

Zero Tolerance practice advice 2: Supervision and Safety

This advice has been developed to assist disability service providers on how to use management, supervision and training to reduce the risk of abuse, neglect and violence toward people with disability using their services. It provides useful tips that should be considered as part of a range of prevention-focused safeguarding approaches by organisations that support people with disability. It does not extend to situations where there has been an allegation of abuse and need for investigation.

Zero Tolerance is an initiative led by National Disability Services in partnership with the disability sector. The project aims to develop tools and resources for the sector, based on prevention, early intervention and remediation of abuse and neglect of people with disability.

Introduction

The overwhelming majority of staff working in the disability sector strive to do the right thing for the people they support. However, even with best intentions, some factors – either uniquely or in combination with others – create risks and potential for harm to occur to people with disability. This practice advice identifies risks associated with staffing practice, and offers supervision and management approaches to address them.

The term ‘supervisor’ is used generically in this document to refer to line managers, coordinators, team leaders, managers and others with responsibility for supervision of staff who support people with disability.

1. The right kind of supervision

The relationship between frontline staff and their supervisors – including line managers and team leaders – is critical to ensuring quality and safe services are provided to people with disability. To support positive supervisory relationships, organisations should ensure that:

- a) Supervisors are skilled in the requirements of their role and have appropriate time to do it , including:**
- understanding of organisational values, expectations, policy and practice regarding safeguards for clients
 - opportunity for regular contact – remote or in person - with all people with disability and staff they supervise
 - knowledge of what is actually happening on the ground for people accessing services
 - being available and providing ongoing support and mentoring to support staff
 - understanding of whether staff are meeting expectations and how to address underperformance
 - ability to balance a diverse range of workload demands including administrative tasks, providing direct supervision, managing workflows, handling or overseeing feedback and complaints, etc.
- b) Supervisors act as positive role models, by:**
- demonstrating positive practice leadership in their actions and approaches
 - setting expectations about service cultures and reinforcing as required
 - ensuring staff are trained in organisational values, codes of conduct and the rights of people with disability
 - training staff to understand safeguarding-related policies and procedures, including complex issues like managing the safety of the person whilst upholding their right to take risks
 - reinforcing the importance of listening to people with disability, finding ways to assist people’s decision-making processes and responding to requests with diligence, courtesy and speed

c) Supervisors acknowledge and encourage good practice, by:

- encouraging reflective practice
- publicly celebrating and recognising good practice by workers
- placing workers who demonstrate good practice in positions of responsibility to act as role models, including mentoring/buddy roles with new workers, team champions for specific issues or practice areas
- regularly highlighting the positive impact of their team and their role in the organisation's work
- building a sense of purpose where each team member sees how they are contributing to a bigger picture of change for people with disability and the broader community

d) Supervisors can recognise and challenge poor practice

Poor practice can be an early indicator of other unseen problems. If left unchecked has the potential to lead to increased risk of harm against people with disability. If unchallenged it can also send a message that poor services are tolerated and that action will not be taken. This may discourage people from speaking up about more serious problems. It may also encourage opportunistic abusers. Supervisors should:

- be skilled, and regularly re-skilled, in identifying signals of unacceptable practice and behaviour
- have the skills and confidence to address identified unacceptable behaviours and a clear understanding of the scope of their responsibility to address them
- encourage and support staff to consider and improve their practice, for example, assisting staff to identify ways in which they may be limiting choice for people with disability
- monitoring incidents and noting any trends in the staff involved
- be confident that they have the full support of their own managers and senior leaders within their organisation when tackling issues related to poor practice, including access to Human Resources support and advice

e) Supervisors use staff appraisals and probationary periods effectively, by

- being clear with new staff on the purpose of probation to review and assess suitability for a position
- assessing and monitoring staff performance, capabilities and conduct against tangible, agreed KPIs and responding early to any concerns
- documenting or noting any direction given to staff in relation to their performance, practices and/or conduct
- making full use of the probationary period to ensure a clear understanding of the expectations and requirements of the role and to identify areas where the employee may need further training and support
- understanding that different roles require different levels of supervision at different times (e.g. supervision may be higher at the start then ease off as skills are acquired, or may increase while concerns are worked through)
- recognising new staff provide 'fresh eyes' and are an important source of information about staff behaviour or performance and where there are issues with the culture of the organisation

f) Supervisors facilitate active feedback cultures by:

