

SRS Winter Newsletter

Information for supported residential services
June 2019

State-wide SRS Proprietors Forum

Thank you all for your attendance and participation in the State-wide Supported Residential Services

We have received positive feedback through the forum evaluation, with participants appreciating the range of topics covered and information provided. We have also received your suggestions for improvements and topics for future SRS forums.

You can still have your say on the forum and future events by completing the [survey](https://www.surveymonkey.com/r/QHFH88C) at <<https://www.surveymonkey.com/r/QHFH88C>>

A copy of the presentations from the forum can be requested from srs@dhhs.vic.gov.au

Your questions answered

We received lots of great questions at the forum which we unfortunately did not get a chance to answer on the day. We are dedicating this newsletter to answering your questions.

We have edited some questions for readability and combined questions about the same topic.

Resident Experience Survey

Will we get a copy of the resident experience survey report?

Yes, this will be provided to you soon.

193 residents were interviewed - this is only around 6% of the total residents in a SRS. Would you say this is enough for a survey result publication?

While we are not able to generalise the results of the resident experience survey to the entire SRS sector, we can say that *among a sample of 193 SRS residents, 58% reported that they like living in their SRS.*

The researchers had hoped to achieve 250 responses from residents; however obtaining this level of participation was difficult in practice. There were residents who were not capable of participating,

residents who were out and a lower than expected occupancy within SRS. 193 is a good level of response for a population who are considered to be difficult to reach.

The survey provides a valuable information resource for the SRS sector. Information obtained could be used to identify possible areas for service improvements.

How will you use the resident experience survey results?

The results of the survey will be used to inform targeted compliance reviews, sector communication, education resources and training.

VCAT

There have been changes to s114 and 115 of the Act that require department approval. As the proprietor, we are best suited to determine what personal care we provide.

There have been **no changes** to ss.114-115 of the Supported Residential Services (Private Proprietors) Act 2010. The Act outlines a proprietor may to give a notice to vacate if the resident needs more healthcare than can be arranged for by the SRS (s.114), or in need of more personal support than can be provided by the SRS (s.115).

However, certain conditions must be met by proprietors prior to issuing a notice to vacate under s.114 or s.115.

Proprietors **must comply with their obligations under s.60 and s.61** of the Act:

- proprietors must take all reasonable steps to ensure the appropriate healthcare is provided to the resident
- proprietors must take all reasonable steps to ensure the appropriate personal support is provided to the resident
- if the proprietor has been unsuccessful in securing the appropriate healthcare or personal support, the proprietor must notify the department without delay

Additional support for residents' healthcare and personal support may also be provided by external providers, including GPs, allied health and other community health support services.

After receiving a notification under s.60 or s.61, the department will make enquiries and arrange for the appropriate assessments (s.62(2)). This includes arranging for assessment/s from health professional/s who are qualified to assess a person's healthcare and support needs.

Proprietors can only issue a notice to vacate if they have complied with their obligations under s.60(3) or s.61(3), and the secretary has:

- completed enquires and assessments, including consultation with the person nominated
- taken appropriate steps to refer the resident to appropriate health or care professionals if it has been determined further care or is required.

What happens if you issue a notice & the date of exit has passed and they for whatever reason cannot leave. Can the resident stay and a new notice be issued?

This question appears to be asking what options the proprietor has if a resident is unable to leave on the date specified in an NTV and needs more time to relocate.

The proprietor can:

- Apply to VCAT for an order to vacate. The application must be made no later than 28 days after the date on which the NTV takes effect (s124).
- At the VCAT hearing, if an order to vacate is made, the day specified in the order by which a resident must vacate can be up to 30 days from the date of the order (s128(a)). The order can also state that there is up to 30 days to execute a warrant once the warrant is issued (s129(2)).
- If an order to vacate is made by VCAT, the proprietor has up to six months to act on the order, in that the warrant can be purchased in that six-month period.

