



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 2

## **BUDGET ESTIMATES 2009-2010**

### **QUESTIONS ON NOTICE**

#### **General Purpose Standing Committee No. 2**

Ageing, Disability Services

Monday 14 September 2009

Answers to be lodged by: Thursday 8 October 2009

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Hearing date	Portfolio	Answer to be lodged by
14 September 2009	Health	8 October 2009 [21 days]
14 September 2009	Central Coast	8 October 2009 [21 days]
14 September 2009	Ageing, Disability Services	8 October 2009 [21 days]
14 September 2009	Aboriginal Affairs	8 October 2009 [21 days]
16 September 2009	Education and Training	12 October 2009 [21 days]
16 September 2009	Women	12 October 2009 [21 days]
16 September 2009	Community Services	12 October 2009 [21 days]

**Questions relating to the portfolio of Ageing and Disability Services**

**14 September 2009, 4.45 pm – 6.00 pm**

**Questions from Mr Cohen**

1. In regards to the Home Mobility Scheme:
  - a. How is the Department responding to the recommendation of the 2008 Australian Housing and Urban Research Institute report which states the Home and Community Care (HACC) program for home maintenance and modification requires expanded funding?
  - b. How many homes were modified and/or maintained under the program in 2008-09?
  - c. Are unmet demand or waiting lists generally longer in rural and regional NSW?
  - d. What interactions or engagement strategies does the program have with the Department of Housing?
2. In regards to the Industry Development Fund Tendering Process:
  - a. Will the Minister outline the tendering and contract award process for the \$17 million provided to the National Disability Services in June 2009 to help non-government disability service providers?
  - b. Will the Minister outline the tendering process for the money provided to National Disability Services NSW to for the maintenance of a register of approved organisations that can benefit from the Government's exemption from competitive tendering?
  - c. Will the Minister also disclose the amount of money provided through this process?
3. Has the Department considered any particular models of self directed funding?
4. Has DADHC invested how the In Control model operates in the United Kingdom and whether it is translatable to New South Wales?
  - a. If yes, what conclusions did DADHC come to?
5. Can the Minister specify what children's therapy services are available under self-directed/individualised funding pilots?
6. Will the Minister advise the average period for which a referral remains open for children's therapy?
7. Is it normal for children to be provided therapist services not on an ongoing basis?
8. Is it possible for a client to use their own DADHC Occupational Therapist if they are dissatisfied with the Manual Handling Unit within the Home Care Service of New South Wales?
  - a. If no, why not?
9. Are all children who use 'medical model' respite of high need?
  - a. If no, are there difficulties in terms of providing social and community interaction opportunities to children who could benefit from such activities, yet the medical model respite does not accommodate this?
10. If there are difficulties what actions going forward will DADHC take to make sure individual needs are satisfied in compliance with Standard 2, 5 and 6 of the Disability Service Standards?

### Questions from Ms Pavey

#### 11. Children and young people housed with adults

- a. How many people who have been left in the care of the department currently do not reside in permanent accommodation and instead are living in boarding schools, hospitals, respite houses or temporary accommodation such as motel facilities? Of these how many are children?
- b. Of the children who became homeless in the past year, what services (naming the children child one, two etc) were each of the children accessing 12 months prior to being left to the care of the department?
- c. At budget estimates committee proceedings, the Director General said in regard to the accommodation facilities that they do not have the same stricture about age limits. Isn't there an accreditation process that must be followed in order to provide accommodation to children?
- d. If so, are there any children or young people currently living in DADHC funded facilities or operated facilities that do not have official accreditation, and if so, how many children are being cared for in facilities in NSW that have not had accreditation?
- e. At budget estimates committee proceedings, the Director General said in regard to the incident of the assault on Meg Makila and the standing down of two managers that "the second most senior person's position has been abolished, we have reached other arrangements with her as to alternative work completely outside the department". Could you please describe these arrangements that you have reached with the Manager concerned?

#### 12. Professional Standards Unit

- a. Mr Moore said that regarding serious incidents that 'harsh outcomes were made regarding staff', yet only one staff member was dismissed in the entire year. What exactly does a staff member have to do that would warrant dismissal?
- b. How many of assaults on clients have been reported to the police in the last year?
- c. Is sexual assault always reported to the police and if not why not?
- d. How many incidents of sexual assault have been alleged in the past three years?
- e. Were any of these allegations concerning children?
- f. Could we please have a breakdown sheet of all incidents, investigations etc by the Professional Standards Unit over the past year?
- g. How many staff have been sacked by the department in the past three years?
- h. Could you please supply a sheet with the reasons for each sacking?
- i. Minister, are you aware of how many DADHC clients were taken to hospital, having been injured, overdosed or physically harmed in DADHC-managed supported accommodation and respite facilities in the last 12 months?
- j. Minister, are you aware of how many DADHC clients were taken to hospital, having been injured, overdosed or physically harmed in DADHC-funded but NGO operated supported accommodation and respite facilities in the last 12 months?
- k. How many DADHC staff were found to be asleep on the job over the past 12 months?
- l. How difficult is it to transfer or to sack non performing employees, or for that matter to get rid of employees who abuse clients?
- m. Wouldn't most staff prefer it if under-performing staff could be terminated because retaining them makes their working lives more difficult?

