

NDIS Code of Conduct Films: Facilitators Guide



Disclaimer

The information provided in this guide and accompanying films is intended for general use only. It is not a definitive guide to the law and best practice. It does not constitute formal advice, and does not take into consideration the particular circumstances and needs of your organisation.

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NDS Zero Tolerance Initiative

Zero Tolerance is an initiative led by National Disability Services (NDS) in partnership with the disability sector. Using a human rights approach, Zero Tolerance outlines actions for service providers to improve prevention, early intervention and responses to abuse, neglect and violence experienced by people with disability. Put simply, Zero Tolerance means abuse is never OK. It asks service providers to focus on rights and target abuse to create safer, more empowering environments for people they provide services to.

An expanding range of Zero Tolerance tools and resources for the disability sector is available to support safeguarding approaches for people with a disability. See the [NDS website](#) for more information.

Additional Support

Some of the things that are talked about in these films or that you talk about with others might bring up certain feelings. This may be because of things you have experienced or seen in your work or personal life. Please talk to someone you trust if you need to discuss any of the issues covered in these films. This may include a family member or friend, or a supervisor or manager.

You can also call Lifeline on 13 11 14 for confidential 24-hour telephone crisis support, 1800 RESPECT or Beyond Blue on 1300 224 636.

Your organisation's Employee Assistance Program will also be able to provide support if needed.

About this guide

This facilitator's guide accompanies the NDIS Code of Conduct Films and supports facilitators to navigate the conversations and discussions between people who use supports, support workers, service providers, family and other supporters to help build a shared understanding of the NDIS Code of Conduct.

The films can be watched in sequential order with opportunities for reflection and discussion in between each film. Alternatively, each film can be watched on its own if there is a particular obligation of interest, or perhaps something is happening in the workplace that needs to be addressed.

There are questions at the end of each film and throughout this guide to help to assist with discussions about different aspects of the NDIS Code of Conduct. Use them to start the conversation about what people have seen. A good way to start the conversation is to ask people what stood out for them in each film.

Important tips for facilitators

- Consider who is most suitable to facilitate the conversation and ensure they have read this guide prior to facilitating the discussion and The NDIS Code of Conduct - Guidance for Service Providers and Workers: ndiscommission.gov.au/providers/ndis-code-conduct
- Think about where and when you will have the conversation so that everyone is comfortable and free from distraction.
- Remember to create a safe space and ensure people know where to get support if needed. (See Getting the Support You Need on page 4).
- A good way of establishing a safe space is by asking people what they need to ensure they feel safe throughout the discussion. Write these responses on a whiteboard or a large piece of paper on the wall so that everyone understands and agrees what each other needs.
- Let people know that they can participate in the conversation in whatever way feels comfortable and supportive to them and that sharing personal experiences is not necessary.
- Make sure you allow enough time so that everyone has the opportunity to speak and be heard.
- Ensure people know that they can leave the conversation at any point. If someone does leave the conversation, discreetly check in with them a little later to see if they are ok.
- Think about what follow-up might be needed with individual participants after the conversation.
- Let people know where they can get support if needed.

Who the NDIS Code of Conduct applies to

The NDIS Code of Conduct applies to:

- registered NDIS providers and their employees
- unregistered NDIS providers and their employees
- providers delivering information, linkages, and capacity building (ILC) activities
- providers delivering Commonwealth Continuity of Support Programme services for people over the age of 65.

The Code also applies to NDIS Commission employees in addition to the Australian Public Service Code of Conduct.

Film 1. Obligation 1

To act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions.

Watch the film together which looks at respecting peoples choices with support worker Alex and Mylene at a café. Pause the film at the end and answer following discussion questions:

1. Which of these factors is influencing Alex's behaviour?

- Personal values - recognising when and how we impose our own values on the people we support.
- Making choices for people - instead of providing the support they need to make their own choices.
- Having low expectations - of what people are able to achieve.
- Communication - disempowering people through the way we talk to and about people with disability.

This film highlights a support worker exerting control in the areas of values and choice. Mylene is waiting for a steak sandwich she asked for and Alex returns with a tofu burger, saying that beef is not sustainable, that she can eat meat when Jo (another support worker) is there but not with him. He is disempowering Mylene by ignoring her choice and by imposing his own values on her.

2. How do you think Mylene is feeling?

Facilitators notes: Alex was imposing his own values on her and he was ignoring her own clear choice.

