adjustments to Funding or EFT Places as a Result of a Reassessment

If through a formal reassessment a person with a disability's assessment needs change a number of options will need to be explored to identify appropriate recurrent funding.

These may include the following options:

- As vacancies occur the number of core, high or intensive support needs places in the Day Service can be adjusted while maintaining the total level of funding.
- The Day Service may agree to operate over its funded capacity for a period of time.
- Where the available resources do not permit this level of support, it may be possible for a Day Service to modify the programs or develop alternative activities for the person with a disability in question, to reduce service delivery costs and maintain the person in a full time placement. Any alterations to the person's program in these circumstances would need to be negotiated and agreed between the person with a disability, their support person, the Day Service and relevant DHS regional teams.
- Short-term vacancies and/or non-attendance of other people may also provide a temporary means of meeting the funding differential. Where these occur, a region may negotiate to grant a credit to the Day Service rather than filling the vacancy on a time limited basis, with the surplus funds being used to support the person with increased support needs.
- The option of last resort is an adjustment of the person with a disability's level of service. However, as a change from a full time placement is likely to have a significant impact on the person and their carer, any such adjustment to an individual's time fraction must be done in consultation with the person with a disability, their support person and DHS prior to this occurring.

7.2 Reporting Requirements

Quarterly Returns

All Day Services are required to provide DHS with Quarterly Data Collection (QDC) returns detailing both their actual level of service provision during the preceding quarter and their estimated level of service provision for subsequent quarters. This data is

required within ten working days after the end of each quarter to maintain funding. Arrangements for data collection may change from time to time, depending upon changing needs and development in the information technology field. Day Service Providers are required to provide the following information as part of their quarterly returns:

- A list of names, support categories and DHS registration numbers of people with a disability using the services during the preceding quarter
- Dates that the person with a disability commenced attending the program and/or exited the service during the quarter (if applicable)
- Dates the Day Service was temporarily closed (excluding public holidays) during the preceding quarter and reasons for the closure
- An estimate of service provision levels for subsequent quarters.

The quarterly return must be signed by the Manager of the Day Service certifying that the information is accurate and reflects the actual level of services provided.

These returns enable DHS to monitor the number of EFT places utilised in each funding category during the preceding quarter. DHS will then assess how a Day Service provider has operated in relation to its agreed capacity, estimated level of service provision and any cash flow requirements prior to making any decisions to adjust their monthly grant payment the following quarter.

If a Day Service provider achieves the agreed level of service provision over the full financial year, DHS will attempt to minimise disruption to the service provider's cash flow despite minor fluctuations in their quarterly performances.

Regional Summary

Based on data provided in Day Service Provider quarterly returns, DHS regional teams provide the service provider with reports on the application of Day Service funds within their region. This includes the number of people with a disability serviced in each support category and any other one-off allocations.

Annual Service Provider Returns

Service providers are also required to submit to DHS regional teams an annual agency return with updated information on the operation and staffing of the service, plus any other relevant data. The format of the annual return does not duplicate data collected in quarterly returns. Annual returns are due by the end of July each year and are required to be forwarded to DHS regional teams for processing.

7.3 Eligibility for Day Services

Under the Disability Act 2006 community service organisations must be registered as disability service providers.

The register will be established and maintained by the Department of Human Services (DHS) and will contain the names, addresses and contact details of each disability service provider. The register will incorporate a registration identification code that will be the same as the entity's Service Agreement Management System (SAMS) ID number to allow relationships with SAMS and Quarterly Data Collection (QDC) databases and the register of Authorised Program Officers.

The register will be available to the public on a generally accessible DHS website, in accessible formats, and on request. The register will be updated regularly, as details change.

Day Service Providers should refer to the [Disability Services Policy Statement Registration of Disability Service Providers version 1 July 2007](#) to ensure they are meeting their registration obligations under the Disability Act 2006.

