



Disability Services Commission

Freedom of Information (FOI) Information Statement 2016

In accordance with the Freedom of Information Act 1992

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1 The Commission

The Government of Western Australia Disability Services Commission is hereafter referred to as 'the Commission'.

The Commission is the State Government agency responsible for advancing opportunities, community participation and quality of life for people with disabilities. The Commission was established in December 1993 under the Disability Services Act 1993. The Act gives the Commission statutory responsibility for policy and program development and service planning in all areas that affect the rights and needs of Western Australians with disabilities.

The Commission provides a range of direct services and supports, and funds non-government organisations to provide services to people with disabilities, their families and carers.

The Commission also partners and collaborates with disability sector organisations, business, government, and other stakeholders to improve participation, inclusion and access for people with disability across the community.

1.1 Key functions

The key functions of the Commission are specified in Section 12 of the Disability Services Act 1993. These are:

- **policy development**, including advice, research and evaluation
- **service provision**, both directly and by encouraging the development of appropriate services by other agencies
- **funding and accountability**, enabling non-government agencies to provide a diverse range of services offering choices for people with disabilities, their families and carers
- **promotion of equal access**, enabling access to services provided by government and those generally available in the community
- **community education and consumer advocacy**, promoting and protecting the dignity and rights of people with disabilities.

1.2 Strategic initiatives

The Commission is undertaking a number of strategic initiatives to facilitate better outcomes for people with disability, their families and carers, to improve processes for disability service providers, build capacity across the disability sector and ensure continuous improvement of Commission services.

These projects include:

- **WA NDIS** project to increase individual choice and control over supports and services.
- **Procurement Reform** project, working with approximately 120 disability sector organisations contracted by the Commission to provide supports and services. This is part of the Commission's responsibility in implementing the state government's Delivering Community Services in Partnership Policy.
- establishment of a **Disability Justice Centre** in Western Australia, to provide secure accommodation for people with intellectual disability who have been charged with a crime but deemed unable to plead.
- **Accommodation Services Transition** project to transition some of the Disability Services Commission's accommodation services to the non-government sector. Transitional and emergency accommodation services, and a smaller supported community living service, will continue to be provided by the Commission.

1.3 Key operational programs

Key operational programs which underpin the Commission's work include:

- **Local Coordination**, community-based coordination of supports and services with a focus on individuals and community connectedness
- **Community and Family Living Initiative**, person-centred planning, information and resources for individuals and their families
- **Commission therapy services**, including Early Childhood Development; Equipment Therapy; Behaviour Support; Early Years and Consultancy; Accommodation Therapy
- **Country Resource and Consultancy**, providing resources, education and skills development for country based health professionals
- **Disability Access and Inclusion Plans**, required by public authorities to provide a planned and systematic approach to progressively improve access

- **Count Me In**, a 15-year strategy to create a better future, with the vision that all people live in welcoming communities that facilitate citizenship, friendship, mutual support and a fair go for everyone.

1.4 Services

A range of services are either funded or provided by the Commission, including:

- Accommodation Support
- Advocacy
- Continence Services
- Equipment and technology
- Local support in your area
- Recreation services
- Respite services
- Support for school leavers with disability
- Therapy Services

Full details are published on the Commission's website:

[Services funded by the Commission](#)

1.5 How the Commission assists people with disability

The Commission:

- establishes local and other bodies, comprising people with disability, their families, guardians and other interested people to advise the Commission on matters
- develops policies for the provision of services to people with disabilities
- makes grants under Part 4 of the Disability Services Act 1993 and ensures the use of grants is accounted
- provides, encourages and facilitates the provision of services specifically for people with disabilities
- encourages people who provide services to the general public to adapt those services to meet the needs of people with disabilities

- informs people with disability about services available to them and about services available to the general public which meet the needs of people with disabilities
- informs the general public about people with disabilities and promotes the acceptance by the general public
- advises public authorities about the preparation of disability service plans and evaluating the effectiveness of such plans
- establishes guidelines and standards for services to people with disabilities
- investigates and makes submissions about the effect of written laws on people with disabilities
- undertakes and encourages research relating to any of its functions
- co-operates and acts jointly with people or bodies as necessary for the performance of its functions.