3. Does Alex think he is doing the right thing?

Facilitators notes: Is he a bad person? What do you think he is thinking? Issues of worker consistency: Alex says "You can eat meat when Jo is here" – "When I'm here, we do things my way. When Jo is here, you do things Jo's way" – implies worker always decides how things work. Mylene has no control over her own life and choices.

4. What should have happened in this scenario?

Additional questions to help discussion:

- Have you seen this happen in your workplace?
- What does 'good' look like?

This film is part of the NDS Zero Tolerance 'Understanding Abuse' e-learning program for disability support workers. nds.org.au/zero-tolerance-framework/understanding-abuse

Consider the following when facilitating this discussion:

- All people experience power and control in different ways in life.
- It is important that support workers recognise the power that they have, and the ways in which they have control over people they support in the course of their work.
- Control can be overt and deliberate. Examples include patronising or mocking, intimidating, bullying or creating fear through words and actions.
- Control can also be less obvious, including not asking people their opinion or listening to them, ignoring a person's choices and speaking for someone in public.
- Staff need to think about their values and how they may affect the way they interact with others and provide support.
- Staff should think about their own emotions and how they might affect their work.
- Deliver services in a way that maintains standards and principles underpinning the NDIS.
- Support people with disability to make decisions.
- Communicate in a form, language and manner that enables people with disability to understand the information and make known their will and preferences.
- Take into account the expressed values and beliefs of people with disability, including those relating to culture, faith, ethnicity, gender, gender identity, sexuality and age, as well as disability,

Film 2. Obligation 2

Respect the privacy of persons with disability.

Watch the film together which looks at privacy and respect with support worker Alex and Kim at the breakfast table. Pause the film at the end and answer following discussion questions:

1. What is influencing Alex's behavior in this situation?

- Personal values – recognising when and how we impose our own values on the people we support.
- Making choices for people - instead of providing the support they need to make their own choices.
- Having low expectations - of what people are able to achieve.
- Communication – disempowering people through the way we talk to and about people with disability.

Facilitators note: The film highlights a support worker being influenced by his low expectations and communication style that disempowers people with disability.

2. How do you think Kim is feeling?

3. What about the other people living in the house, how do you think they are feeling?

4. Do you think the manager helped in this situation?

5. What could the manager have done differently?

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- Staff need to think about their values and how they may affect the way they interact with others and provide support.

- Staff should think about their own emotions and how they might affect their work.
- Comply with Commonwealth and State and Territory privacy laws.
- Deliver services in a dignified way that maintains personal privacy.

Film 3. Obligation 3

Provide supports and services in a safe and competent manner, with care and skill.

This film looks at the use of Chemical Restraint. See what happens to Kim when his WiFi connection drops out.

Watch Part 1 together which looks at Chemical Restraint and see what happens to Kim when his WiFi connection drops out. Pause the film and discuss the following reflection questions. After discussions, play Part 2 which features people with a disability, support workers and practice leaders talking about Chemical Restraint.

- 1. What did you observe?**
- 2. What impact do you think this has on the people involved?**
- 3. What would you question about this scenario?**
- 4. What could be done differently?**

Additional Questions

- What would you do in Penny's situation? Is this OK?
- Are there times when this is OK?
- Do you know which medications people are taking and why?
- What are the side effects?
- What is in place to ensure medication is only used as prescribed/regularly reviewed?

This film is part of the NDS Zero Tolerance series of Recognising Restrictive Practices Films. You can find additional films and accompanying facilitators guide here: nds.org.au/zero-tolerance-framework/considering-additional-risk

Consider the following when facilitating this discussion:

- It is important that support workers know that the misuse of medication is a serious breach of the NDIS Code of Conduct.
- Chemical restraint is the 'use of medication for the primary purpose of influencing a person's behaviour or movement'.
- Examples of chemical restraint include:
 - Use of psychotropic medications when behaviours may not be occurring
 - Over-medication or misuse of medication

- Long-term use of medication without a review to reduce the use of medication for the purposes of behaviour management
 - Menstruation suppression.
- Ensure workers have the necessary training, competence and qualifications for the supports and services delivered.
- Provide services consistent with relevant professional codes.
- Meet relevant work health and safety requirements.
- Maintain appropriate and accurate records and follow security procedures
- Hold appropriate insurance.

Film 4. Obligation 4

Act with integrity, honesty and transparency.

