

## 6. Client Protection - Violence, Abuse, Neglect, Exploitation and Discrimination Policy and Procedure

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### Purpose

Australian Quality Care recognises the right of all participants to feel safe and to live in an environment that provides protection from assault, neglect, exploitation, discrimination or any other form of abuse. People with disabilities, children and young people are some of the most vulnerable groups in our society. It is essential that Australian Quality Care identify, consult and respond to instances where persons with disabilities, children or young persons are at risk of significant harm.

Common reasons for people with disabilities, children and young people to be at risk of significant harm include:

- Domestic and family violence
- Physical, sexual and emotional abuse
- Neglect.

The impact of violence, abuse and neglect can span across all domains of a person's development and life experiences. People who experience violence, abuse and neglect are more likely to have problems with:

- Learning and development
- Physical and mental health
- Behaviour.

The purpose of this policy is to prevent and mitigate the effects of violence, abuse and neglect on participants through training and implementing processes to inform Staff and protect participants who are at risk of significant harm.

### Scope

Australian Quality Care will encourage and support any person who has witnessed the abuse of a service user or, who suspects that abuse has occurred, to make a report and be confident of doing so without fear of retribution.

## Definition

Terminology	Description
Abuse and Neglect	Any behaviour that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e. neglect) and commission (i.e. abuse).
Discrimination	Treating, or proposing to treat someone unfavourably because of a personal characteristic protected by the law. Discrimination includes bullying someone because of a protected characteristic.
Exploitation	The action or fact of mistreating someone to benefit from their work.  The action of making use of and benefiting from resources.
Violence	Violent behaviour by a person towards another can include abusive behaviour that is physical, sexual, intimidating and forceful. People with a disability are more likely to experience violence from a carer or family member.
Reasonable Suspicion	Any fair and practical reason to believe an incident involving sexual abuse has occurred based on either verbal communication, hearsay, rumour, or observance of behaviour.

## Types of abuse

Terminology	Signs and Symptoms	Causes
Physical Abuse	Bruising, lacerations, welts, rashes, broken or healing bones, burns, weight loss, facial swelling, missing teeth, pain or restricted movements, crying, acting fearful, agitation, drowsiness, hair loss and/or poor physical well-being.	Hitting, slapping, pushing, punching and/or burning which entails an incident that is non-accidental resulting in pain or injury.
Psychological/ Emotional Abuse	Loss of interest in self-care, helplessness, withdrawn, apathy, insomnia, fearfulness, reluctant to communicate openly, chooses not to maintain eye contact, paranoia, and confusion.	Intimidation, humiliation, harassment, threatening, sleep deprivation, withholding affection, and/or not allowing the person to maintain their decision-making powers, which leads to a pattern repeated over time.
Sexual Abuse	Unexplained sexual transmitted disease, vaginal/anal bleeding, fearful of certain people or places, bruising to genital areas inner thigh or around breasts, anxiety, torn or bloody underclothes, difficulty in walking or sitting, change in sleep pattern and repeating nightmares.	Rape (penetration and/or oral-genital contact), interest in older person's bodies, inappropriate comments and sexual references, inappropriate (possibly painful) administration of enemas or genital cleansing, indecent assault, sexual harassment which is mainly about violence and power over another person, rather than sexual pleasure.
Neglect	Poor hygiene or personal care, unkempt appearance, lack of personal items, absence of health aids, weight loss, agitation, inappropriate clothing and/or lack of food.	The intentional failure to provide basic life necessities.

Domestic and Family Abuse	Any type of controlling, bullying, threatening or violent behaviour between people in a relationship including emotional, physical, sexual, financial, or psychological abuse.	Many experts believe witnessing abuse as the norm, or being abused, destroys the child's ability to trust others and undermines his or her ability to control emotion.
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## Policy

This policy aims to:

- Take a preventative, proactive and participatory approach to participant safety
- Value and empower the participant to contribute to decisions which affect their lives
- Foster a culture of openness that supports all persons to disclose the risks of harm to participant safety
- Respect diversity in cultures and child-rearing practices, while keeping the participant's safety paramount
- Provide training to staff on appropriate conduct and behaviour towards participants
- Engage only the most suitable people to work with participants
- Ensure participants know who to talk to if they are worried or feeling unsafe and that they are comfortable and encouraged to raise any issues
- Report **WITNESSED**, **UNWITNESSED** and **SUSPECTED** abuse, neglect, or mistreatment promptly to the appropriate authorities
- Share information appropriately and lawfully with other organisations where the safety and wellbeing of the participant is at risk
- Value the input of families and advocates and communicate regularly with them.

In the case that situation meets the criteria of a reportable incident, then the 'Reportable Incident, Accident and Emergency Policy and Procedure' will apply.

## Statement of Commitment to Safety

Australian Quality Care is committed to the safety and wellbeing of all participants. This commitment is the primary focus of our support and decision making. Australian Quality Care is committed to providing a safe environment where participants are safe and feel safe; their voices are heard and included in decisions that affect their lives. Attention is paid to the cultural safety of participants from culturally or linguistically diverse backgrounds.