1.6 Management structure

The Commission's corporate executive is headed by the Director General, who reports to the Premier through the Minister for Disability Services and the Disability Services Commission Board.

The Commission ensures a clear separation between its functions as a funder, provider and coordinator of disability services by consolidating functions into different directorates:

- **Business and Funding Services** directorate provides financial services, human resources and workforce planning services, information, communication and technology services, procurement and asset management services, the management of the Commission's reporting functions and processing of payments for funded Disability Sector Organisations and funded individuals.
- **Local Operations** directorate ensures the state-wide consistency, coherency and comparability throughout Western Australia, in line with the WA NDIS model which works at individual, family, community and government levels, assisting people with disability to live in their communities. It provides the information, eligibility analysis, planning, funding approval, linking, recording and review functions required to enable eligible people to access 'reasonable and necessary' supports and services.
- **Policy and Planning** directorate is responsible for both NDIS related policy and planning work and ongoing State Government policy and

planning responsibilities. It includes non-NDIS policy functions such as but not be limited to: the National Disability Strategy and Count Me In, housing for people with disability, employment for people with disability, oversight and management of the Disability Access and Inclusion Plans, responsibilities under the Carers' Charter, the Commission's Reconciliation Action Plan, policy responses to government on emerging disability issues and support and development of State Government Initiatives.

- **Sector Engagement and Development** directorate is the Commission's primary link with the disability sector. It procures, manages and quality controls the disability services offered to West Australians. This includes: analysis of the sector's capacity and identifying where service development is needed to ensure people with disability have access to a range of quality services such as operating the State's service provider registration system, all disability service procurement activities, managing contracts with service providers – both ongoing service agreements and one-off grants, pricing analysis and overseeing the State's pricing frameworks, running the State's quality and safeguarding systems and implementing and managing the Commission's 'Information, Linkages and Capacity Building' framework. It also be responsible for overseeing and 'contract managing' the Commission's direct services.

2 How you can have your say

The Commission welcomes views and comments from members of the public and bodies outside the Western Australian Government administration.

2.1 General participation

General participation is possible by:

- making oral or written representations to the Commission
- putting submissions to the various working groups on matters chaired by the Commission
- providing expert or specialist advice on an ad-hoc basis.

2.2 Other sources of participation

Other sources include:

- The **Board**, the Commission is governed by a nine member board, of which at least five either have a disability, have a relative with a disability

or have recent experience as a carer or an advocate for people with disabilities

- The **Ministerial Advisory Council for Disability Services**, established in 1992 to keep government informed on major issues affecting the lives of people with disabilities, their families and care givers. Council membership is drawn from these key stakeholders and others with relevant expertise. The Council's advice to government is based on regular consultations with the community
- **Purchasing Agreements** have been developed in consultation with funded agencies. These agreements are tailored to the individual service requirements of the agency and are framed to meet broader disability services standards as agreed to under the CSTDA (Commonwealth State Territory Disability Agreement)
- **Reference Networks**, aim to increase communication between the disability sector and the Board. It is a formal mechanism where consumers, key community groups and service providers can raise matters for the Board's consideration and have input on matters being addressed by the Board that relate to service delivery and the Commission. Regular meetings in metropolitan and regional areas are held for people with disabilities, families and carers and service providers. These may incorporate individual interviews or public forums
- **Regional Advisory Forums**, membership includes community representation from throughout the State; consumers on forums have a direct channel for input and comment to the Commission and the Minister via the Ministerial Advisory Council for Disability Services and Directors
- **Consumer Participation Policy for Disability Services**, the objective of which is to acknowledge the importance of this principle and to provide in turn, principles, objectives and strategies which will improve the participation of consumers in decision-making at all levels of the Commission
- **WA NDIS trial** – there are a number of different strategies to gauge consumer satisfaction and gather important feedback on the WA NDIS trial. These include surveys, independently facilitated forums and governance and advisory groups. A State Government Committee has been established as an independent panel to manage the appeals process. Panel members have been recruited via expression of interest based on relevant skills and experience.
- **resident and annual planning meetings** allow for joint decision making at the accommodation unit level
- **self-advocacy groups** also provide a forum for decision-making

- **citizen-advocacy groups** also operate successfully in a variety of forms.