This film looks at Power and Control. Power can be used in good and bad ways. Some people have more power than others, and this is true in every part of our lives. When we talk about having a positive culture in a workplace, we need to think about what we can do so that every person can use their own personal power.

Watch the film together and pause at the reflection questions for discussions in your group or pairs. After discussions have been complete play the remaining part of the film and hear from nine people with different ideas and experiences and roles including Peer workers, Support worker, Manager, Chief Operating Officer, Advocate and a Representative from the NDIS Commission.

1. How do you recognise where power is not equally shared?

Facilitator's suggestions: People making decision for you, personal information being shared without permission, not respecting people choices.

2. What can you do about it?

Facilitator's suggestions: Listen to people and understand what they want. Asking questions and building trust, involving people with disability at all levels in an organisation, which helps to shift the power dynamic, providing opportunity for people to access advocacy and peer support.

This film is part of the NDS Zero Tolerance series of Positive Cultures Films. You can find additional films and accompanying facilitators guide here: nds.org.au/zero-tolerance-framework/preventing-abuse

Consider the following when facilitating this discussion:

- A positive culture is one where every person feels valued, listened to and safe to speak up.
- Every person in an organisation is important in creating a positive culture.
- Recommend and provide supports and services appropriate to the needs of the participant.
- Maintain integrity by declaring and avoiding any real or perceived conflicts of interest.
- Avoid engaging in, participating in or promoting sharp practices.

Film 5. Obligation 5

Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability.

This film looks at what happens when Support worker Billie speaks up when she notices that Jocelyn is not getting the support she needs.

This film has two scenarios, watch the first film and pause when the four reflective questions come up on the screen. After completing your discussions play the remaining part of the film and hear from nine people with different experiences and roles including Peer workers, Support worker, Manager, Chief Operating Officer, Advocate and a Representative from the NDIS Commission.

- 1. What is happening in this scenario**
- 2. How do you think support worker Billie felt speaking up for Jocelyn against her colleague?**
- 3. What do you think about the manager's response to Billie?**
- 4. What would you expect your manager to do in this situation?**

Additional Questions:

- How did Billie know that all was not OK for Jocelyn?
- How do you think Billie felt speaking up for Jocelyn about Joy? How would you feel?
- Would you be comfortable reporting your supervisor to your manager, like Billie did? Why/why not?
- What do you think about Marchetta's response to Billie?
- What would you expect your manager to do in this situation?

This film is part of the NDS Zero Tolerance series of Responding to Abuse Films. You can find additional films and accompanying facilitators guide here: nds.org.au/zero-tolerance-framework/responding-to-abuse

Consider the following when facilitating this discussion:

Supervisors can act as positive role models, by:

- reinforcing the importance of listening to people with disability.
- demonstrating good practice in their actions and approaches.

- setting positive expectations about culture and staff behaviour and reinforcing as required.
- ensuring staff are trained in organisational values and the rights of people with disability.
- training staff to understand safeguarding-related policies and procedures. responding to requests promptly and respectfully and delivering tangible outcomes to people, families and workers.
- encouraging and celebrating good practice by workers.

Supervisors must recognise and challenge poor practice, and:

- be skilled in identifying signals of unacceptable practice and behaviour;
- have confidence to address unacceptable behaviour.
- encourage and support staff to reflect on and improve their practice;
- monitor incidents and note any trends in the staff involved.
- create formal and informal opportunities for people with disability and staff to speak up, provide feedback, share concerns or make complaints.
- ensure people with disability and staff know and understand complaints procedures.

Preventing and responding to abuse requires a whole of organisation commitment.

Organisations should ensure that supervisors:

- have the skills and time to do their jobs properly and balance workload demands.
- understand organisational values, expectations, policy and practice.
- have regular contact with people with disability and staff they support.
- know what is actually happening on the ground for people accessing services
- have time to mentor and provide ongoing support.
- Foster an environment where people with disability, their families, carers, advocates and workers feel safe to make a complaint or report issues.
- Operate effective complaints processes.
- Operate effective incident management system.
- Undertake investigative and disciplinary action and comply with external investigations.

Film 6. Obligation 6

Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.

This film looks at the importance of knowing the people you support particularly people who don't use words to communicate with Support worker Anna and Steve.

Watch the film together and pause at the reflection questions for discussions in your group or pairs. After discussions, play the second part and hear from others including Peer worker, Support worker, Manager, Chief Operating Officer, Advocate and a Representative from the NDIS Commission.