The proprietor may choose to withdraw a NTV (s125(1)(ii)), and issue a new NTV, but the facts that underpin the new NTV must apply at the time the new NTV is issued.

For further information please refer to the handout *The Supported Residential Services (Private Proprietors) Act 2010 and the Residential Tenancies List at VCAT.*

Please review the information provided by VCAT carefully and make sure you understand your obligations.

The information provides details how to ensure you have issued a valid notice to vacate. Be aware that if an NTV that does no more than repeat the words in the section of the legislation it **will not be valid**.

If a resident refuses to vacate after the NTV dates, do we have to continue to care for them?

Proprietors must continue to provide the support services the resident is paying for.

Section 123(1) of the Act outlines a proprietor may apply to VCAT for an order to vacate if-

- a) The proprietor has given the resident a notice to vacate; and
- b) The resident has not vacated the supported residential service.

Please refer to the question above for more information.

If the proprietor is unable to attend hearing on the day, can someone else attend the hearing?

Yes, another person can attend on behalf of a party. It is best to provide that person with written authorisation.

For information about preparing for a VCAT hearing, please refer to the [VCAT website](https://www.vcat.vic.gov.au/steps-to-resolve-your-case/how-to-prepare-for-your-final-hearing) <<https://www.vcat.vic.gov.au/steps-to-resolve-your-case/how-to-prepare-for-your-final-hearing>>

What if there is no contract signed or it is expired and the resident has staid but is not paying not regularly or up to date? Can we apply for VCAT?

Under the Act, all residents must be provided with a Residential and Services agreement within 48 hours of moving in (s.47(2)), the proprietor must prepare the agreement in consultation with the resident and the person nominated (s47(1)).

If a resident is under a Financial Administrator (who is responsible for financial decisions and signing the agreement on behalf of the resident), proprietors must provide the Financial Administrator with a copy of the Residential and Services Agreement. If a resident with a financial administrator is behind in their fees, you must tell the financial administrator.

The Act outlines a proprietor may give a notice to vacate if the resident's fees are more than 14 days in arrears (s.111).

For detailed information about issuing a notice to vacate please refer to the handout *The Supported Residential Services (Private Proprietors) Act 2010 and the Residential Tenancies List at VCAT*.

If the resident has a financial administrator, you must also inform the financial administrator if the resident is issued a notice to vacate.

For the Pension Level SRS, why the VCAT fees are so expensive? No one is taking care of the charges and fees towards to the accommodation full of pensioners.

There are no fees for matters regarding private supported residential services, other than for a proprietor applying for an order to vacate.

The fee for a proprietor to apply for an order to vacate a supported residential service is \$63.70 (standard), or \$91 (corporate).

For more information, visit [VCAT's website](https://www.vcat.vic.gov.au/resources/renting-a-home-fees)
<<https://www.vcat.vic.gov.au/resources/renting-a-home-fees>>

Mental Health

I've never seen a mental health safety plan in 10 years in the industry. Can you provide an example? What should we do if it's not offered by the service?

When a mental health services refers a person to an SRS, a clinician from the service should write a safety plan (also known as a crisis plan)

Mental health services are expected to involve consumers and their carers in decisions related to a person's healthcare.

When referring to an SRS the mental health service must inform the SRS of:

- the early signs of relapse
- specific ways for staff to respond to symptoms or behaviours
- when to call the mental health service for help
- the service's daytime phone number and emergency contact details.

When you phone the mental health service or psychiatric triage the clinician on the phone will be able to look at the person's medical record, including their safety plan.

A safety plan sounds very similar to a mental health care plan. Can we ask for both? What we can do if the mental health service refuses to provide them?

A safety plan is also known as a crisis plan, safety plan is the newer terminology.

When a mental health service refers a person to your SRS you can (and should) request a detailed referral and a safety plan, refer to the answer above for more information.