7.4 Disability Support Register

As of 1 July 2007 the criteria for accessing a Day Service will be consistent with the principles and processes outlined in the:

- [Disability Services Access Policy July 2007](#)
- [Access to ongoing Disability Support DSR Registration Guidelines March 2007](#)
- [Access to Ongoing Disability Support Resource Coordination and Allocation Guidelines March 2007](#)

Priority Status Criteria

The target group for a day service placement is a person with a disability who:

- Meets the eligibility criteria under the Disability Act 2006
- Is aged 16 years or older
- Is in need of ongoing support to access community options
- A person who does not have current access to an education, training or employment service
- A person with a disability who will benefit the most from the program and services offered through a day service

Priority of access indicators are outlined in the Access Policy and [Access to Ongoing Disability Support, Resource Coordination and Allocation guidelines March 2007](#)

7.5 Individualised Planning

All people with a disability in receipt of an ongoing disability service (which includes day services) must have a support plan developed that is consistent with the planning principles outlined in the Act and the [Disability Services Planning Policy 2007](#)

7.6 Disability Act 2006 Restrictive Interventions Implementation Guide 2007

Restrictive Interventions are defined in the Act as any intervention that is used to restrict the rights or freedom of movement of a person with a disability including (involving the use of, but not restricted to) chemical restraint, mechanical restraint or seclusion.

The objective of the [Disability Act 2006 Restrictive Interventions Implementation Guide 2007](#) is to provide a broad overview of Part 7 of the Act and to detail the requirements for disability service providers who use or propose to use restrictive interventions. This Guide provides disability service providers and Authorised Program Officers with an understanding of their roles in relation to the use of restrictive interventions and responsibilities in protecting the rights of individuals subject to restrictive interventions.

7.7 Provision of Information

The Act seeks to ensure people with a disability are empowered to exercise their rights and choices in decisions that affect their lives.

Day Services are required to follow the requirements as outlined in the [Disability Act 2006 Policy and Information Manual \(2007\)](#) in relation to the provision of information, including privacy.

Day Services are required to provide relevant written information about their service as soon as the person with a disability starts accessing the service. Section 89 of the Act requires, as a minimum, the following information:

- Details of the service to be provided and any associated costs
- Any conditions related to the provision of the service
- An explanation of the procedures for making a complaint to the disability service provider AND to the Disability Services Commissioner
- Details of any rights and entitlements the person has under the Act.
- Any information that is required by the Secretary or the Senior Practitioner
- Any information required to be provided under an order made by the Victorian Civil Administrative Tribunal.

People with a disability commencing a Day Service for the first time after 1 July 2007 must received written information about those services and it must be accessible in line with Section 7 of the Act. The requirements when providing information under this section, being:

- the information must be explained to the person with a disability in the language, mode of communication and terms which the person is most likely to understand
- it may be necessary for the information to be provided to a family member, guardian or other person chosen by the person with a disability where it appears that the person with a disability is incapable of understanding the information
- information should be given both orally and in writing.

All existing users of the Day Service should receive written and accessible information as soon as practical and by no later than February 2008.

The Day Service provider must make reasonable steps to convey the information in a manner the person is most likely to understand. To meet this requirement a Day Service provider may provide a copy of the advice, notice or information to their support person or other person chosen by the person with a disability.

A Day Service can provide information to another person to explain the information to the person with a disability. If this occurs, the person cannot be employed by, or be a representative of the service provider.

Day Service Fees

Section 89 of the Act identifies the requirements of disability service providers in relation to providing information regarding the key elements of receiving a service, including any associated costs.

While the Department of Human Services and the funded agencies have a commitment to meet total costs of basic service delivery referred to in section 7 regarding unit cost. A person with a disability attending the service may be required to make a contribution through payment of fees and/or meet expenses associated with transport and program activities in which they participate.

Disability Day Service Providers determine fees to be charged for the services they provide. Before any fee is charged, Day Service Providers must provide information to people with a disability accessing their service and their support persons the amount charged, the scope and basis of the fee and the process for fee adjustments.

Day Service Providers must clearly document their fee policies and apply these policies equitably. As appropriate, Policies should be available in Easy Read and other formats reflecting the need to effectively communicate to people with a disability and/or their authorised agent and their support persons.

Day Service Providers must provide to each person (and their “support persons”) with documentation that includes information about the disability services being provided to that person and all associated costs. Associated costs may incorporate some contribution by service users to the cost of providing transport support and towards the provision of specific programs and services.

The Support Plan for a person receiving services, as referenced in section 7.5, must identify any services to be provided and note what fees are applicable to these services.

No person with a disability can be denied services because of their inability to pay fees.

