

Preventing and Responding to Violence, Abuse, Neglect or Exploitation of Vulnerable Persons Policy

Purpose

This document sets out the organisational commitment to support and maintain safe environments for vulnerable persons receiving services from Woden Community Service (WCS). This will reduce the risk of violence, abuse, neglect or exploitation occurring in WCS services and the community, and ensure reports are made when necessary to reduce harm and meet accreditation reporting requirements.

Scope and Definitions

This policy applies to anyone who works for WCS irrespective of whether that person's work directly relates to vulnerable persons. Within this policy, the term 'staff' applies to employees, volunteers, students, trainees and contractors.

This document covers the WCS response to any possible violence, abuse, neglect or exploitation towards a vulnerable person. The perpetrator of the abuse may be inside or outside WCS, for example, a carer or family member, another service user, a staff member or member of the public.

A **vulnerable person** is a child under the age of 18 years or a person aged 18 years and above who is, or may be, unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

The WCS *Child Safety and Reporting Policy* sets out the WCS commitment to support and maintain safe environments for children and young people, to reduce the risk of violence, abuse, neglect or exploitation occurring in WCS services and the community, and to ensure that reports are made when necessary to reduce harm and meet legislative reporting requirements.

This *Preventing and Responding to Violence, Abuse, Neglect or Exploitation of Vulnerable Persons Policy* sets out the WCS duty of care to provide a safe environment for vulnerable persons aged 18 years and above, consistent with the protections against abuse and neglect of vulnerable adults in the ACT Crimes Act (2020 amendment). This policy also sets out the provisions to meet the reportable incident provisions for those receiving services under the National Disability Insurance Scheme (NDIS).

- If a service user is under 18 years and **is not** receiving services from WCS under NDIS, **only** the provisions of the Child Safety and Reporting Policy apply.
- If a service user is under 18 years and **is** receiving services from WCS under NDIS, **both** the provisions of the Child Safety and Reporting policy and this policy apply.
- If a service user is 18 years or above, the provisions of this policy apply.

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, physical, sexual, psychological or financial abuse.

Exploitation is treating someone unfairly for personal gain. Exploitation may be a component of abuse.

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

See the *WCS Fact Sheet on Identifying Violence, Abuse, Neglect or Exploitation* for more information and examples of actions constituting abuse or neglect.

A **reportable incident** is where a certain act or event has happened (or is alleged to have happened) for someone receiving services from WCS under NDIS. Acts or events covered include:

- The death of a person with disability
- Serious injury of a person with disability
- Abuse or neglect of a person with disability
- Unlawful sexual or physical contact with, or assault of, a person with disability
- Sexual misconduct, committed against, or in the presence of, a person with disability, including grooming of the person with disability for sexual activity
- Unauthorised use of restrictive practices in relation to a person with disability.

Policy

WCS is committed to the safety, care and wellbeing of all people who access our services.

All WCS staff have responsibilities for providing a safe environment for vulnerable persons and reporting information about violence, abuse, neglect or exploitation identified or suspected to their manager.

WCS managers will take action to minimise the risk of violence, abuse, neglect or exploitation, ensuring allegations or suspicions are appropriately addressed. WCS recognises it has a duty to facilitate the prompt reporting of all matters to police or other government agencies. If requested, WCS will assist with all reasonable information sharing requests for police and other statutory authorities including the NDIS Quality and Safeguards Commission and the ACT Human Rights Commission.

WCS staff will maintain confidentiality in all matters in accordance with legal obligations and ensure all disclosures and reports of violence, abuse, neglect or exploitation are treated seriously and with respect.

Creating a safe environment

WCS takes the following steps to create a safe environment for service delivery:

- WCS has robust processes for recruiting, selecting and screening suitably qualified and experienced employees and volunteers (refer to Recruitment Policy and Procedures).
- WCS complies with ACT legislation for Working with Vulnerable People (WWVP) registration and takes reasonable steps to ensure ongoing monitoring of its validity. WCS maintains records of all WWVP registrations and police checks for staff where required for their position. Staff must produce evidence of their current ACT WWVP registration prior to commencing work or volunteering with WCS and continually meet the requirements of their WWVP registration.
- WCS ensures that all other persons (e.g. contractors) do not have unsupervised access to vulnerable persons in the workplace.
- WCS has a Code of Conduct setting the standards for how staff work, behave and perform. All staff must commit to meeting this code when starting with WCS.
- WCS maintains current policies, procedures and resources that are accessible to all staff.
- Training – WCS maintains awareness for staff through training and ongoing support. WCS provides induction training for all. The WCS NDIS training plan sets out the mandatory training for NDIS workers.