If there's a crisis a resident seems to be removed by police more often than an ambulance. Why is this?

Sometimes the ambulance will request that police attend a call out, if there is a risk to the safety of staff. Having the police escort an unwell person to hospital should only be used as a last resort.

When a person is so unwell they require hospitalisation, they will be very frightened and distressed. Being escorted to hospital by the police will increase the person's distress.

What qualifications do SRS staff need for looking after mental health residents?

The Supported Residential Services (Private Proprietors) Regulations outlines that proprietors must employ an appropriately qualified Personal Support Coordinator who is responsible for the coordination and continuity of personal support provided to the residents (r.33).

Regulation 36 specifies a list of qualifications deemed to be appropriate, this list includes Certificate IV in Mental Health.

In 2016 the department mandated mental health training for all proprietors and staff who provide personal support in pension level SRS.

Mental health training which meet the requirement includes:

- Residents and mental health: better practice in SRS
- Mental health first aid (2-day course)
- Certificate IV in mental health (completed within the last five years)
- Bachelor of nursing.

How do you make complaints about mental health services?

If you have a complaint on behalf of a resident about their experience of a mental health service or you have a concern yourself, you can talk to the service directly.

You can also speak with the Mental Health Complaints Commissioner. You can find more information at the [MHCC website](https://www.mhcc.vic.gov.au) <<https://www.mhcc.vic.gov.au>>

Please refer to [Mental health services and supported residential services – a guide to promote the collaborative support of residents](https://www2.health.vic.gov.au/about/key-staff/chief-psychiatrist/chief-psychiatrist-guidelines/mental-health-services-supported-residential-services) <<https://www2.health.vic.gov.au/about/key-staff/chief-psychiatrist/chief-psychiatrist-guidelines/mental-health-services-supported-residential-services>> (p14) for further information

Does mental health cover dementia?

Dementia is a term used to describe a number of illnesses that affect the brain. The most common type of dementia is Alzheimer's disease. Alzheimer's disease and other types of dementia are neurological conditions.

A person with dementia can also suffer from a mental illness, the medical practitioner or health service they see will depend on their needs and the severity of their illness. An older person who has dementia and a mental illness may be treated by their GP, a geriatrician, or a specialist mental health service.

Specialist mental health services for older people are known as Aged Persons Mental Health (APMH) services.

These services see older people with long standing mental illness, and people with severe psychiatric or behavioural disturbances associated with conditions such as dementia. There is more information on the [departments website](https://www2.health.vic.gov.au/mental-health/mental-health-services/area-based-services/older-people) <<https://www2.health.vic.gov.au/mental-health/mental-health-services/area-based-services/older-people>>

NDIS

What is the future of SRS beds going vacant when residents are getting NDIS home packages to live independently?

A proportion of SRS residents will be eligible for NDIS funded disability supports, for example supports to enable participation in community activities. Not everyone with disability will be eligible to receive funded supports through the NDIS.

It is important to note, the NDIS will only fund housing for a very small percentage (6%) of NDIS participants. Housing funded by the NDIS is called Specialist Disability Accommodation (SDA). NDIS participants who

receive funding for SDA will be people who need modified housing due to extreme functional limitations, for example people with physical disabilities who use electric wheelchairs.

SRS residents who receive NDIS support packages will still require housing and SRS supports from the SRS.

There may be some SRS residents who receive NDIS packages who would like to move out of the SRS and live more independently.

The initial NDIS planning meeting with the NDIS planner will include a discussion with the person about their goals. If a person has a goal to live more independently, the NDIS Planner will arrange for the appropriate supports within the person's NDIS plan to explore whether their goal is realistic and feasible.

Why be an SRS, is there any advantages in this new environment?

SRS provide an important service for their residents, SRS often provide accommodation and supports for people who may not have many other options.

The NDIS is a significant social reform designed to improve the lives of people with disability, via providing supports to enable the social and economic participation of people with disability.