3 Documents held by the Commission

3.1 General subject (administration) files

These files contain the Commission's corporate history and all things to do with the management and running of the organisation.

Subject files are held at the Commission's West Perth office with closed volumes held at a secondary storage facility at the Commission's Myaree office.

Documents are classified using a keyword category and filed on the appropriate subject file. These files are kept in accordance with the Commission's approved Retention and Disposal Schedule.

Any application to view information contained on any Commission subject file will be considered in accordance with the provisions of the Freedom of Information Act 1992.

3.2 Client files

Comprehensive information files are held for all clients that are in receipt of services from the Commission including services provided by the WA NDIS trial. Client files are numbered when created and all client information held by the Commission is referred to by the use of this individual file number.

Client files are retained indefinitely with closed and inactive client files being located at on-site secure storage.

The Commission maintains a computerised client information system which holds demographic and medical client information.

The Commission also maintains a client profile information system which provides summary/outline information about clients who are provided with services under the local coordination program.

3.3 Local Coordination (LC) files

Local Coordinators (LCs) hold records relating to their work with Commission clients. The LC operates as a service coordinator rather than a service provider and, as such, is there to help the person with a disability and their families/carers where appropriate to plan, select and receive services. The LC file series is comprised of three sections: Section 1 Individual details, Section 2 Correspondence relating to services and Section 3 Funding.

These files are linked to the main Client file and held by the LCs at their offices.

LC files are retained 25 years after the Commission's client has either left the care of the Commission or is deceased and then are destroyed.

3.4 Grant funding files

Grant funding files comprise applications, submissions, eligibility assessment of funding applications and approvals for grant funding made by individuals or families/guardians acting on behalf of a person with a disability. All individuals can apply for grant funding without being a Commission client.

The Commission also provides grant funding to service providers where four separate files are created for each service provider: administration, agreement, contract management and reporting.

Grant funding files are retained for seven years after the expiry of the contract or the financial year in which the grant was applied for before being destroyed.

3.5 Medical and psychological information

Medical and psychological information is contained within the Commission's client files. This information is held in confidence and strict guidelines are maintained in relation to its internal access.

Similarly, there are guidelines for information subject to an access application under FOI that contains information of a medical or psychiatric nature. Section 28 of the FOI Act says that if the opinion of Director General of the Commission is that the disclosure of the information may have a substantial adverse effect on the physical or mental health of a client, then the information requested may be released to a suitably qualified person. The applicant must nominate a suitably qualified person (in writing).

In accordance with the FOI Act, the Commission may withhold access until a person who, in the opinion of the Commission, is suitably qualified is nominated. A suitably qualified person is defined as being a medical practitioner within the meaning of the Medical Act 1894.

3.6 Restricted client information

Information about a Commission client which is sensitive, confidential or contentious and is not part of the daily working file (Main Client file) is created as a separate Restricted Client file. It also may include issues such as abuse,

criminality disclosure, medical status (HIV), guardianship information and some psychological reports.

This information is held in confidence and strict guidelines are maintained in relation to internal access.

3.7 Accommodation Services residential group home / hostel information

Residential group homes and hostels hold records in relation to Commission clients who live in this accommodation, as well as records relating to day-to-day administrative functions. The types of records about residents held at individual group homes and hostels, include: photographs, behaviour support plans, client inventories, nursing records, personal health diaries, details on recreation and holidays, client medical diaries, emergency contacts, bi-monthly reports, client profiles, annual lifestyle plans and reviews, reports by the independent performance evaluators and home manuals.

3.8 Bennett Brook Disability Justice Centre

The Bennett Brook Disability Justice Centre holds records in relation to residents and operational information.

3.9 Records held from previous organisations

The Commission holds files from the former Bureau for Disability Services and Authority for Intellectually Handicapped Persons. Relevant files created before 1985 by the Mental Health Services of Western Australia and the Western Australia Health Department, were also integrated into the Commission's files.