All Australian Quality Care Staff members have a responsibility to understand the critical and specific role they play, both individually and collectively, to ensure the wellbeing and safety of all participants and young people are at the forefront of all they do and every decision they make.

## **Safe Code of Ethics and Conduct**

Australian Quality Care is committed to the safety and wellbeing of participants. Our business recognises the importance of, and responsibility for, ensuring our environment is a safe, supportive, and enriching environment that respects and fosters the dignity and self-esteem of all people, enabling them to thrive.

This code of conduct aims to protect both Staff and participants and to reduce opportunities for abuse or harm to occur. It also assists in understanding how to avoid, or better manage, risky behaviours and situations. It is intended to complement child protection legislation, disability legislation, policies and procedures and professional standards, codes, or ethics as these apply to Staff and other personnel.

Australian Quality Care's management support the implementation and monitoring of the Code of Ethics and Conduct. We will plan, implement, and monitor arrangements to provide inclusive and safe environments.

All Staff, volunteers, and any other community members involved in participant-related work are required to comply with the Code of Conduct by observing expectations for appropriate and acceptable behaviour (see Acceptable Behaviours' below). The Code of Conduct applies in all situations, including planned activities and the use of digital technology and social media.

## **Acceptable Behaviours**

Staff or any other persons involved with participant-related work are responsible for supporting and promoting the safety of participants by:

- Upholding Australian Quality Care's Standards as agreed in the Code of Ethics and Conduct Agreement for the participant's safety
- Treating the participant, their family, and advocates with respect within the environment and during outside activities as part of normal social and community activities
- Listening and responding to the views and concerns of the participant, particularly if they are reporting that they or another person have been abused; or that they are worried about their safety or the safety of another participant
- Promoting cultural safety, participation, and empowerment of Aboriginal and Torres Strait Islander people through interactions with their community leaders and members
- Promoting cultural safety, participation, and empowerment of people with culturally or linguistically diverse backgrounds through engagement with the community accessing the service
- Promoting the safety, participation, and empowerment of people with disabilities

- Reporting any allegations of abuse or any personal safety concerns to management
- Understanding and complying with all reporting or disclosure obligations (including state mandatory reporting), as they relate to protecting the participant from harm or abuse
- Maintaining the right to live in a safe environment by promoting and informing the participants of their rights
- Ensuring participants are safe and protected from harm, as quickly as possible, once abuse is suspected
- Identifying themselves to a participant upon entering premises and show any required identification.

## **Unacceptable behaviours**

As front-line workers, volunteers and community members involved in participant-related work, we must not:

- Ignore or disregard any concerns, suspicions, or disclosures of abuse
- Develop a relationship with any participant that could be viewed as favouritism or grooming behaviour, e.g. Offering gifts
- Exhibit behaviours or engage in activities with participants that can be interpreted as abusive and unjustifiable in an educational, therapeutic, or service delivery context
- Ignore behaviours by other adults towards young participants when they are overly familiar or inappropriate
- Discuss content of an intimate nature or use sexual innuendo with participants, except where it occurs relevantly in the context of parental/advocate guidance or a therapeutic setting
- Treat a participant unfavourably because of their disability, age, gender, race, culture, vulnerability, sexuality, or ethnicity
- Communicate directly with an underage participant, through personal or private contact channels, e.g. Social media, email, instant messaging or texting, except where that communication is reasonable in all the circumstances, related to work or activities, or where there is a safety concern or other urgent matter.

## **Screening, supervising, training and human resource practices to reduce risk**

Australian Quality Care undertake a formal interview of all candidates for positions involving working with children or vulnerable adults, including analysis of experience working with children or vulnerable adults. A minimum of two (2) employment reference checks are undertaken for each candidate prior to engagement.

The Staff will be required to undertake checks including disability worker screening checks and working with children checks and the mandatory NDIS Worker Orientation Module. All records will be maintained in their personnel file.

Australian Quality Care prohibit the employment or engagement of any person from working in our organisation if they have prior convictions relating to violent or sexually related offences.

Records relating to any interim bar, suspension, exclusion, or any action taken by Australian Quality Care in relation to these kinds of decisions towards any worker is recorded and securely retained for a period of no less than 50 years.

Allegations of misconduct against a worker with an NDIS worker screening clearance and the action taken by Australian Quality Care in response, including any investigation, is recorded and securely retained for a period of no less than 50 years.

Australian Quality Care provides training on the *Client Protection – Violence, Abuse, Neglect, Exploitation and Discrimination Policy and Procedure* including procedure update training based upon current “best practice” and changes to legislation for all employees. The is made available to all staff on the secure, online HR platform, where personnel must acknowledge receipt and understanding.

Compliance reports will be generated on a monthly schedule to ensure personnel with policy acknowledgements and screening checks that are outstanding or due to expire are captured and followed-up.