The NDIS is not providing funding for housing for the large majority of participants. SRS residents who receive NDIS packages will still require a place to live.

What happens when the person's medical condition impacts are greater than the disability? This can impact the SRS accommodation.

The health care system is responsible for the provision of healthcare services; the NDIS is responsible for disability support services.

Many SRS residents will have chronic health conditions. People with chronic health conditions need to see their local doctor (GP) and other health professionals regularly. It is often challenging for people to manage the day to day aspects of their health condition/s. Some SRS residents will require support from the SRS to assist with managing the day to day aspects of their condition, for example supporting people to take their medication when required.

If an SRS resident's health has changed or if you are having any difficulty supporting the person to manage the day to day aspects of their health condition, you need to support the person to see their GP.

As an SRS proprietor you are responsible for facilitating access to health care providers.

Can a proprietor apply to be a NDIS provider?

For information about registering to become an NDIS provider, refer to the [NDIS Quality and Safeguards Commission website](https://www.ndiscommission.gov.au)
<<https://www.ndiscommission.gov.au>>

The NDIS Quality and Safeguards Commission will commence in Victoria in July 2019. Anyone wishing to register as an NDIS provider can apply to the NDIS Quality and Safeguards commission after 1 July.

There is a lot of information on the NDIS Quality and Safeguards Commission website about how to register and the requirements registered providers must meet, including the NDIS practice standards

The regulatory scheme for NDIS providers is completely different to the SRS regulatory scheme.

SRS cannot be registered as an NDIS provider. Why are we not updating our act to stay with the times?

SRS providers can register as NDIS Registered providers. However, services funded through the NDIS must be clearly differentiated from the services delivered under the SRS Act and will fall under the jurisdiction of the NDIS Quality and Safeguards Commission.

If this question relates to Specialist Disability Accommodation, under the SRS Act, an SRS cannot also be registered as a different type of residential service, for example a disability accommodation service under the Disability Act (2006), a Commonwealth residential aged care provider, or Specialist Disability Accommodation.

The SRS regulations sunset in 2022, and the legislation will be reviewed as part of this process.

SRS provides 24/7 supports, whilst NDIS providers only will be there for a specific time and day. Everything they do will be well paid, but pension level SRSs are not.

We acknowledge that SRS staff are on-site to respond to the support needs of SRS residents 24 hours per day, while NDIS support providers provide a specific disability service for a limited period during the day.

Having additional service providers visiting the SRS is likely to create challenges. SRS staff and NDIS providers need to work together and communicate with each other to ensure the safety of SRS residents.

Residential and Services Agreements need to be up to date; residents are paying for accommodation and minimal supports from the SRS.

NDIS providers are funded to provide a specific disability support category, there are many different support categories, each category is funded differently depending on the level of skill involved and qualifications required to provide the support.

It is not practical, safe or at all a homelike setting when care workers can wonder wherever they want. It requires induction to ensure their safety

The Accommodation and Personal Support standards require that SRS have processes in place to identify and manage risks and hazards to residents.

SRS will need to think about how they will ensure a safe environment for residents and a safe working environment for their employees. SRS may need to consider strategies to manage additional providers visiting the SRS including:

- requiring that all visitors check in with staff upon arrival
- implementing a sign in/out system for all visitors.

What is the role of SRS facility regarding the residents' NDIS application / planning / progress? It seems SRS has to contribute lots of staffing and time to NDIS.

The National Disability Insurance Agency has detailed information about the application and planning process on their [website](https://www.ndis.gov.au/applying-access-ndis/how-apply) <<https://www.ndis.gov.au/applying-access-ndis/how-apply>>

Local Area Coordination

There are partner organisations who are funded to assist people to apply for the NDIS, Local Area Coordinators within partner organisations can assist people to apply for the NDIS. The local NDIA office can put people in contact with a LAC partner to assist in the application process.

