

Preventing and Responding to Abuse, Neglect and Exploitation



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System: Governance

Responsible Person/s:

Directors
 Managers/Team Leaders
 All FCS's Employees, Contractors, and Volunteers

Purpose:

The purpose of this policy is to provide direction to all employees of FCS regarding their responsibilities in preventing and responding to abuse, neglect and exploitation of all FCS clients, with particular reference to the abuse, neglect and exploitation of individuals with a disability.

Scope:

This policy applies to all FCS employees, clients, subcontractors, contractors, and volunteers.

Policy Statement:

FCS is committed to fostering individuals' rights to live a life free from the fear of abuse, neglect, and exploitation by preventing, identifying, and responding in a proactive manner. To this extend, FCS will:

- Ensure that the health, safety and wellbeing of clients in all FCS provided services is the paramount consideration in service provision and that clients are provided with maximum protection from abuse, neglect, and exploitation.
- Ensure that employees comply with legal requirements as well as implement this policy and associated procedures.
- Promote a culture of no retribution to foster reporting, including reporting of suspected or alleged abuse, neglect, or exploitation of clients.
- Ensure there are string systems to identify abuse, neglect, or exploitation of clients.
- Ensure timely, adequate, and appropriate responses to incidents and that critical incidents are reported according to FCS's obligations as contained in the *Disability Service Act (DSA) (2006)* and as defined by the NDIS Quality and Safeguard Commission under the *NDIS Act (2013)* as well as other obligations FCS might have to other agencies.
- Promote an integrated, evidence-based approach to the prevention, identification and response to abuse, neglect, and exploitation.
- Foster awareness and appropriate skill development through employees' development and training.
- Foster best practice through continuous Business Improvement review.

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Principles:

In accordance with the *United Nation Convention on the rights of persons with Disability (2006)*, the *NDIS Act (2013)* (Federal law) and the *DSA 2006 QLD* (state law), FCS is a strong advocate that People living with a disability have the same human rights as other members of society and should be empowered to exercise their rights These include the right to:

- Respect for their human worth and dignity as individuals; and
- Live life free from abuse, neglect, or exploitation.

FCS believe that this is best achieved through an integrated approach which targets the cultural, environmental, and interpersonal causes of abuse, neglect, and exploitation.

As a result, abuse, assault, any form of harm, violence, neglect, and exploitation of people with a disability in any form will not be tolerated at FCS.

When there is a risk or an allegation of abuse neglect and exploitation has been identified, FCS will treat the situation as a critical incident. See *incident Management Policy* and associated procedure.

Definitions:

FCS acknowledges that there are many forms of abuse, neglect and exploitation and uses the following definitions.

Abuse is the violation of a person's human rights, through an act, or actions of commission or omission, by another person, or persons. Abuse includes, but is not limited to the following:

- **Physical Abuse** - any non-accidental physical injury or injuries to a child or adult, such as inflicting pain of any sort, or causing bruises, fractures, burns, electric shock or unpleasant sensation (e.g. taste, heat or cold) as well as restrictive practices which are not contained in the client's positive behaviour support plan.
- **Sexual Abuse** – any sexual contact between an adult and child under the age of 16 years; or any sexual activity with a person with impairment of the mind (as defined under "Definitions" in the *Criminal Code Act 1899 QLD*). Sexual activity includes intercourse, genital manipulation, masturbation voyeurism, sexual harassment, and also inappropriate exposure to pornographic media, any assault or abuse of a sexual nature, sexual molestation, indecent exposure, **or intimidation or reasonable suspicion of any of the above.**
- **Psychological or emotional abuse** – verbal communication that is threatening or demeaning, threats of maltreatment, harassment, humiliation, intimidation, failure to interact with a person or to acknowledge the person's presence, or denial of cultural or religious needs and preferences.

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- Financial abuse – refers to the illegal or improper use of a person’s property or finances or the withholding of another person’s resources by someone with whom the person has a relationship implying trust.
- Chemical abuse – refers to any misuse of medications and prescriptions, including the withholding of medication, and over-medication.
- Abuse through denial of access to legal remedies – denial of access to justice or legal systems that are available to other citizens and denial of informal or formal advocacy support requested by the client or his/her substitute decision maker.

