

Adult Autism Services Core Module 1 – Rights and Responsibilities

Abuse, Neglect and Exploitation

Purpose of Policy

Every person has a right to live a life free from the fear of violence, abuse, harm, neglect, and exploitation regardless of their gender, age, disability, background, or any other characteristic. We are committed to ensuring the safety and wellbeing of all participants we provide supports and services to.

Policy

Applicability

When - always applies and in all locations

Who - applies to all representatives including key management personnel, directors, full time workers, part time workers, casual workers, contractors, volunteers.

Preventing Abuse and Neglect

- We will provide supports and services in an environment free of abuse and neglect.
- We will ensure people with high support needs and/or communication difficulty are well supported to enable detection and prevention of abuse and neglect.
- We will ensure staff are trained to recognise, prevent, or minimise the occurrence or recurrence of abuse and neglect of participants.

Breach of abuse and neglect policy

Any workers found to be perpetrating any form of abuse or neglect will lead to disciplinary action including termination of employment.

Any attempt to cover up or failure to report suspected or actual incidents of abuse will lead to disciplinary action including termination of employment.



Definitions

Term	Description
<p>Abuse</p>	<p>Single acts or patterns of abuse, such as:</p> <ul style="list-style-type: none"> • <u>Physical abuse</u>- physical or chemical restraints or coercion, hitting, slapping, burning, choking, pinching, pushing, or restraining. • <u>Sexual abuse</u>- any sexual contact between an adult and child 16 years of age and younger; or any sexual activity with a young person or adult who is unable to understand, has not given consent, is threatened, coerced, or forced to engage in sexual behaviour. • <u>Emotional or psychological abuse</u>- verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person's existence including denying cultural or religious needs and preferences. • <u>Financial abuse</u>- illegal or improper use and/or mismanagement of a person's money, property or resources including forgery, stealing, forced changes to a will, unusual transfer of money or property to another person or withholding of funds.
<p>Exploitation</p>	<p>Any case where:</p> <ul style="list-style-type: none"> • Someone in a position of trust and confidence knowingly, by deception or intimidation, obtains or uses, or tries to obtain or use, a participant's funds, assets or property with the intent to deprive that person of the use, benefit or possession of those funds, assets, or property temporarily or permanently for the benefit of someone other than the participant. • A person who knows or should know that the participant lacks the capacity to consent, and obtains or tries to obtain or use, the participant's funds, assets, or property with the intent to deprive the participant of the use, benefit or possession of the funds, assets, or property temporarily or permanently for the benefit of someone other than the participant. <p>Examples of exploitation:</p> <ul style="list-style-type: none"> • Taking or using the assets, funds, or other possessions of a participant without their consent.



	<ul style="list-style-type: none"> • Tricking or threatening the participant to purchase an item or service that they do not want or that will not be used for their benefit.
Neglect	<p>Any case where a person's basic needs are not met. This includes:</p> <ul style="list-style-type: none"> • <u>Physical neglect</u>- failure to provide adequate food, shelter, clothing, protection, supervision, medical and/or dental care or exposing someone to undue risks through unsafe environments or practices. • <u>Emotional neglect</u>- failure to support and encourage, protect, and provide stimulation needed for the social, intellectual and emotional growth or wellbeing of a person. • <u>Passive neglect</u>- failure to provide or wilful withholding of the necessities of life, including food, clothing, shelter, or medical care. • <u>Supervisory neglect</u> - intentional or reckless failure to adequately supervise or support a participant that also: <ol style="list-style-type: none"> 1. Involves a gross breach of professional standards. 2. Has the potential to result in the death of, or significant harm to, a participant.

Responding to Abuse and Neglect

We will respond to any case of abuse, neglect, or exploitation by:

- Promoting a culture of no retribution for reporting of suspected cases of abuse or neglect.
- Escalating all alleged or suspected incidents of abuse or neglect to key management personnel immediately.
- Ensuring any victim of suspected or alleged abuse or neglect is adequately supported by an independent person such as a relative, friend, advocate, or legal practitioner.
- Responding promptly and sensitively where an alleged case of abuse or neglect has occurred, to protect the person from further harm, and coordinating appropriate responses in line with duty of care obligations.

- Where relevant (especially for criminal acts), preserving and recording the evidence, maintain the scene of the incident, by taking photos and protecting any person articles involved.
- Recording what is known about the incident including the services and people involved and any witnesses.
- Informing participants about what is going to happen before acting and throughout any response to abuse and neglect.
- Ensuring appropriate physical, emotional and psychological support is available to, and easily accessible by a person following a report or allegation of abuse or neglect.
- Ensuring the victim, family, guardian or other support person has the choice of pursuing the matter through the legal system and be supported to access advice and services required.

Abuse and Neglect Responsibilities

- All staff are responsible for providing supports and services in a manner consistent with the Code of Conduct and always treating participants with respect and dignity.
- All staff are responsible for responding promptly and sensitively to protect the victim from further harm.
- Key management personnel are responsible for ensuring all staff and volunteers are aware of, trained in, compliant with, and implement the policies and processes to prevent and respond to abuse, neglect and exploitation of participants.
- Key management personnel are responsible for informing the appropriate authorities (e.g., police), and the victim's family, guardian, or substitute decision maker of alleged or suspected incidents of abuse or neglect, unless the guardian or decision maker is the alleged or suspected perpetrator.
- All staff and witnesses will cooperate with the investigations of police or other external agency.

What is not Abuse and Neglect

- To restrain a participant in accordance with an approved behaviour support plan authorised by a restricted practices authorisation mechanism.
- To take reasonable steps to disarm a participant seeking to harm themselves or others.
- To move or separate participant out of harm's way.
- To restrain a participant from causing intentional damage to property, in self-defence, or in the defence of others.

Supporting or Relevant Legislation

National Disability Insurance Scheme Act 2013

NDIS (Quality Indicators) Guidelines 2018

Ombudsman NSW


https://media.opengov.nsw.gov.au/pairtree_root/aa/b3/95/56/b3/be/4c/0f/a2/0b/c4/9d/eb/7b/69/2b/obj/Resource_guide_for_disability_services_Initial_and_early_response_to_abuse_or_neglect_in_disability_services.pdf

Victorian Ombudsman

<https://www.ombudsman.vic.gov.au/>

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

<https://disability.royalcommission.gov.au/>

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