

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 guidance to all employees of FCS regarding their responsibilities in preventing and responding to the abuse, neglect, and exploitation of all FCS clients, particularly concerning individuals with disabilities.

Scope:

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

Policy Statement:

FCS is committed to promoting individuals' rights to live free from the fear of abuse, neglect, and exploitation by preventing, identifying, and responding proactively. To this end, FCS will:

- Ensure that the health, safety, and wellbeing of clients in all FCS services is the primary consideration in service provision, and that clients are afforded maximum protection against abuse, neglect, and exploitation.
- Ensure that employees comply with legal requirements and effectively implement this policy along with its associated procedures.
- Encourage a culture of non-retribution to promote reporting, including reports of suspected or alleged abuse, neglect, or exploitation of clients.
- Ensure that robust systems are in place to identify abuse, neglect, or exploitation of clients.
- Ensure timely, adequate, and appropriate responses to incidents, and that critical incidents are reported in accordance with FCS's obligations as outlined in the *Disability Service Act (DSA) (2006)*, as defined by the NDIS Quality and Safeguards Commission under the *NDIS Act (2013)*, as well as any other obligations FCS may have to other agencies.
- Promote a comprehensive, evidence-based strategy for preventing, identifying, and responding to abuse, neglect, and exploitation.
- Promote awareness and suitable skill development through employee development and training.
- Foster best practices through ongoing Business Improvement reviews.

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Principles:

In accordance with the *United Nations Convention on the Rights of Persons with Disabilities (2006)*, the *NDIS Act (2013)* (Federal law), and the *DSA 2006 QLD* (state law), FCS is a strong advocate for the belief that people living with a disability hold the same human rights as other members of society and should be empowered to exercise those rights. These include the right to:

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

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

Consequently, abuse, assault, any form of harm, violence, neglect, and exploitation of individuals 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 identified, FCS will regard the situation as a critical incident. Refer to *the Incident Management Policy* and associated procedure.

Definitions:

FCS acknowledges that numerous forms of abuse, neglect, and exploitation exist, and it employs the following definitions.

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

- **Physical abuse** refers to any non-accidental physical injury or injuries inflicted upon a child or adult. This includes the infliction of pain in any form, causing bruises, fractures, burns, electric shock, or any unpleasant sensations (e.g., taste, heat or cold), as well as restrictive practices that are not included in the client's positive behaviour support plan.
- **Sexual abuse** refers to any sexual contact between an adult and a child under the age of 16 years, or any sexual activity with a person who has an impairment of the mind (as defined under "Definitions" in the *Criminal Code Act 1899 QLD*). Sexual activity encompasses intercourse, genital manipulation, masturbation, voyeurism, sexual harassment, and inappropriate exposure to pornographic media, as well as 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** encompasses verbal communication that is threatening or demeaning, threats of maltreatment, harassment, humiliation, intimidation, the failure to interact with an individual or acknowledge their presence, and the 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 individual has a relationship implying trust.
- Chemical abuse refers to any misuse of medications and prescriptions, including withholding medication and over-medication.
- Abuse through the denial of access to legal remedies involves obstructing access to justice or legal systems available to other citizens, as well as denying informal or formal advocacy support requested by the client or their 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. It includes, but is not limited to, the following:

- Physical neglect refers to the failure to provide adequate food, shelter, clothing, protection, and supervision, as well as medical and dental care. It also involves placing individuals at undue risk through unsafe environments or practices.
- Passive neglect – the failure to fulfil caretaking responsibilities due to inadequate caregiver knowledge, infirmity, or the inability to implement prescribed services.
- Willful deprivation refers to the intentional denial of a person's access to medication, medical care, shelter, food, a therapeutic device, or other physical assistance, thereby exposing that person to the risk of physical, mental, or emotional harm.
- Emotional neglect refers to the failure to provide the nurturing or stimulation necessary for the social, intellectual, and emotional development or wellbeing of both adults and children.
- Crimes of omission refer to negligence, which is the failure to act with the appropriate duty of care.

Exploitation involves taking advantage of the vulnerabilities of a person with a disability to utilise them or their resources for another's benefit or gain (e.g. financial abuse).

1. Prevention of Abuse, Neglect and Exploitation:

FCS recognises and supports strategies aimed at preventing the abuse, neglect, and exploitation of people with disabilities, which include reducing isolation and enhancing social connections.

Individuals at risk are entitled to receive personalised advice and support. This encompasses suitable skill development for people with disabilities to enhance personal safety and their ability to participate safely 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 by ensuring that at all times:

- Clients collaborate with a well-trained extended team that receives, at minimum, annual training.

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- Clients are never served by only one employee (i.e. multiple employees are involved).
- Multiple employees are involved in the service delivery for each client;
- A client is not left isolated. This is a client who is contacted regularly with at least:
 - Contacted by Team Leaders as needed when changes to rosters are made.
 - Contacted at least once a year for a review of services by team leaders.
 - Contacted prior to the plan review for the signature of new contractual documents.
 - Phone contact should occur at least twice yearly for feedback from an employee not involved in delivering services.

2. Identification of Abuse, Neglect and Exploitation:

FCS promotes the adoption of early intervention strategies for identifying the abuse, neglect, and exploitation of individuals with disabilities, paying particular attention to known risk situations, both systemic and individual.

FCS ensures that regular system reviews are conducted to identify and remedy any gaps that may contribute to a person experiencing abuse, neglect, or exploitation.