13. Legal Action against the department

- a. How many out of court settlements has the dept entered into with people with disabilities or their families in the last year and how many of these settlements were in favour of the person with disability and/or families?
  - i. How many actions for damages or compensation have been finalised by the department in the past year?
  - ii. Minister, without disclosing any personal details of an individual case, how much money in total has been paid out by the department for compensation to clients and their families in the past five years and how much has been paid out in the last financial year?
  - iii. How many cases for client/family compensation are currently still pending?
  - iv. How much money has the department spent on defending legal action by families?
- b. Are there currently any legal actions against the department regarding human rights issues?
  - i. If yes, How much money has the department spent on defending itself against any action taken out against it regarding human rights concerns?

14. Privacy in housing

- a. In July 2008 the PSA claimed to have had 'PSA Organisers' visit over 60 group homes. Does the department think this is appropriate given that these group homes are in fact just that, people's homes and even family members are not able to 'drop in'? (see addendum 3)
- b. How many group homes from regional areas has the PSA visited since as were their intentions as stated in addendum 3 and the link below?  
[http://www.psa.labor.net.au/decisions/1219631878\\_30694.html](http://www.psa.labor.net.au/decisions/1219631878_30694.html)
- c. Is any other group beyond community visitors from the Ombudsmans office allowed this kind of free access to clients homes?

15. Supported Accommodation/ Respite Waiting Lists

- a. How many people applied for supported accommodation in the past 12 months?
- b. How many applicants were found a placement?
- c. How many in each region?
- d. How many families relinquished responsibility of their family member to the department because they found themselves in crisis over the past 12 months?
- e. How many clients have been accommodated directly from their family home in the past 12 months without the family having in the first instance, to refuse to pick them up from respite care?
- f. How many clients are currently on any of the varying levels of priority list for supported accommodation, such as the priority list and the urgent list?
- g. How many clients names are on the service request lists in each of the six regions for supported accommodation but not viewed by the department as having priority status?

16. Businesslink - Would the Minister please make available a copy of all of the charges and fees for services that have agreed to by DADHC when the department does business with Businesslink?

17. Restricted Practices

- a. How many clients currently have a Restricted Practises Authorisation?
- b. How many clients currently have chemical restraint permissions by the Restricted Practices Authorisation Panel?
- c. If a service provider uses restrictive practices on a client without legal consent or permission from the panel, what are the penalties that DADHC imposes on the service provider?
- d. What penalties does DADHC impose on service providers who use PRN medications without permission of the person responsible?
- e. What penalties does DADHC impose on service providers who use medications as chemical restraints in the absence of comprehensive treatment plans??
- f. What disciplinary action does DADHC take if staff implement restricted practice without authorisation?
- g. How many clients in NSW live in lock down units?
- h. How clients from criminal justice system are currently housed in group homes with non offending clients?

18. Homecare Staff

- a. Is every member of Homecare staff police checked yet, including those who were employed by the service prior to the introduction of police checking? If not why has this not happened? Isn't such a check an important part of protecting vulnerable people?
- b. If not, how many employees remain without a police check?

19. Cumberland Industries

- a. What follow up was done by DADHC with Cumberland Industries after giving a \$350,000 rescue package to them?
- b. Precisely what was the \$350,000 of department money used for?
- c. What date was the \$350,000 given to Cumberland Industries by the department?
- d. What was the agreement/stipulations that DADHC negotiated with Cumberland Industries regarding the \$350,000?
- e. Could we have a copy of all negotiations, contracts and/or correspondence between DADHC and Cumberland Industries or their agents that led to Cumberland Industries securing this money?

20. Transport

- a. Is the department aware of the difficulties posed with transport for day care and respite services in New South Wales as a separate issue to community transport, which tends to be more generic, for medical appointments, shopping and the like, more specifically for older people as opposed to services to young people. Don't other states supply their disability services day programs and respite services with buses to assist people to and from both day programs and respite care facilities? Why is it that NSW funds very little specialised transport for service providers to deliver services that people with a disability can readily access.

21. Wages

- a. How many DADHC staff are earning more than \$100,000 per year, \$200,000 per year or more per year?

- b. How much did the 3 day training session for DADHC employees in the Kangaroo Valley cost?
- c. What are the reasons that DADHC have cancelled Carersfest early next year and changed it to 5 one day sessions?

22. Young People in Nursing Homes

- a. How many clients have successfully transitioned from a nursing home to supported accommodation in the community under the YPIRAC Program for supported accommodation?
- b. How do these figures compare with the latest figures from Victoria?
- c. Has NSW numbers reach the agreed goals from 2007 up to date? If not what has happened to prevent NSW meeting the Federal Governments agreed targets of 2006/07?
- d. Why has it taken so long for the department to approve tenders for stage one?
- e. How many people up to now have been diverted from inappropriate admission to age care facilities under the YPINH project, without including those people covered through insurance under the motor accident scheme?
- f. How many In Reach packages have been granted and implemented so far and what has been the cost of this to date?