- Seeking feedback from their staff, people with disability, families, carers and other stakeholders about what is working, what's not working and the way that things are done
- Using a range of feedback mechanisms, including one-on-one discussions; team and/or house meetings; informal chats; service user feedback groups; suggestion boxes. More formal approaches, such as independent facilitator or evaluators, can also be useful.
- Avoiding authoritarian styles so people feel comfortable about raising issues
- Responding promptly, appropriately and fairly to any issues and complaints raised so that people hear about and understand the positive outcomes of a complaint having been made

'Reflective practice is a process of reviewing our actions, and consciously analysing decision making and consequences (both intended and unintended). In other words it is reflecting on the experience, as well as our role in the experience – including our behaviour, thinking, and related emotions. This in turn, allows us to look at changes to our approach for similar future events; to determine practice areas of strengths ... gaps in our knowledge, and skills to be targeted for further development'
Behaviour Bits, NSW FACS 2015

- Using supervision and/or informal chats with staff to address any identifiable issues and concerns directly
- Reminding everyone “there is nothing so big or so small that we cannot talk about it” and “it’s OK to ask, it’s OK to get things wrong, but not OK to cover things up”
- Reporting regularly up and down the management line on complaints data to illustrate the role of complaints in continuous improvement processes
- Reinforcing to staff the importance of cooperation with independent evaluators such as Official Community Visitors (or jurisdictional equivalent) and the positive impact their involvement can have on client wellbeing

g) Supervisors are supported in the changing disability environment through:

- attendance at training, seminars, conferences and communities of practice with peers in disability and other related sectors as part of their work
- awareness of new types of risks for people with disability as support is increasingly provided in the community or in people’s homes with more remote supervision
- exposure to, and authority to use, emerging supervision approaches including:
 - remote supervision using video conferencing Skype, FaceTime and other technology
 - “drop-in” supervision (e.g. meetings in-between shifts in the community)
 - peer group supervision to discuss specific or more general safeguarding issues

2. Staff Training and Competence

Workers in the disability sector come from many different backgrounds and professional experiences. Some have no lived experience of disability or may not have worked with people with disability before. Disability service providers have a duty of care to ensure all staff have the right skills to do their job, and are aware that their performance impacts on the safety and wellbeing of people with disability they support. Things to consider include:

- a) Understand preferences of people with disability** and match staff accordingly. Try to accommodate people’s preference for a certain type of staff member – for example, women who request female-only staff, or people who request a staff member who can assist with a specific cultural practice. Recognise that this requires managing and balancing legitimate preferences of service users, rosters and employee feelings.
- b) Ensure skills match the job or task undertaken.** Staff need to have the right skills for the job they will be doing. Check applicant skills and experience during the recruitment process and monitor during induction. For example, if people are undertaking personal care then they should have the right level of experience, empathy, training and supervision. Staff also need the right combination of *hard* and *soft* skills. Hard skills might include qualifications and experience in providing specific medical supports. Soft skills include attitudes, values, aptitudes and flexibility to do their job.
- c) Provide a quality induction program** which is clear, accessible and comprehensive for all staff, such as the NDS [Disability Induction Program](#). This should include organisational values, rights of people with disability and examples of good and poor practice, as well as skill-specific training tailored to each role or worker. Some organisations do not allow staff to commence particular types of service delivery until they have undertaken particular modules of induction and training.
- d) Limit roles for new or inexperienced staff** until they are skilled and familiar with the individual needs of the people with disability they support and the specific processes involved in providing support. Pair with experienced and trusted staff where possible.
- e) Maintain ongoing training.** Induction should be the starting point for a range of ongoing training and professional development activities. These are also a critical part of ensuring staff remain engaged in their work. Staff should be offered targeted safeguarding training including:

- understanding and supporting human rights of people with disability
- person-centred, active support
- understanding abuse, its causes and signals of abuse
- reporting processes and procedures
- supporting people with behaviours of concern without use of restrictive practices
- supporting people with complex communication needs
- local privacy legislation and requirements
- reflective practice in the context of human rights

Through providing targeted training, advice and supervision, providers can encourage staff to take a consistent approach to the management and handling of issues, complaints and risks. This is the preferred approach, rather than improvising responses which have the potential to generate even greater risks, for example, increased risk of unauthorised restrictive practices or unchecked abusive behaviour against clients.