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 available to any individual who makes a disclosure regarding suspected abuse, neglect, or exploitation.
- Any suspected or alleged incidents of abuse, neglect, and exploitation of clients are reported in accordance with the requirements of the NDIS, the Department of Communities *Critical Incident Reporting Policy*, and FCS's *Incident Management Policy and Procedure*.
- Specific consideration is given to individual, organisational, and systemic issues surrounding client-to-client abuse.
- Clients who experience abuse, neglect, or exploitation have the right to:
 - complain about the service they received, or any instance of abuse, neglect, or exploitation encountered within services provided by FCS, without fear of retribution.
 - pursue grievances and complaints, ensuring fair and equitable access to the criminal justice system without fear of their services being discontinued or facing recrimination; and
 - access suitable support services to help with the effects of abuse, neglect, and exploitation when necessary.
- Any individual 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 safeguarded. In particular, families and carers who have identified and reported incidents of abuse, neglect, and exploitation are entitled to receive support in response to these incidents.

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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 in accordance with the principles of the Disability Services Act 2006.

FCS services are developed and executed as part of local coordinated service systems and integrated with services and supports typically available to community members. Individual and environmental risk assessments inform service delivery and safeguard clients.

5. Principles of Workforce Management and Workplace Design:

FCS human resource management systems and practices facilitate 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 alongside a proactive systems approach to preventing and identifying abuse, neglect, and exploitation of clients.
- Develop and implement effective communication strategies to promote this policy across all FCS services, as well as with all FCS clients and stakeholders.
- Report any suspected or actual abuse, exploitation, or neglect to the relevant Manager or FCS CEO, so that it can be reported to the appropriate authority or agency when necessary.
- Supporting and overseeing the implementation of this policy across all FCS 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 managers' role to:

- Ensure that all employees and volunteers are aware of, trained in, compliant with, and implementing this policy and associated procedures.
- Offer active support to employees in fostering a suitable service culture that aligns with this policy.
- Ensure that employees are trained to recognise and prevent or minimise the occurrence or recurrence of abuse, neglect, and exploitation of clients within a service delivery context.
- Create a cohesive and consistent strategy for promoting the rights of clients within their families, communities, and cultures.
- Ensure that systems are in place to identify and remedy any gaps that may contribute to a client experiencing abuse, neglect, or exploitation.
- Ensure that employees receive training in early intervention strategies when potential or actual abuse, neglect, or exploitation of clients is identified.

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- Foster a culture of no retribution for anyone who reports abuse, neglect, or exploitation of a person with a 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 such abuse, neglect, or exploitation. In that case, a decision should be made on a case-by-case basis.
- Advise clients, their families, and advocates about support services that are equipped to identify abuse, neglect, and exploitation, and can refer individuals to appropriate specialist services; inform them of their right to pursue grievances and complaints and to access the criminal justice system.
- Ensure that any concerned person, including, but not limited to, the person with a disability, another consumer, a relative, a friend, or someone from the community, is able to report or allege abuse, neglect, and exploitation without fear of retaliation or retribution.
- Ensure that all staff supporting clients demonstrate respect for their rights and needs.
- Ensure that any abuse, neglect, or exploitation of clients is reported to the CEO, so it can be escalated to the relevant authority in accordance with the requirements of FCS's Incident Management Policy.

The CEO is responsible for:

- Promoting a culture that encourages prevention, identification, and reporting.
- Carry out enquiries and review as needed
- Report to the relevant agencies as specified in FCS' Incident Management Policy

What to do in case of suspicion or allegation

- Ensure that the individual who has experienced the situation is safe. This includes seeking immediate medical assistance where appropriate and taking all reasonable measures to avoid contact between the individual and the alleged offender.
- For safety reasons, employees are not permitted under any circumstances to address abuse, neglect, or exploitation directly.
- If employees are ever concerned about a client's wellbeing, they should contact their Team Leader immediately.
- Employees must ensure they fulfil their duty of care and responsibility as NDIS workers by reporting the incident.
- Employees must ensure they remain safe at all times.
- FCS has mandatory reporting obligations to various agencies outlined in the *Incident Management procedure*.
- FCS will provide support to any concerned individual, including, but not limited to, the person primarily involved, another client, a relative, a friend, or a member of the community who is able to make a report or allegation, without fear of retaliation or retribution.
- Adequate support will be provided to employees involved in the incident.

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Ensuring FCS has clear mechanisms for individuals at risk

- FCS will always strive to deliver services that are free from abuse, neglect, and exploitation, as well as safe. This is achieved by clearly identifying risks at the outset or as they arise. (See *Intake Management* and *Identifying and Responding to clients' needs and Goals* Policies)
- FCS will always guarantee that a client is supported by a team of workers.
- In situations where individuals are at risk (individuals living alone, with limited external support, or with a history or signs of risk), this would need to be documented and mitigated in accordance with NDIS guidelines. This would include, but not be limited to, the development of an Individual Plan that identifies those risks, as well as ensuring that more than two employees are involved with the client at any time during services, if necessary.
- Furthermore, FCS will always ensure that it has clear processes for connecting with individuals and stakeholders, including providing advocacy and support to clients in accessing appropriate assistance from external sources. This includes well-defined reporting channels, adequate points of contact with clients, and a variety of workers collaborating with the individual. These aspects have been further refined 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.](#)

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Scheduled Review Date:

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

Authorisation:

Initially Approved by directors on 03/04/2023.

[Reviewed and approved by Directors as per schedule below].

Changes History

Date	Summary of changes	Responsible individual
07/03/2023	Draft	Mickael Blanc (GM)
03/05/2023	Reviewed and approved	Jay Harrison (CEO)
28/05/2025	Review and minor changes	Mickael Blanc (GM)
29/05/2025	Reviewed and Approved	Jay Harrison CEO

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