Neglect is the failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care, aid or guidance to dependent adults or children by those responsible for their care. Neglect includes, but is not limited to the following:

- Physical neglect – failure to provide adequate food, shelter, clothing, protection, supervision, and medical and dental care, or to place persons at undue risk through unsafe environments or practices.
- Passive neglect – the failure to fulfil care-taking responsibilities because of inadequate caregiver knowledge, infirmity, or the failure to implement prescribed services.
- Willful deprivation – willfully denying a person access to medication, medical care, shelter, food, a therapeutic device, or other physical assistance, thereby exposing that person to risk of physical, mental, or emotional harm.
- Emotional neglect – the failure to provide the nurturing or stimulation needed for the social, intellectual, and emotional growth or wellbeing of an adult or child.
- Crimes of omission – negligence i.e. the failure to act with the appropriate duty of care.

Exploitation is taking advantage of the vulnerability of a person with a disability in order to use them, or their resources, for another’s profit or advantage (e.g. financial abuse).

1. Prevention of Abuse, Neglect and Exploitation:

FCS recognises and supports strategies that can be used to prevent the abuse, neglect, and exploitation of people with disability, which include the reduction of isolation, and the enhancement of social connections.

People at-risk have the right to be provided with tailored advice and support. This includes appropriate skill development for people with disability in improving personal safety and capacity for safe participation in their communities.

FCS will ensure that systems are established to prevent the occurrence or recurrence of abuse, neglect and exploitation within the service delivery context through at all times ensuring that:

- Clients work with an extended trained team receiving at minimum yearly training;
- Clients are never services by only one employee (i.e/ multiple employees are involved).

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- Multiple employees are involved in the service delivery of each clients;
- A client is not left isolated. This is a client is contacted regularly with at least:
 - Contacted as needed by Team Leaders when changes to rosters are undertaken.
 - Contacted at least year for review of Services by Team Leaders.
 - Contacted at Plan review for signature of new contractual documents.
 - Phone contact at least twice yearly for Feedback by an employee not involved in the delivery of services.

2. Identification of Abuse, Neglect and Exploitation:

FCS encourages the implementation of early intervention approaches for the identification of the abuse, neglect, and exploitation of people with a disability, taking particular care of known risk situations, both systemic and individual.

FCS ensures regular system reviews are in place so that gaps which may contribute to a person experiencing abuse, neglect or exploitation are identified and remedied.

3. Effective Response:

- All FCS employees are responsible for and committed to reporting and openly disclosing any suspected or alleged incidents of abuse, neglect, and exploitation. Protections are offered to any person who makes a disclosure that involves the suspected abuse, neglect, or exploitation.
- Any suspected or alleged incidents of abuse, neglect and exploitation of clients are reported in line with the requirements of the NDIS, the Department of Communities *Critical Incident Reporting Policy* and as per FCS's *Incident Management Policy* and *Incident Management Procedure*.
- Specific consideration is given to individuals, organisational and systemic issues around client-to-client abuse.
- Clients who experience abuse, neglect or exploitation have the right to:
 - complain about the service they received, or any form of abuse, neglect or exploitation experienced within FCS provided services without fear of retribution.
 - pursue grievances and complaints and fair and equitable access to the criminal justice system without fear of their services being discontinued or recrimination; and
 - access appropriate support services to assist with the effects of abuse, neglect, and exploitation where appropriate.
- Any person who reports suspected or alleged incidents of abuse, neglect and exploitation of a client has the right to have their safety and rights respected and safe guarded. In particular, families and carers who have identified and reported incidents of abuse, neglect and exploitation have the right to be provided with support for the response to incidents of abuse, neglect and exploitation.

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4. Service Development, Coordination and Delivery:

FCS engages in ongoing review and service design to prevent, identify, and respond to the abuse, neglect and exploitation of clients that are consistent with the principles of the Disability Services Act 2006.

FCS services are designed and implemented as part of local coordinated service systems and integrated with services and supports generally available to members of the community. Individual and environmental risk assessments inform service provision and protect clients.

5. Principles of Workforce Management and Workplace Design:

FCS human resource management systems and practices support effective recruitment and selection (including compliance with statutory requirements such as criminal history screening), performance monitoring and development, and performance management.