Planning meeting

SRS residents who are eligible to participate in the NDIS can choose who attends their planning meeting. They may or may not choose for an SRS proprietor to attend. It's up to the resident.

Support Coordination

NDIS participants may receive funding for support coordination. Support Coordinators assist people to coordinate their supports and monitor the progress of the participants plan against their goals.

We have to register as a NDIS approved provider to get clients. Clients who manage funding themselves, or someone else manage their funds can then admit to the SRS

National Disability Insurance Scheme (NDIS)

The National Disability Insurance Agency has detailed information about the application and planning process on their [website](https://www.ndis.gov.au/applying-access-ndis/how-apply) <<https://www.ndis.gov.au/applying-access-ndis/how-apply>>

NDIS Quality and Safeguards Commission

For information about registering to become an NDIS provider (from 1 July in Victoria), refer to [the NDIS Quality and Safeguards Commission](https://www.ndiscommission.gov.au/) website <<https://www.ndiscommission.gov.au/>>

Why are people living in SRS the only people in our community having to fund their own supports?

Residents living in SRS are paying the SRS for accommodation and minimal supports. Some residents will be eligible to receive funded disability supports through the NDIS.

There are multiple other funded mainstream services which SRS residents can access. Some of these services include Health Services, Community Health Services, Neighbourhood Houses, and the Commonwealth Home Support Program (for residents over the age of 65).

Can a SRS use a resident's home care package towards paying for rent or care services?

Home care packages fund aged care services which are delivered within a person's home. Home care packages cannot be used to pay for rent. The [My Aged Care website](https://www.myagedcare.gov.au/help-home/help-home-what-expect) <<https://www.myagedcare.gov.au/help-home/help-home-what-expect>> has information about home care packages.

How can a SRS resident who has NDIS get funding to help to pay the fees of the SRS?

NDIS packages fund disability support, which fall within specific support categories. NDIS packages can't be used to pay for SRS fees.

For information about the supports funded by the NDIA, refer to the [NDIA website](https://www.ndis.gov.au/understanding/supports-funded-ndis) <<https://www.ndis.gov.au/understanding/supports-funded-ndis>>

Tenancy issues and Consumer Affairs Victoria

If proprietor is renting the property to run SRS, who is responsible for the cost of maintenance or renovations? Is it the proprietor or the landlord?

If you have a commercial lease, information regarding where the responsibility sits for maintenance will be detailed within the lease. Commercial leases can be complicated; you may need to obtain legal advice.

The department cannot provide advice regarding commercial leases; it is your responsibility to obtain legal advice regarding agreements you enter.

Residential Tenancies Act

The representative from Consumer Affairs who presented at the forum, referred to landlords under the residential tenancy agreements under the *Residential Tenancies Act 1997*. This information was provided because the department is aware that several proprietors have been providing different accommodation, on a separate site to their SRS. Alternative accommodation models need to be operating legally under the relevant legislation.

Can a SRS lease a room to a resident on a tenancy agreement?

No, an SRS cannot lease a room in the SRS to a resident on a residential tenancy agreement. Under the SRS Act, the residential and services agreement is the relevant agreement.

If proprietors use a different tenancy agreement, they may be at risk of operating an unregistered rooming house.

Are we subletting in SRS?

No, SRS proprietors are not subletting in SRS. Proprietors are required to write a residential and services agreement with all residents.

It appears that a lot of referring agencies falsely believe that rooming houses can administer medication. Is this something that CAV is aware of? What are you doing?

The department has been working with Consumer Affairs to address several emerging issues. The department has raised this issue with Consumer Affairs, who are currently looking into it.

How come some Drug and Alcohol residential services are not registered as anything? SRS or otherwise?

Funded alcohol and other drug treatment services in Victoria must comply with the requirements of relevant accreditations and standards.