3.10 Publications and policies

The Commission's publications are available in alternative formats on request and online at:

<http://www.disability.wa.gov.au/about-us1/about-us/corporate-publications/>

3.10.1 WA NDIS

WA NDIS publications are available in alternative formats on request and online at:

[WA NDIS Publications](#)

3.10.2 Accommodation Services transition

Accommodation Services transition publications are available in alternative formats on request and online at:

[Accommodation Transition Services](#)

The following training resources are given out at meetings / information sessions

- Advocacy Services
- Transition Process
- Transition Roadmap
- Transition Team Contact Details
- Handover Process
- Individual Funding Fact Sheet
- Ongoing services from the Commission
- Suggested questions for families

3.10.3 Behaviour Support Services

The following publications are on request and further information can be found at:

[Behaviour Support](#)

3.10.4 Sector Engagement and Development directorate

- Early childhood intervention – contact list
- Early childhood intervention – service provider profiles
- School age intervention – contact list
- School age intervention – service provider profiles
- Disability Professional Services school age referral form
- Adult intervention – contact list
- Adult intervention – service provider profiles
- Disability Professional Services adult referral form

- Targeted services – contact list
- Targeted services – service provider profiles
- Guide to children's therapy services funded by the Disability Services Commission
- Students with disability at school – therapy and education relationships
- Combined Application Process (CAP) Form
- Combined Application Process (CAP) Brochure

Policies provided to successful Combined Application Process (CAP) applicants in hard copy

- Fair level of Funding Policy
- Individualised Funding Policy
- Options Exploration Process Policy

Community Aids and Equipment Program (CAEP) publications are online at:

[Community and Aids Equipment](#)

3.10.5 Local Operations directorate

Local Operations directorate publications are available in alternative formats on request and online at:

[Local Coordination](#)

3.10.6 Quality system

The Commission's enhanced Quality System commenced on 1 July 2014. It is for all Commission contracted and provided supports and services and incorporates the National Standards for Disability Services.

The Quality System publications are online at:

[Quality System](#)

3.10.7 Publications charged for

External participants are charged for attendance in sessions on a cost recovery basis. Costs of the resources listed below are included:

- Participant Guide – Provide behaviour support
- Participant Guide – Positive behaviour support and developing behaviour support plans
- Delivery outline from PowerPoint slides
- A variety of handouts and reference material focussed on PBS guidelines and practices
- A variety of handouts for activity purposes during Augmentative and Alternative communication sessions, and for reference and use by participants in following sessions.

3.10.8 Access to publications

Publications may be obtained from the following Commission offices:

Head office**By post**

Disability Services Commission
PO Box 441
West Perth
WA 6872

Telephone 08 9426 9200

Country callers 1800 998 214

TTY 08 9426 9315

In person (Mon – Fri, 8am – 5pm)

Disability Services Commission
146 – 160 Colin Street
West Perth
WA 6005

Metropolitan offices**North**

8 Davidson Terrace
Joondalup
WA 6027

Telephone 08 9301 3800

South

71 / 73 Norma Road
Myaree
WA 6134

Telephone 08 9329 2300

Copies of some publications may be out of print, and it may be necessary to borrow them via an inter-library loan system at your nearest local library.

Copies of brochures, policies etc. may also be obtained from other Commission offices, however it is suggested that contact be made with the Local Coordinator by phone first to ensure the documents are readily available.

Your local support directory allows you to search for your closest Local Coordinator and how to contact them. Please refer to the link below:

[Local Coordination Your Local Support](#)

4 Public access to information

The Commission aims to make information available promptly and at the least possible cost.

If the information is not routinely available, the Freedom of Information Act 1992 provides the right to apply for documents held by the Commission. It also enables the public to ensure that information held by the Commission is accurate, complete, up-to-date and not misleading.

It is the Commission's custom and practice to, wherever possible; make personal information available to individuals when requested informally outside FOI using the Commission Guidelines for the Storage and Release of Information as a guide. This does not limit or inhibit an individual's right to lodge applications to access information under FOI.

The Commission prefers that the Freedom of Information Act 1992 is used as a last resort for obtaining/accessing personal information.