3. Staff Deployment and Support

All staff should be supported to work in a safe way that mitigates risks for them and the people they support. This means supervisors should be aware of:

a) Staff morale, job satisfaction and working conditions

- Create opportunities for staff to give feedback **and** for you to give feedback to staff
- Acknowledge and praise good practice – especially in difficult work situations
- Identify and acknowledge challenges staff may face and provide them with appropriate responses and support
- Staff may need support to manage stress, anger and frustration, regardless of the cause
- Take seriously and respond to legitimate support worker concerns
- Use Work Health and Safety strategies including those identified in NDS's [DisabilitySafe website and resources](#).
- Provide appropriate critical incident debriefing as soon as possible when required.

b) Increased absenteeism

Where staff culture issues are not well managed, it can contribute to high rates of unplanned leave and staff turnover. Supervisors should be aware of how this can compound the original issues and create additional risk for people with disability through:

- limiting the staff available to support people with disability safely
- increasing reliance on new and inexperienced staff
- increased exposure of people with disability to unfamiliar or incompatible staff
- placing expectation on available staff to work additional hours, which increases the risk of staff burnout, accidents and injuries
- less time and flexibility around routines, increasing risk of development of a more rigid or controlling culture
- organisations potentially filling vacancies with people that might not normally have been employed under other circumstances – creating a risk of lower quality standards

c) Reliance on casual agency staff

Organisations may need to use casual agency staff to meet the needs and preferences of the people they support. Whilst this can require a quick turnaround time, organisations can take steps to plan ahead to minimise risk of harm to people with disability. Suggestions include:

- **Form relationships with labour hire agencies** – meet with local labour hire firms to understand their values, approaches and procedures. Discuss approaches to recruitment, pre-employment screening and background checks, qualifications and induction processes and if they meet your own standards. Only use agencies – and staff - you are satisfied can meet your standards and those of the people they will support.

- **Develop service agreements** – it is important that both organisations are clear on expectations. Document your organisation’s values, culture and behaviours expected of all staff. Seek written guarantees that any staff provided will have the appropriate skills and experience to meet the standard and complexity of work required.
- **Look out for rigour** – good labour hire firms will have their own quality and safety systems in place. Ask about supervisory practices, use of photo IDs, pre-shift SMS / emails identifying specific workers who will attend etc.
- **Be clear about your expectations** –ensure that the labour hire firm is clear on the type of worker required and what they will be expected to do. This will allow them to match your requirements from within their staffing pool and identify the most appropriate person to send.
- **Be clear about expectations of people with disability** – work with the people using your service to identify their staffing preferences and include these in the brief.
- **Prepare workplace-specific information** – develop information and guidelines in advance for external staff about the people they will be supporting, the specific environment they will work in and anything else they need to know to do their job properly. Include any specific requirements around personal care, medical supports and WHS. Be comprehensive: **do not make assumptions** that workers will ‘just know’. Ensure these are signed by external staff prior to any work with people with disability.
- **Provide feedback** – build feedback processes into your ongoing relationship with the labour hire agency. Include any feedback from people with disability. Use this to develop a known ‘pool’ of preferred and trusted staff.

“I feel safe at home with my worker but I have in my mind ‘this is my home.’ I don’t want you to go in my bedroom because it’s my personal space. I don’t want you to go in my cupboard. She may not ask if it’s OK to go in my fridge. They get so comfortable that they might overstep that worker relationship. It’s important they don’t do that”

Speaking up about Safety participant

Organisations should also develop guidelines and procedures for their own staff on use of casual agency staff, covering:

- procedures for supervisors regarding ‘approved’ external agencies, including contracting requirements, delegations to authorise new contracts, etc
- any induction or specialist training required beyond that provided by the agency, including WHS and reporting
- access to internal staff prior to beginning of their shift. Where this is not possible, use remote support options
- need for supervision open communication by/with casual agency staff
- clarity for staff on why casual agency staff might be required and setting expectations on working together
- methods for seeking feedback from agency staff to gain outsider perspectives
- recognition that people with disability may become anxious about staffing changes or receiving supports from unfamiliar people, with matching of agency staff to service user preferences where possible

4. Staff attitudes, behaviour and values

The disability workforce is richly diverse, with staff bringing a range of personal and cultural values to their roles. Whatever their personal values, staff should be aware that they have a responsibility to the people they are supporting and to the values of your organisation when at work. Some staff may need guidance and advice about what attitudes, behaviours and values are appropriate when supporting people with disability. Supervisors should be aware of some of the potential risk indicators:

a) Attitudes toward people with disability

- The way staff talk about people with disability is an indicator of how they perceive their job role. This includes comments in the workplace, in public away from work, on social media and in private conversations.
- Be clear in your code of conduct that any negative, patronising, degrading or insulting comments about people with a disability will, where proven, result in disciplinary action which may include termination of contracts.