Financial Hardship

Disability Services Division has developed [Undue Financial Hardship Guidelines \(December 2006\)](#) to support a more consistent approach by disability service providers in the consideration of undue financial hardship which may be experienced by some people with a disability in the payment of fees. No person with a disability can be denied services because of their inability to pay fees.

Whilst it is acknowledged that many people with a disability receive a Disability Support Pension and have limited funds, receipt of the disability support pension does not of itself constitute financial hardship and so would not support justify a waiver of fees.

Circumstances may arise where the person with a disability or their authorised agent indicates that they are unable to pay fees or charges. Provision may be made to waive fees, reduce fees or to write off fees in certain circumstances, within a Day Service provider’s fee policy.

Non-payment of a fee may arise for various reasons. Day Services will need to ascertain the reason and in the case of a non-financial cause, determine the appropriate action after consultation with the parties involved.

The Day Service provider should provide an avenue for the person with a disability/their agent to seek a review of any decisions relating to fees. The review should be conducted by a senior manager of the organisation independent of the person who assessed the initial claim. The person with a disability may choose to have an advocate representing them in the review process.

The process for review should be in line with agreed governance requirements as agreed to by the Committee of Management. Day Service providers are required to have established complaint/grievance processes. Day Service providers should deal with complaints fairly, promptly, confidentially and without retribution. (Refer also Disability Act 2006 Policy and Information Manual (2007)).

The DHS regional team will need to be notified of any significant issues arising in relation to the inability to pay service related charges.

7.8 Provision of Transport

It is the responsibility of Day Service providers to manage and/or coordinate transport for all persons with a disability accessing the service. This entails ensuring people with a disability can travel to and from their place of residence to any program venue used by the service. However it does not require that the Day Service provider operate its own vehicle fleet.

Day Service providers are responsible for making decisions about the level of expenditure on transport services and the type(s) of transport support they will provide to people with a disability accessing their service. These decisions should be based on the needs of people with a disability attending the service and the range of transport options (including service provider operated vehicles) available in their locality. Decisions should be made in the context of the Day Service's service operational models and programs being delivered as well as the Day Service providers overall transport expenditure.

Transport fees

Unit price funding is intended to contribute to the net cost of providing transport support to people with a disability, whether this is through direct provision of transport services by the Day Service provider or through other arrangements.

Day Service providers can incorporate some contribution by people with a disability to the cost of providing transport support in their overall fee structure, as long the transport fee set does not exceed the mobility allowance. (Refer to Undue Financial Hardship Guidelines December 2006)

Catchment Areas

In conjunction with the relevant DHS regional team, Day Services must determine the geographical boundaries of their primary transport catchment area. This is not intended to limit the person with a disability's choice about the Day Service they attend. Where a person chooses to attend a Day Service outside the catchment area in which they reside, the person would be expected to cover any additional transport costs incurred by the disability service provider.

In defining catchment areas the following factors should be considered:

- Encouraging people to access services in close proximity to their local community
- The localities from which a Day Service currently transports people with a disability
- The distribution of Day Services across a region
- The location of a Day Service in adjacent regions
- Minimising travel times and distances
- Other transport services available in a region
- Present and predicted demand for Day Services
- Impact of the cost of direct transport service provision on financial viability.

While the transport requirements of a person with a disability are an important consideration when considering a placement, a Day Service cannot reject a referral because the person is unable to travel independently to the service. Where a person with a disability is being considered to fill a vacancy and they reside outside of the Day Service provider's catchment area, attention should be given to the impact of transport costs on service viability and family finances. Consideration may be given to the Day Service purchasing services within the person's local community. In this situation the program time requirement of the Unit Price funding system may be set aside.

Links with Other Disability Services

Day Services may arrange with other service providers, private transport operators and support persons to provide transport for the person with a disability. Negotiation of any compensation for providing alternative transport arrangements is the responsibility of the Day Service concerned and must be agreed to by all parties.

Individual Transport Plan (ITP)

All Day Services are required to develop an Individual Transport Plan (ITP) for each person with a disability. The plan should maximise a person with a disability's independence, identify areas for skill development and specify the means of transport and any costs involved. The ITP should also identify any transport subsidies or supports for which the person is eligible. The Day Service should provide information and assistance on how to obtain these supports.