23. Stronger Together - What has been the actual dollar spend under the Stronger Together program for the year 2008/09 for each of following Stronger Together programs:

- a. Strengthening Families
- b. Enhanced supports for parents and other carers
- c. Family Support programs
- d. Information kits and peer support trials
- e. Promoting Community Inclusion
- f. Expand post school programs
- g. Increased number and range of day programs
- h. Expanding the options for specialist support
- i. Disability Housing and Support Initiative
- j. Improving specialist care quality
- k. Improving system capabilities
- l. Training and traineeships
- m. Service purchasing and benchmarking reform

24. Therapists

- a. How many speech pathologists does DADHC currently employ?
  - i. Of these how many have been appointed in the past 12 months?
- b. How many occupational therapists does DADHC currently employ?
  - i. Of these how many have been appointed in the past 12 months?
- c. How many physiotherapists does DADHC currently employ?
  - i. Of these how many have been appointed in the past 12 months?
- d. Does DADHC use private therapists for clients residing in residential care?
  - i. If so what are the reasons for not using in-house therapist ?
  - ii. If so what was last years bill for these private therapies?
  - iii. If so, why doesn't the dept use private therapists to reduce the waiting lists?
- e. How many case managers does DADHC currently employ?
  - i. Of these how many have been appointed in the past 12 months?

- f. How many Behaviour Intervention Service (BIS) Senior Clinical Consultants does DADHC currently employ-
  - i. Of these how many have been appointed in the past 12 months?
- g. How many Behaviour Intervention Service (BIS) Forensic Casework Specialists does DADHC currently employ-
  - i. Of these how many have been appointed in the past 12 months?
  - ii. How much per hour on average does DADHC spend on in house therapies for children with and adults with developmental disabilities?
  - iii. How many hours on average is a unit of service?

25. Older carers

- a. How many older clients aged over 65 have used centre based respite care facilities in 2008/09?
- b. How old is the oldest carer receiving centre based respite from an aging relative with a disability?

26. Guardianship

- a. How many applications has DADHC made to the Guardianship Tribunal in the past three years for clients to come under public guardianship?
- b. How many of these applications cited parental irresponsibility or neglect?
- c. How many of these applications were deemed to be unfounded?
- d. How many applications were initiated because of refusal of families to agree to chemical restraint or prn medications?
- e. How many of these applications claimed mental health problems of the person responsible without supporting medical documentation, just on the say so of the case worker or support person?
- f. How many of these applications concerned clients residing with family?
- g. How many of these applications concerned clients living in government funded NGO accommodation?
- h. Is it correct that information can be presented and considered as fact by the Guardianship Tribunal when it is not evidence based but dependent on reports written by someone who may or may not have an agenda?

27. Respite

- a. What is the longest a child has been waiting for orientation to respite?
- b. What is the longest an adult has been waiting for orientation to respite?
- c. How many blocked beds in children's respite state-wide?
- d. How many blocked beds in adults respite state-wide?
- e. Is it correct that some respite units have actually open with already blocked beds?
- f. Have any units opened with more than two beds blocked by the opening date?

28. Assault in the Bomaderry respite unit

- a. How did Meg Makila come to be staying in a respite service with an adult who was known to be both violent and to have sexually inappropriate behaviours?
- b. How many times has Meg Makila slept overnight in a respite house with this client?
- c. Could you please explain this excuse your department gave under FOI from our office that it was considered safe for Meg to stay with this client because there had not previously been any incidents between these two clients.



- d. Why were there two awake shift workers on duty at the Bomaderry respite unit the night that Meg was assaulted if it was considered appropriate to leave the client who perpetrated the assault unsupervised with a vulnerable client such as Meg?
- e. Is it a usual practice in respite care facilities to pre cook meals in the small hours of the morning rather than make them fresh?
- f. Was the client in question considered as being a reduced capacity client?
- g. Did the Client who assaulted Meg Makila have a Behavioural Assessment Report, a Behaviour Support Plan or an Incident Prevention and Response Plan?
- h. Was part of this plan to never leave them unsupervised around other clients?
- i. How many clients were present at the respite unit when Meg was assaulted?
- j. What directive or instructions were given to staff on duty at the time?
- k. Why were both of the 2 staff members on duty required to be cooking at 1am, when only one client takes food orally?
- l. What time did staff call the ambulance?
- m. What time did staff call the On-Call Manager?
- n. What time did staff call the parents?
- o. Did anyone, at anytime raise concerns about Meg sharing the respite unit with the adult male?
- p. What was the title of the most senior manager who was aware that a vulnerable female child would be sharing respite with an adult male with a history of violent behaviour?
- q. A quote was made by the Director General that the client had never been seriously violent, what does DADHC consider to be seriously violent?

29. Luke Priddis Foundation Donation

- a. Does the Minister know exactly how the departments donation to the Luke Priddis foundation was spent?
- b. How many private charities has the department made donations to in the past two years?
- c. Precisely what pool of money did the \$10,000 donation to The Luke Priddis Foundation come from?
- d. Who signed off on this donation?
- e. What checking processes were made - to ensure everything was above board - prior to handing over the \$10,000 to the Luke Priddis Foundation?