- Be aware of staff not treating people with disability as equals, or viewing people as having fewer rights, lower social status or being 'less than human' ('othering'). Such attitudes can be reinforced by generational or cultural factors, for example where people have less understanding of disability rights, and may be used to justify staff actions including poor levels of service, punishments or other forms of abuse, neglect and exploitation.
- Infantilising (treating adults with disability like babies and/or children) should be challenged. Infants are seen as having fewer rights and physical punishment or seclusion is often more tolerated. Treating adults like children can also deny access to relationship and sex education which are important safeguards for people with disability.
- Challenge low expectations. Staff should have the highest expectations for the people they support and support them to achieve their goals and ambitions to the fullest extent possible.

b) Personal values

- Supervisors should be mindful of staff attitudes and behaviours that might reflect on their suitability to support people with disability. These include:
 - Bullying, aggressive or forceful behaviours towards others
 - Sexist, racist, culturally insensitive or homophobic comments, attitudes or actions
 - Inappropriate expressions of beliefs, attitudes and values toward the people they are supporting – for example, where staff religious values may be at odds with a person's sexuality
- Staff should also understand how teasing and joking can be perceived differently by people and can contribute to cultures where picking on people is seen as acceptable.

***Boundaries:** "The relationship between a client and a care worker is often one in which 'ordinary' markers are missing and boundaries are difficult to set. Providing intimate personal care and working in an ordinary and homely environment may cut across the usual understandings of 'professional' relationships. Managers may not safely assume that staff (or clients) will be able to work this out for themselves."*

Clare & Carson, 1997

5. Professional and Personal Boundaries

The personal, often intimate nature of disability support work creates some unique relationship challenges for people with disability and staff. This is especially true for people with cognitive disability with no active family or friends, people who may have limited social connections apart from paid staff and people who may not be as aware of the nuances of relationships and what is appropriate. In such cases the professional and private lives of staff and the people they support can be hard to separate.

Supervisors have an important role to play in guiding staff on how to build supportive and mutually respectful relationships with people they support which don't cross personal and professional boundaries. Examples include:

a) Respecting choice and privacy

- Staff must respect the personal choices of people they support. This includes respect for the right to choose the staff who support them.
- Organisations must be clear on expectations of staff regarding privacy. In accommodation and respite settings, this includes knocking and/or seeking permission before entering a person's room
- Staff should never help themselves to food, drink or other possessions in a person's home
- Staff should be made aware that sharing of confidential information related to work, including the personal details of the people they support, is a breach of confidentiality
- Organisations should set out clear online communications and social media policy to guide staff practice and set expectations. Staff should be aware of their responsibilities to respect confidentiality and privacy of people with

"Agencies should hire staff whose personal orientation, commitment, and attributes are targeted towards helping people make a home for themselves."

Michael J Kendrick

disability, colleagues and others associated with your organisation. Social media policy should be clear that sharing of offensive, derogatory or bullying comments or materials will result in disciplinary action.

b) Risk of Exploitation

- Supervisors should monitor and raise awareness of staff actions that can lead to exploitation of people with disability. Examples include:
 - asking people with disability to pay for staff drinks or meals
 - borrowing and lending of money, clothing or possessions
 - use of a person's support time to undertake personal tasks or take phone calls
 - encouraging a person to commit crimes
- As individualised funding becomes more commonplace, people with disability will have more choice and control. However this may increase risk of financial exploitation for some people with disability.
- Organisations should set clear guidelines and expectations for staff whose responsibilities include supporting people with their money, budgets and banking. This should include raising awareness and what to do in the case of unusual financial transactions authorised by a person's family.

c) Development of 'special relationships'

Embedding person centred approaches based on positive relationships between staff and the people they support is a critical safeguard. It can also lead to genuine, meaningful connections between people with disability, paid staff and volunteers. However, there may be rare occasions when predatory or opportunistic people take advantage of this trust and exploit these relationships. Supervisors should:

- be aware of any overly close or intimate relationships between staff and people they support. Examples include where a staff member always wants to work with the same person to the exclusion of others, or who finds reasons to take someone to their private home.
- be mindful of uneven power dynamics in relationships between staff and people they support. This might include a dominant or charismatic staff member who overly influences or leads people, or staff who deliberately seek relationships with people with disability as a way to address their own needs.
- ensure people are supported by a number of staff and not rely on one individual
- discourage exchanging of gifts and provide clear guidance on expectations governing the receipt of gifts by staff members. Be aware of any overly generous, inappropriate or incongruous exchanging of gifts
- remind staff who spend time with a person they support outside of their work time that they are still subject to the organisation's policies and procedures. This includes participation in birthdays and other special events where staff are not rostered to work
- provide training and support in maintaining professional boundaries and negotiating sensitivities of closer working relationships.

d) Managing sexual attraction between people with disability and staff

- Adults with disability have the right to full, safe sexual lives. However, romantic or intimate relationships between people with disability and staff employed to support them is a breach of professional conduct.
- Organisations should make it clear to staff that any such relationships are to be avoided and will result in termination of contract. This includes where parties identify that the relationship was consensual.
- Organisations should highlight specific laws in Australian States and Territories regarding sexual assault of people with a cognitive impairment. In some cases, these laws are clear that where the accused is responsible for the care of a person with cognitive disability, consent is not an accepted defence (see [Section 6](#) below).

6. Supervising Safety: legislation, policy and guidelines

The above information is provided as examples of general good practice. It should be considered in context of local relevant legislation and policy settings, including:

Related Legislation	
ACT	Working With Vulnerable People Act 2011: click here
NSW	Crimes Act 1900 s66F: Sexual Offences – Cognitive Impairment: click here
NT	Criminal Code NT s130: <i>Sexual intercourse or gross indecency by provider of services to mentally ill or handicapped person</i> : click here
QLD	Preventing and Responding to the Abuse, Neglect and Exploitation of People with Disability policy: click here Criminal Code (1899) s216: <i>Abuse of persons with an impairment of the mind</i> : click here
SA	Safeguarding People with Disability Policy Framework (2013): click here SA Disability Justice Plan – Sexual Exploitation laws (2015): click here Criminal Law Consolidation Act (1935) s49: <i>Unlawful sexual intercourse</i> : click here
TAS	Disability, Housing and Community Services Personal Relationships and Sexuality Policy: click here Criminal Code Act (1924) s126: <i>Sexual intercourse with person with mental impairment</i> : click here
VIC	Crimes Act 1958 s51-52: <i>Sexual offences against persons with a cognitive impairment by providers of medical or therapeutic services</i> : click here DHHS Social Media Policy and Guidelines: click here
WA	Criminal Code Compilation Act (WA) s330: <i>Incapable person, sexual offences against</i> : click here
National	ACSSA Resource sheet: <i>Elements of the Law Surrounding Sexual Assault</i> (AIFS): click here <i>Sexual Offences against people with cognitive impairment Family Violence – A National Legal Response</i> p 1146: link

7. Useful Resources and Further Reading

Preventing and Responding to the Abuse, Neglect and Exploitation of People with Disability: tips and resources for disability service managers and staff (Queensland Government): click [here](#)

NDS Disability Induction Program: click [here](#)

Every Moment Has Potential – Person Centred Active Support online learning for disability support workers (2015): click [here](#)

NDS Speaking Up About Safety (2014) Report: click [here](#)

Making life good in the community - the importance of practice leadership and the role of the house supervisor (La Trobe University 2007): click [here](#)

Disability Safe website and resources: click [here](#)

Abuse in Care: A practical guide to protecting people with learning disabilities from abuse in residential services (University of Hull 2006): click [here](#)

Workers' Guide to Safeguarding People Living with Disability from Abuse (ASID 2013): click [here](#)

Helpful Social Media Policy videos

- Australian Government Department of Human Services: Social Media Policy for Staff: click [here](#)
- Victorian Department of Justice: click [here](#)
- Salvation Army video: click [here](#)

The choice between a "Real Home" and a Program (Kendrick, MJ): click [here](#)

Sexual Health and Family Planning ACT: training for disability support workers : click [here](#)

The information in this NDS *Zero Tolerance* practice advice does not constitute legal advice.

Every effort has been made to ensure the accuracy of advice provided. Information is current as at October 2015.

For more information on the *Zero Tolerance* initiative and resources visit the [project page](#) on the NDS website