Informed access to information is arranged as soon as is practical with a mutually agreeable date and time being organised. Access to documents can be granted by way of inspection, a copy of a document, an audio or video tape, and a transcript of shorthand, encoded or electronic record from which word(s) can be reproduced.

Information that is readily available to the public either by way of published information or information available for purchase should be obtained through these available sources.

4.1 Access for a person with a disability

4.1.1 Children

Where a client of the Commission is under the age of 12 years parents should generally have access to documents on application concerning their children unless other exemptions apply. The wishes of children, aged between 12-18 years, will be taken into account when deciding if access to their documents is reasonable and/or in their best interest.

4.1.2 Adults

The wishes of adults with a disability should be respected although some Commission clients may not be able to express informed wishes about release because of the degree of their disability. Access to other persons, on behalf of an adult client, will only be given if the client's informed consent cannot be obtained or if the request is made by a guardian or their nearest relative.

4.1.3 On behalf of a person with a disability

Applications for information may be made by a representative on behalf of a person with a disability.

This provision acknowledges that a person with an intellectual disability may:

- not be able to make an application themselves
- become discouraged from applying for information
- not understand things being said or
- not understand their rights under FOI and therefore not take the steps to appeal to the Information Commissioner.

Section 23 (5) and 98 of the Freedom of Information Act 1992, provides specific legislative guidance in dealing with applications made on behalf of a person with an intellectual disability. However, these sections do not generally apply to other persons who have a non-intellectual disability, as the Act only specifies a person with an intellectual disability.

These sections do not exclude the right of a child, or constrain the right of a person with an intellectual disability to make an application. It facilitates a process where a person acting for the person with a disability may make applications on for them where appropriate. Before

releasing documents under these provisions, the FOI Coordinator must be satisfied the person who has made the request is the person who is the nearest relative or guardian, and is therefore entitled to act for the person with a disability and in their best interest.

4.2 How to lodge a FOI application

Under section 12 of the Freedom of Information Act 1992 you can access documents held by an agency, including your personal information, subject to various limitations. Applications must be in writing; you can use the form published on the Commission's website [DisabilityWA](#) or send a letter by post, in person, fax or email. If you do not use the form, you must state that your request is being made under the FOI Act.

Applications may be lodged at any Commission office; however it is preferable for all applications to be received at the West Perth head office:

By post	In person (Mon – Fri, 8am – 5pm)
FOI Coordinator	Ground floor reception
Disability Services Commission	Disability Services Commission
PO Box 441	146 – 160 Colin Street
West Perth	West Perth
WA 6872	WA 6005
Fax	Email
(08) 9226 2306	recordswestperth@dsc.wa.gov.au

Applications must contain enough information to identify the documents as clearly as possible, for example names, addresses, subject, dates or reference numbers. A return address in Australia must be provided and it is preferable to also include a contact phone number and / or email address.

If you require further information please contact the FOI Coordinator by telephone on (08) 9426 9258, or by fax or email.

4.2.1 Fees

Fees for the release of information under the Freedom of Information Act 1992 will be charged in accordance with the Act. A brochure titled 'Fees and Charges' is published by the Office of the Information Commissioner and can be obtained via <http://www.foi.wa.gov.au>

Application fee

- no application fee is payable for either access to, or amendment of, personal information
- a \$30 application fee is payable for access to documents containing non-personal information.

Processing fee for non-personal information

The following charges may be applied by the Commission when processing an FOI application seeking non personal information:

- \$30 per hour of staff time or pro-rata for part of an hour for dealing with an application (there is no charge for locating the documents within the scope of your request)
- \$30 per hour (or pro-rata for part of an hour) for supervision by staff when access is given to view documents or the time taken by staff to prepare a transcript from a tape or make photocopies
- 20c per photocopy
- actual cost incurred for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.

A 25% deposit may be required in advance of the estimated charges and a further 75% advance deposit may be required to meet the charges for dealing with the application.

There are no application fees or charges for internal or external reviews.