- Supervision – WCS provides regular supervision of staff, including case reviews.
- Identification – WCS staff have identification to enable service users to easily identify staff engaged to provide services. The type of identification varies between services. It may be a WCS name badge, a WCS uniform or an identification card with the WCS logo.
- Record keeping – staff keep regular and accurate electronic case notes for all services provided to service users. All records related to service delivery to vulnerable persons are kept securely to enable investigation should the need arise, as per Information and Knowledge Management Policy.
- Service model – WCS provides service within a person centred, trauma informed framework.
- Responding to feedback and complaints – WCS encourages service users and their carers/advocates to raise any concerns and will respond to these promptly and fairly, without any impact on service provision.
- Human rights – WCS ensures that all service users and their carers/advocates are aware of their rights, and works within a human rights framework.

Procedure for reporting concerns of abuse or neglect

WCS has a duty of care to a vulnerable person. The process below provides WCS staff with guidance and potential controls to protect the vulnerable person when they identify any concerns.

1. For **imminent threats to safety**, staff must contact the police on 000 immediately.
2. A staff member who suspects or believes on reasonable grounds that a vulnerable person is experiencing violence, abuse, neglect or exploitation, or has concerns about a vulnerable person, must **discuss this with their supervisor** promptly.
3. In discussion with the staff member, the supervisor will determine what response is needed to protect the welfare of the vulnerable person and if any report should be made. This may be a report to:
 - a. the police, if a possible **criminal** matter
 - b. to Child and Youth Protection Services, if the **vulnerable person is under 18** (see Child Safety and Reporting Policy)
 - c. to the NDIS Quality and Safeguards Commissioner, if a **reportable incident** occurs, or is alleged to have occurred - details of certain incidents (such as the death of a person with disability) must be notified within 24 hours, while others must be notified within five business days
 - d. other funding or regulatory body, if relevant for the service.
4. Where concerns relate to **behaviour of a staff member** towards a vulnerable person, then the supervisor should immediately inform their Director, as well as the Manager, People and Culture and Director, Corporate Services. The senior managers will then determine whether a formal investigation is required (as set out in the WCS Investigation Process).
5. Where concerns relate to potential neglect of a vulnerable person as a result of **suicide ideation by a carer/family member**, then the staff member should call the Access Mental Health Crisis team on 1800 629 354.

6. Whether or not a report is made, the staff member must submit a **WCS Incident Report**, marking the incident as critical, given the threat to the safety of a service user. The staff member must also write a **case note** on the service user's records, setting out the basis for their concern, the response and the decision whether or not to report to external bodies.
7. The staff member and supervisor should determine if the vulnerable person may need any **additional support** and provide or refer for any services as appropriate. If applicable, the staff member should update any **risk assessment** for the vulnerable person to record the risk and the steps taken to address the risk.