*The Client Protection – Violence, Abuse, Neglect, Exploitation and Discrimination Policy and Procedure* is renewed annually (see approval and review dates at the top pf this policy), or if there is a change to legislation or industry best practice. Updated policy is made available to staff as soon as is practicable.

# Procedure

## Strategies to identify and reduce or remove the risk of harm

Australian Quality Care recognise that creating a safe organisation begins with a clear understanding of the potential risks to the participant and Staff in an organisation's setting. Australian Quality Care will identify possible issues and problems and plan to reduce or remove these risks.

To reduce the likelihood of harm, Australian Quality Care will consider, define, and act against its organisational risks.

These strategies include:

- Thinking about the organisation, its activities, and the services it provides to participants
- Planning how to make all activities as safe as possible
- Developing a safety plan for participants who require additional supports
- Supporting participants with disabilities to understand plans and safety procedures using appropriate communication methods
- Informing participants that they have the right to live in a safe environment
- Acting proactively to reduce the likelihood of any risks.

## Reporting violence, abuse, neglect, exploitation, and discrimination

A report must be made if:

- A participant shows a change in behaviour or mood which may indicate they are being abused
- Someone is observed behaving towards a participant in a way that makes others feel uncomfortable
- A participant advises they are being abused by another person
- A person advises that they are abusing another participant
- A participant or visitor informs that they have observed abusive acts
- A participant advises that they feel discriminated against, e.g., Language and actions
- A participant presents as unkempt or seeking food
- There is evidence of unexplained bruising or similar
- An action or inaction is witnessed that may be considered abusive
- When an individual, for any reason, believes a participant is being abused

- Any person, be it a worker, client or third party, has **reasonable suspicion** of sexual abuse. **Reasonable suspicion** means fair and practical reason to believe an incident involving sexual abuse has occurred based on either verbal communication, hearsay, rumour, or observance of behaviour.

Failure to report an abusive situation, and in a timely manner, may result in a criminal offence.

## How to report

Participants, workers, advocates and other third-party complaints can be made direct to support workers, team leaders, managers and/or directors. This can be done in person, on paper, or online. Clients are also made aware of their option to make a complaint or give feedback directly to the [NDIS Quality and Safeguards Commission](#), with resources available throughout our outlets.

For complaints made directly to Australian Quality Care, management will review the information and contact the following agencies immediately to inform them of the suspected abuse:

- Police
- National Disability Insurance Scheme Quality and Safeguards Commission
- Client Protection Insurance provider.

*Important note:* To find out how to report abuse against children go to the 'Working with Children Policy and Procedure'.

## Details to provide

AQC will ensure that the details of those reporting abuse will be kept private and confidential, and will give the following information to the authorities:

- Participant's name, age, date of birth and address
- Description of injury, abuse, and neglect (outline current and previous)
- Participant's current situation
- Location of the participant and alleged perpetrator, if known
- Explanation of when and how abuse was discovered and by whom.

## Investigating allegation or incident

AQC may appoint an independent person to investigate any allegation or incident.

AQC undertakes a review of the allegation or incident by:

- Gathering data from relevant person/s

- Analysing the situation to determine what occurred, how it occurred, and the parties involved
- Determining the effect on the participant/s
- Consulting with relevant stakeholders; **never seek information from children, as this requires a specialist**, any questioning will be conducted by appropriate authorities once the incident is reported
- Informing the participant or their family that they have access to a support advocate
- Reviewing the outcome against practices
- Undertaking action to prevent the incident from being repeated.
- During this investigation, AQC may elect to:
  - Automatically suspend an employee from work or other duties within the organisation, if they are under investigation (internally or by the police) for committing sexual abuse; or
  - Automatically terminate employment, or involvement with AQC if found guilty of committing sexual abuse (either by an internal investigation or by a court).

## Support the participant

Reported allegations or incidents require AQC to gather all the relevant information and make a report to the relevant authority such as the police and via Queensland's reporting process.

Support will be provided to the participant relevant to the allegation or incident. The participant will be provided an appropriate advocate, if required.

## Documentation

- Record all allegations and incidents in the Incident Register
- Complete Incident Investigation, if required
- Reports to be included in the participant's file
- Maintain records for seven (7) years.

## Related documents

- Authority to Act as an Advocate Form
- Code of Ethics and Conduct Agreement
- Incident Report Form
- Incident Register

- Support Plan
- Risk Assessment Form
- Reportable Incident, Accident and Emergency Policy and Procedure
- Working with Children Policy and Procedure
- Zero Tolerance Policy and Procedure

## References

- [NDIS \(Incident Management and Reportable Incidents\) Rules 2018](#)
- [NDIS \(Practice Standards-Worker Screening\) Rules 2018](#)
- [NDIS Quality and Safeguards Practice Standards and Quality Indicators 2020 – Version 3](#)
- [The National Framework for Protecting Australia's Children 2009-2020](#)
- [Disabilities Services Act 2006 \(QLD\)](#)
- [United Nations Convention on the Rights of the Child 1990](#)