For more information regarding Standards and accreditation requirements, see [DHHS's website](https://www2.health.vic.gov.au/alcohol-and-drugs/aod-service-standards-guidelines/aod-service-quality-accreditation) <<https://www2.health.vic.gov.au/alcohol-and-drugs/aod-service-standards-guidelines/aod-service-quality-accreditation>>

Funding

Are there any updates or outcomes from the KPMG survey which was done last year?

The department is currently considering the recommendations from the evaluation. Information about the evaluation and the department's response will be provided once this is complete.

Will SAVVI and PLP funding stay for long?

The department is committed to maintaining a supply of supported accommodation in SRS via SAVVI and PLP. The evaluation recommended changes to the programs and the department is considering options and potential impacts as a result of adopting recommendations made.

Can a Pension Level SRS with PLP funding switch to SAVVI funding? This may affect if the business can survive!

The SAVVI program is fully subscribed and there is no capacity for new participants or for current PLP SRS to switch to SAVVI.

The department is looking at how it can optimise its support provided to SAVVI and PLP SRS and this may lead to changes to how PLP SRS are assisted via PLP.

What about the PLP funded SRS? Are we going to receive more funding? It's very hard to provide the same level of care as those with SAVVI or above pension level SRS

The department is currently considering the recommendations from the SAVVI evaluation. This may lead to changes to how PLP SRS are assisted via PLP.

Any funding that become available within the current program budget will be prioritised to increase the assistance provided to participating PLP SRS.

What is the future of SRS without more support from DHHS?

SRS operate in a private market. SAVVI maintains a supply of beds in pension-level SRS; it is not intended to support all SRS.

State Trustees

Does the state trustee need to sign RSA when there is a rent increase? Or can the resident sign?

If the resident has a financial administrator, State Trustees must be advised of any increase in rent and sign the RSA. State Trustees need to be given the appropriate notice period outlining the proposed increase.

What are ways for residents to transition from Centrelink to State Trustees? Many are not good at managing their finances or keep cancelling rent.

Anyone can make an application to VCAT for the appointment of a Financial Administrator. VCAT in the first instance will prefer to appoint someone close to the person (family etc). In the event there is no one willing or able then State Trustees can be appointed.

SRS Staff Training

The Department of Health and Human Services funds Leading Age Services Australia (LASA) Victoria to provide free, specialised training for SRS staff and proprietors.

Scheduled dates and registration details can be found on [LASA's website](https://lasa.asn.au/supported-residential-services-training) <<https://lasa.asn.au/supported-residential-services-training>>.

For course enquiries, please phone LASA on 1300 111 636 or email events@lasa.asn.au

Staff backfill

The Department of Health and Human Services will provide a \$50 backfill supplement per SRS employee who attends in recognition of its importance.

To claim this supplement, a tax invoice must be sent to LASA within 3 months of the date training was attended and before the close of the financial year.

Upcoming training

Support planning and ongoing support of residents

Thursday 13 June and Friday 14 June (Melbourne)

This two day intensive workshop aims to provide participants with communication skills, self-awareness to enable support planning in SRS and knowledge of the legislation and resources available in the community to assist SRS with support planning.

Medication administration and management in SRS

Friday 21 June (Melbourne)

Monday 24 June (Dandenong)

This workshop aims to assist staff and proprietors identify the laws that apply to SRS and assist them to interpret the requirements of legislation that applies to the safe administration, storage, distribution, records and disposal of medication.

Responding to concerning and challenging behaviours in SRS

Tuesday 25 June (Ballarat)

This workshop aims to assist staff with understanding, identifying and managing challenging behaviour in a Supported Residential Services environment.

Residents and mental health: better practice in SRS

27 June (Melbourne)

This course will support participants to understand mental illness and behaviour, recognise behaviour triggers, interpret behaviour change and take safe and effective action.

To receive this publication in an accessible format email srs@dhhs.vic.gov.au

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Available at <<https://www2.health.vic.gov.au/ageing-and-aged-care/supported-residential-services>>