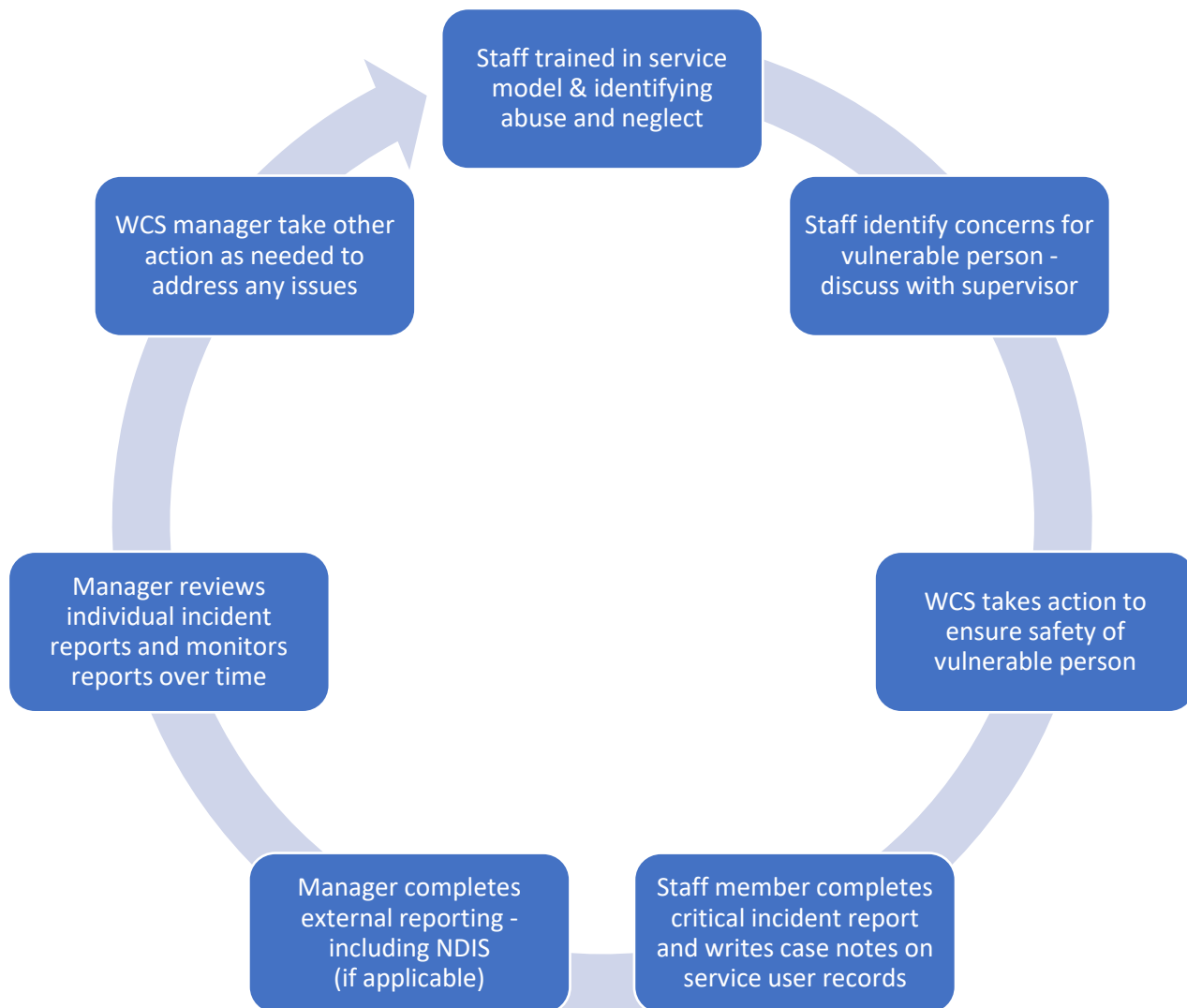
Continuous improvement

Whenever WCS managers identify concerns about potential violence, abuse, neglect or exploitation towards a vulnerable person, at the conclusion of the matter they will review the identification, investigation and reporting process. This is to determine any need for improvements to service or updates to policies or procedures. This can be done through reviewing all incident reports for the area related to such concerns.

The manager will follow through in accordance with WCS continuous improvement processes, and actions monitored through relevant meetings. For example, this may involve embedding improvements identified in processes and documentation and reinforcing these through training and staff meetings.

The WCS continuous improvement processes are set out in the Quality and Risk Management Framework.

Flow chart of process to identify and respond to abuse or neglect



References and Resources

Internal

Investigations Process

Code of Conduct

Quality and Risk Management Framework

Information and Knowledge Management Policy

Incident Reporting Guide and Form

Child Safety and Reporting Policy

Complaints Policy and Procedure

External

Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020

https://www.legislation.act.gov.au/b/db_62217/

Media release:

https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/gordon-ramsay-mla-media-releases/2020/protecting-canberras-most-vulnerable

Health Records (Privacy and Access) Act 1997

National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018

<https://www.legislation.gov.au/Details/F2018L00633>

National Disability Services – National Standards for Disability Services Toolkit

<https://www.nds.org.au/resources/national-standards-for-disability-services-toolkit>

Aged Care Act 1997

<https://www.legislation.gov.au/Details/C2020C00164>

Zero Tolerance – National Disability Services

<https://www.nds.org.au/resources/zero-tolerance>

'Understanding Abuse' e-learning program (National Disability Services)

<https://www.nds.org.au/zero-tolerance-framework/understanding-abuse>

Australian Government, Attorney General: Protecting the Rights of Older Australians

<https://www.ag.gov.au/rights-and-protections/protecting-rights-older-australians>

Incident management and reportable incidents (NDIS Providers)

<https://www.ndiscommission.gov.au/providers/incident-management-and-reportable-incident>

NDIS Incident Management Systems – Detailed Guidance for Registered NDIS Providers, June 2019

<https://www.ndiscommission.gov.au/document/1086>

Worker Orientation Module 'Quality, Safety and You'

<https://www.ndiscommission.gov.au/workers/training-course>

Queensland Government, Department of Communities, Disability Services and Seniors

Preventing and responding to abuse, neglect and exploitation

<https://www.communities.qld.gov.au/disability-connect-queensland/preventing-responding-abuse-neglect-exploitation>

NSW Elder Abuse Toolkit

<https://www.ageingdisabilitycommission.nsw.gov.au/tools-and-resources/for-professionals/downloadable-toolkits-and-flyers/elder-abuse-prevention-toolkit>

Elder Abuse Online Course: initiated to assist in building the capacity of the workforce to identify and respond to elder abuse.

<https://www2.health.vic.gov.au/ageing-and-aged-care/wellbeing-and-participation/preventing-elder-abuse/elder-abuse-professional-development>

NDIS Practice Standards and Quality Indicators -July 2018

Policy review

Current version

Service line Service area	Disability, Mental Health and Aged Care	Version	1.1
Process owner	Director, Disability, Mental Health and Aged Care	Date of issue	Dec 2020
Approved by	Pam Boyer	Scheduled review date	Dec 2022

Modification history (including current version)

Version	Date	Author	Approved by	Description of changes
1.1	Dec 2020	Julie Evans, Policy Officer Jenny Pearce, Quality Standards Officer	Pam Boyer, Director, Disability, Mental Health and Aged Care	New policy