6. Roles and Responsibilities:

All FCS employees are responsible for:

- Promoting a culture within FCS services and a proactive systems approach to prevent and identify abuse, neglect, and exploitation of clients.
- Develop and implement effective communication strategies to promote this policy within all FCS services and with all FCS clients and stakeholders.
- Report to the relevant Manager or FCS CEO any suspected or actual abuse, exploitation, or neglect so that this can be reported to the relevant authority or agency when required.
- Supporting and monitoring the implementation of this policy within all FCS provided disability services.

Managers at FCS have specific responsibilities to ensure the prevention, identification and response to the abuse, neglect, and exploitation of clients. It is the role of managers to:

- Ensure that all employees and volunteers are aware of, trained in, compliant with and implement this policy and associated procedures.
- Provide active support to employees to create an appropriate service culture in accordance with this policy.
- Ensure employees are trained to recognise and prevent/minimize the occurrence or recurrence of abuse, neglect, and exploitation of clients within a service delivery context.
- Develop a coordinated and uniform approach to promoting the rights of clients within their families, communities, and cultures.
- Ensure that systems are in place to identify and remedy when gaps are identified which might contribute to a client experiencing abuse, neglect, or exploitation.

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- Guarantee that employees are trained in early intervention approaches where potential or actual abuse, neglect or exploitation of clients is identified.
- Develop a culture of no retribution for any person who reports abuse, neglect, or exploitation of a person with disability.
- Ensure That Guardians or substitute decision makers are informed of alleged or suspected instances of abuse, neglect, and exploitation, unless the guardian or decision maker is the alleged or suspected perpetrator of the abuse, neglect or exploitation, in which case a decision should be made on a case-by-case basis.
- Advise clients, their families and advocates about support services which are equipped to identify abuse, neglect, and exploitation and able to refer individuals to appropriate specialist services; their right to pursue grievances and complaints and access the criminal justice system.
- Ensure any concerned person, including but not limited to, the person with disability, another consumer, relative, friend or person from the community is able to make a report or an allegation of abuse, neglect, and exploitation, without fear of retaliation or retribution.
- Ensure all staff supporting clients are respectful of their rights and needs.
- Ensure abuse, neglect or exploitation of clients is reported to the CEO so that it can be reported to the relevant authority in line with the requirements of FCS's Incident Management Policy.

What to do in case of suspicion or allegation

- Ensure the person who has experienced the situation is safe. This includes seeking immediate medical assistance where appropriate and taking all reasonable steps to avoid contact between the person and the alleged offender.
- For safety reasons, employees are under no circumstance allowed to address abuse neglect or exploitation directly.
- If employees are concerned about the wellbeing of a client at any time, they need to contact their Team Leader immediately.
- Employees need to ensure they fulfil their duty of care and duty as an NDIS worker by reporting the incident.
- Employees need to ensure they keep safe at all times.
- FCS has mandatory reporting obligations to several agencies detailed in the *Incident Management procedure*.
- FCS will provide support to any concerned person, including but not limited to, the individual primarily involved, another client, relative, friend or person from the community is able to make a report or an allegation, without fear of retaliation or retribution.
- Adequate support will be provided to employees involved in the incident.

Ensuring FCS has clear mechanisms for individual at risk

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- FCS will always strive to deliver services free and safe from abuse, neglect, and exploitation. This is done through clearly identifying risks first or risks when they appear. (See *Intake Management* and *Identifying and Responding to clients' needs and Goals* Policies)
- FCS will always ensure that a client is supported by a team of workers.
- In situations where individuals are at risks (individual living alone or with limited external support or individual with a history or sign of) this risk would have to be documented and mitigated in accordance with NDIS guidelines. This would include but not be limited to the development of an Individual Plan identifying those risks as well as ensuring that more than 2 employees are involved with the client at any time of services if necessary.
- In addition, FCS will always ensure it has clear processes to connect with individuals and stakeholders including the provision of advocacy and support to the client to access the right support from external stakeholders. This includes clear reporting channels, sufficient points of contacts with clients and a range of workers working with the individual. Those have been further developed in the *Identifying and Responding to clients' needs and Goals* procedure.

Related Documents:

Incident management policy and procedure

Identifying and responding to clients' needs and goals procedure

United Nation Declaration on the Rights of a disabled person 1975

United Nation Convention on the rights of persons with Disability 2006

[NDIS Act 2013](#)

[Disability Services Act 2006 QLD](#)

[Criminal Code 1899 QLD](#)

Scheduled Review Date:

This policy will be reviewed as required, or within no later than five (5) years from date of authorisation.

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