If it is likely that the charges will exceed \$25, as soon as practicable the Commission will notify the applicant of the estimated charges and the basis on which the estimate is made, offer to discuss practicable alternatives for charging and notify them of their rights of review. The applicant must notify the Commission within 30 days if they wish to continue or withdraw their application. The clock is stopped on the processing of the application until the applicant has contacted the Commission of their intention.

The charge is reduced by 25% for financially disadvantaged applicants or those issued with prescribed pensioner concession cards.

4.2.2 Responsibility for decision making on access

The Director General conducts internal reviews and has delegated authority for making decisions on the release of information to the Commission's Executive Directors. The assigning of delegated authority will be to the Executive Director responsible for the area in which the documents are held or used.

The Commission's FOI Coordinator is responsible for administering the process of the FOI applications and liaises with the designated decision maker / internal reviewer to facilitate the processing of all applications in accordance with the provisions of the Act.

The FOI Coordinator is the initial contact point for applicants, third parties and other public sector agencies for all FOI related matters.

4.2.3 Notice of decision

As soon as and within 45 days an applicant will be provided with a Notice of Decision which will include details such as:

- the date the decision was made
- the name and designation of the officer who made the decision
- copies of documents that satisfied the scope of requested information
- reasoning on exemptions that have been applied if access has been refused to release documents in full or partially
- information on the rights of review and the procedures to be followed by the applicant to exercise those rights.

4.2.4 Rights of review on access

While the Western Australia FOI Act encourages open government through the release of documents and information, there is provision under Section 23 of the FOI Act 1993 for access to be refused. Full details of the reasons will be contained in the Notice of Decision required by Section 30 of the Act.

Applicants have a right of appeal where access to information is either fully or partially refused. In the first instance an applicant can seek an Internal Review of the decision and the applicant will be notified of the outcome of the review within 15 days. Where the decision to not grant access is confirmed, the applicant then has the right to lodge an appeal with the Office of the Information Commissioner. This must be lodged

within 60 days of receiving the notice of the internal review decision; an external review of the decision will then be undertaken.

The FOI Coordinator will explain the applicant's rights in these circumstances, which will be referred to in the Notice of Decision.

4.3 Personal information

4.3.1 Employee

Employee details, including personal and employment information, are retained on the Commission's employee personal files in accordance with human resource management practices and the Commission's Retention and Disposal Schedule.

Personal files are retained in a secured and locked area after hours and when Human Resource Services staff are not in attendance.

Commission employees wishing to access their own personal files can do so under the supervision of senior Human Resources staff.

4.3.2 Client

The Commission's client files are classified as personal information; as such special provisions under FOI are applied.

4.3.3 Amendment

The FOI Act provides the right for an applicant (or a deceased person's closest relative) to have personal information amended that is held by the Commission to ensure it does not unfairly harm the person referred to, does not misrepresent facts or gives a misleading impression about a person.

Applicants must provide details to the FOI Coordinator and, if necessary, documentation to support their claim that the information they seek to have amended is inaccurate, incomplete, out of date or misleading. Applicants must also indicate how they wish the amendment to be made within the options set out in the FOI Act for example:

- altering information
- striking out or deleting information
- inserting information
- inserting a note in relation to information.

On reaching a decision, the Commission will, within 30 days of receiving the application, give the applicant a written notice of its decision. Where a decision is made to amend the information, the notice will give details of the amendment and where practical will include a copy of the amended document.

If the decision is not to amend the information, the notice will inform the applicant of the reason(s) and provide details of an applicant's right of review and appeal and the right to request that a notation be added to the document, disputing the accuracy of the information.

4.4 How to lodge an application for amendment of personal information

Under the FOI Act, if a person becomes aware that some personal information is not accurate, they can lodge an application with the FOI Coordinator to have the incorrect information amended. The person can also make a request for a notation or attachment be placed on the respective file disputing the accuracy of the questionable information.

No fee or charge is payable for an application to amend personal information or for an application to have a notation place on a file.

Personal information can be:

- factual or routine information (e.g. date of birth, length of employment, names of dependants)
- opinions or evaluative material such as advice or recommendations of a third party (e.g. records of interview material in personnel records).

Applications will be dealt with as quickly as possible and within 30 days of receiving the application.