Travel Training

A travel-training program should be implemented when a Day Service, the person with a disability and their support person believe that the person has the ability or the potential to learn to travel independently. The Day Service should contact their DHS regional team to discuss possible short term funding opportunities to undertake this training. All three parties must agree to the program being implemented.

Review of Day Service Transport

Review of a Day Service provider's transport arrangements can have significant impact on the people attending the service, their support person and other service providers. Therefore, any major transport review process must be consultative with clearly identified mechanisms established to ensure input from those affected by the review. In addition, DHS must be advised in writing and have input as part of the consultation phase.

7.9 Complaints Procedure

The Act strengthens complaints and review systems with the aim of improving the quality of service provision for people with a disability. It strengthens both internal and independent complaints and review systems by:

- Ensuring disability service providers have a system for effectively managing complaints made by people with a disability and their representatives
- Establishing an independent Disability Services Commissioner to investigate and conciliate complaints relating to disability services
- Providing additional mechanisms for review by the Victorian Civil and Administrative Tribunal.

A complaint is defined as an expression of dissatisfaction with a Disability Service provider in relation to service provision. Any person can make a complaint. If a person is unable to make a complaint, a parent, carer, guardian, advocate or another person can make a complaint on their behalf.

Day Service providers are required to develop an internal system for managing complaints. In addition, they are required to provide information to people with a disability on how they can make a complaint to them or to the Disability Services Commissioner. This information provided needs to be communicated and explained in a manner that ensures that this is understood.

Day Service providers must report annually to the Disability Services Commissioner about the number of complaints they received and how these complaints were dealt with.

When a Day Service provider receives a complaint, it should be managed sensitively, objectively, confidentially and promptly. Where possible and appropriate, complaints should be resolved informally at the local level. If a more formal process is required, then the Day Service provider must clearly outline what will happen and what records are kept.

The Act specifies that when a complaint is made, all reasonable steps must be taken to ensure that the person with a disability is not adversely affected because a complaint has been made by them or on their behalf.

A complaint can be made to the Day Service provider manager, regional departmental staff, the department's central complaints area or to the Disability Services Commissioner if the complainant believes a Day Service provider has not properly investigated or acted upon a complaint.

For further information relating to complaints refer to [Disability Act 2006 Policy and Information Manual \(2007\)](#)

7.10 Service Management

Special Needs Funding

Special Needs Funding (SNF) is a source of funds separate from the Day Service unit price. Funds are used to meet the needs of a person with a disability who has a demonstrated need for additional support that can be addressed with time limited funding.

Target Group for Special Needs Funding

Day Service providers may need to access additional short term funding to address the support needs of people who:

- Display behaviours of concern
- Have a mental illness and may require assistance with the management of particular episodes
- Are at risk of being suspended or excluded from a program due to their behaviours
- Require short-term additional support due to an illness or post surgery recovery.

The range of supports that are able to be funded via SNF include:

- Behaviour Intervention Programs
- Additional program staff to implement time limited structured programs
- Therapy Staff
- Training of Day Service staff to support behaviour support plans.

Appointment of Administrator

Section 100 of the Disability Act 2006 provides that the Secretary may take action to remove the committee of management in accordance with the legislation under which it was appointed. This involves the possibility of making a request to the Minister, under section 102, that he make a recommendation for the appointment of an administrator to the Governor in Council.

Incident Reporting

As part of the Service Agreement, Day Service providers are required to comply with the DHS incident reporting policy and guidelines for category one, two and three type incidents. The reporting of incidents is mandatory. Refer to [Incident Reporting Departmental Instruction September 2005](#)

Closure of a Service

Unless specifically negotiated and formalised through the Service Agreement, DHS requires that all funded Day Services provide services for a minimum of forty-six weeks each year, exclusive of public holidays and program development days.

Day Services must ensure that the DHS regional team are advised in writing of any closure of services, including circumstances leading to the closure, estimated duration of closure, and alternative arrangements made for people with a disability accessing the service as soon as possible after the decision to temporarily close the service has been made, but prior to the service closure.

(A) Planned Closure of Services

Where the closure of services is planned, the Day Service Manager must notify the person with a disability who accesses the service and their support person in writing as soon as possible of the temporary closure of services. The notification should include the reason/s for the closure, the estimated duration of the closure and alternative arrangements in supporting the person with a disability (if available).