- 1. What did you observe in this scenario?**
- 2. What do you think was going on for Steve? How do you think he feels?**
- 3. How would you feel and what would you do if you were Steve's Support worker?**

This film is part of the NDS Zero Tolerance series of Responding to Abuse Films. You can find additional films and accompanying facilitators guide here nds.org.au/zero-tolerance-framework/responding-to-abuse

Consider the following when facilitating this discussion:

1. Translating a gut feeling into action
 - Sometimes we know something is wrong by the way it feels or looks.
 - We call this feeling by many different names including intuition, sixth sense and gut feeling ... however it can be hard to translate that feeling into something concrete.
 - One example might be observing changes in a person's behaviour, such as:
 - Changes in mood, anxiety, nervousness, withdrawal – especially related to specific people
 - Comments about specific individuals
 - Sudden requests for changes to routines or not wanting to do regular things
 - Cancellations and no-shows
 - Increased aggression or self-injurious behaviour
 - Unexplained injuries – bruises and cuts
 - Changes in how a person uses or stops using or positions certain body parts
 - Observations or concerns from parents, friends, carers, advocates, other service providers or health services

2. Staff behaviour 'red flags' The way that your colleagues and other staff act can also be clues to something else happening. Work together as a team to call out these behaviours and always report any concerns to your supervisor or manager.

These might include:

- Staff secrecy, evasiveness, 'heads down'
- Rumours, gossip or chatter
- Allusions, hints, euphemisms, veiled comments
- Concerning or inappropriate comments
- Casual sexism, racism or homophobia
- Over-the-top teasing, friendly insults or examples of controlling behaviour
- Blaming people - "She was being manipulative and trying to get her own way."

Sometimes people report abuse but nothing happens. In some cases, this is because managers and supervisors do not act or follow up on information. Supervisors play a critical role in setting expectations so people know they can speak up and that something will happen if they do.

- Commit to eliminating any form of violence, abuse, neglect and exploitation.
- Identify and respond to incidents of violence, abuse, neglect and exploitation, and report these to the NDIS Commission and, as appropriate, to other relevant authorities.
- Reduce and eliminate restrictive practices.

Film 7. Obligation 7

Take all reasonable steps to prevent and respond to sexual misconduct.

The first step towards preventing abuse, violence, neglect and exploitation is to create positive cultures where every person feels valued, equal and safe. This film looks at the way we use language and what you can do to make people feel safe.

Watch the film and pause at the reflection questions for discussions in your group or pairs. After discussions have been complete play the remaining part of the film and hear from other people with different ideas and experiences including Peer workers, Support worker, Manager, Chief Operating Officer, Advocate and a Representative from the NDIS Commission.

- 1. What are some of the words you use or hear used that may be upsetting for people?**
- 2. How can you work together to make changes to the language you use?**

This film is part of the NDS Zero Tolerance series of Positive Cultures Films. You can find additional films and accompanying facilitators guide here: nds.org.au/zero-tolerance-framework/preventing-abuse

Consider the following when facilitating this discussion:

Sometimes the language used in disability services can hurt people and change the way others see them. We need to think about the words we use. Sometimes language can be used as a way to maintain power and control. The language you use influences the way you and others see and act towards people with disability.

Be ready to listen when people speak up Remember! People with a disability do not always speak up about abuse and neglect. This might be because they:

- Worry about getting into trouble or have their service taken away.
- Worry about or have already experienced not being believed.
- Don't want to get other people into trouble.
- Don't know their rights or what abuse is.
- Don't know who to speak to or how to speak up. As a support worker, you should always be ready to listen.
- Actively seek feedback from people you support.
- Get to know people as individuals.
- Know and use their preferred communication.

- Create formal and informal opportunities for people to speak up including different spaces and places.
- Remind people that it's OK to complain – and show people how to make a complaint.
- Listen to other people in the person's life.
- Document any changes (and raise them).
- Follow up on conversations later. Some people need more time.

People with disability are at an increased risk of all forms of sexual violence and sexual misconduct. Evidence demonstrates that women and girls with disability are three times more likely to experience sexual violence and abuse than women and girls without disability.

- Have in place clear guidance for staff behaviour.
- Operate effective processes for dealing with sexual misconduct.

Additional Resources

NDIS Zero Tolerance Initiative

nds.org.au/resources/zero-tolerance

NDIS Quality and Safeguards Commission resources

ndiscommission.gov.au/resources