(B) Unplanned Closure of Services

Day Services may find it necessary to temporarily close the service under certain circumstances. These include:

- Gas, water and electricity supply disconnection considered likely to jeopardise the health of people who use the services and staff or the safe operation of the services
- Staff numbers depleted due to industrial action.

(C) Emergency Closure

In case of emergency closures, (e.g. natural disasters or threats of natural disasters such as bush fire or flood). Day Services should have procedures in place, which ensure that the person with a disability and their support person or any other person nominated as an emergency contact are notified immediately of the closure so that alternative arrangements can be made. Procedures must also be in place to ensure appropriate alternatives and contingency plans are available for the person with a disability whose emergency contact is not reachable.

The Day Service Manager, in consultation with DHS regional team, should first consider alternative support rather than closure of the services if possible. High priority for continuing service provision should be given to people with high support needs and/or whose caregivers have significant difficulties in organising alternative care arrangements for the person with a disability.

Acceptable reasons for suspending or terminating services to clients

Suspension or termination of services is a last resort and will only be considered appropriate if the following requirements have been met:

- The person has an infectious disease
- Persistent behaviour for which behavioural intervention has proven to be unsuccessful and which presents an unacceptable risk to the safety and well being of the person themselves and/or other people
- Persistent destruction of property for which behavioural intervention has not been successful and presents an unacceptable risk to themselves or any other person.

Temporary Suspension Due to a Medical Condition

In certain circumstances it may be appropriate for a person with a disability not to attend the Day Service as their condition may present an unacceptable risk to the health and well being of other people.

It is the responsibility of the person with a disability and/or their support person to notify the Day Service if the person has an infectious disease such as measles, chicken pox or rubella, or where it is reasonably considered that the person's presence will compromise the health and well being of other people and that normal infection control procedures will have little impact.

The Day Service provider should also request a medical certificate stating that the person is no longer infectious prior to the person with a disability returning to the service.

Procedure for suspending or terminating services to a person with a disability

A Day Service provider must not suspend or terminate a person with a disability unless they have followed the procedure outlined below. The behaviours of the person with a disability subject to possible suspension must be documented and based on factual data.

Documentation must include:

- A description of the behaviour, written in clear measurable terms
- A description of the impact of the behaviour on the individual, other people and the services the Day Service provides
- Details of the frequency and intensity of the behaviour
- A chronology of the strategies implemented to address the behaviour and its consequences, and their outcome
- Any source documentation should include incident reports and any other relevant material
- Supporting evidence from the regional Behaviour Intervention Support Team or other qualified professionals.

The Day Service Manager must discuss the proposal to suspend a person with a disability accessing their service, with the person who will be affected and their support person and

provide information about the reasons for suspension. The Day Service provider will be required to consult with DHS regarding the outcome of such discussions and any actions, which are being proposed.

All efforts should be made to provide appropriate support to maintain the person with a disability in their current placement and/or time to explore alternative options prior to any formal decision being made by the Day Service and/or the Committee of Management. If a person with a disability and/or their support person believe that the suspension of service should not occur, or disputes the conditions of the suspension, they should be encouraged to follow the complaints process to appeal the decision. Please refer to the [Disability Act 2006 Policy and Information Manual \(2007\)](#) for details of the Complaints Policy.

8. Related Policies, Procedures and Legislation

Related documents

- A Fairer Victoria 2005
- Victorian State Disability Plan 2002 – 2012
- Charter of Human Rights and Responsibilities 2007
- Disability Act 2006
- Disability Services Access Policy 2007
- Disability Services Planning Policy 2007
- Access to ongoing Disability Support DSR Registration Guidelines March 2007 Information and Policy Manual
- Access to Ongoing Disability Support Resource Coordination and Allocation Guidelines March 2007
- Disability Services Act 2006 Policy and Information Manual 2007
- Disability Act 2006 Restrictive Intervention Guide 2007
- Undue Financial Hardship Guidelines December 2006
- Better services, better outcomes, stronger communities - The Quality Framework for Disability Services in Victoria August 2007
- Standards for Disability Services in Victoria 2007
- Disability Services Policy Statement Registration of Disability Service Providers 2007
- Existing Futures for Young Adults Participants Guidelines (Years 1 – 8) 2005
- New Directions for Futures for Young Adults Guidelines March 2005