

Policy | abuse, neglect and exploitation

Purpose and Scope

The purpose of this policy is to ensure that people who work for, or attend workshops, consultations, and meetings with PDCN staff and contractors are safe and free from all forms of abuse, neglect and exploitation in their interactions with PDCN.

Where abuse or neglect does occur, PDCN responds promptly and sensitively to protect the person from further harm, and to coordinate appropriate responses in line with their duty of care obligations.

This policy applies to all members of the Physical Disability Council of NSW Board from the time that they are elected to office, and to the management, employees, contracted staff, and volunteers of PDCN. A copy of this *Policy* will be given to all Board members upon their election, and to the management and employees upon their appointment.

Policy

Everyone is entitled to feel safe, and to live in an environment in which they are protected from assault, neglect, exploitation or any other form of abuse.

What is Abuse?

Behaviour or actions that are intended to cause harm to a person including:

- Threatened or actual physical, sexual or verbal abuse, harassment, including physical and medical restraint
- Abusive behaviour management practices
- Taking advantage of legal and financial situations to the detriment of a person
- Accidents or near accidents caused by unsafe equipment or practices
- The threat of retribution for disclosure of any potential or actual abusive or neglectful practice or situation
- Use of punitive or coercive behaviours to ensure a person's compliance.

What is Assault?

As described in the *Crimes Act 1900* (NSW) there are various forms of assault that are unlawful. For the purpose of this policy, an assault is any attempt or threatened attempt to cause unwanted immediate physical contact or bodily harm that puts the victim in fear of such harm or contact.

What is Neglect?

Neglect is the failure of a person responsible for another person (eg: consumer, child, person who is older or ill) to provide them with the necessities of life. The necessities of life are usually considered to be adequate food, shelter, clothing, medical or dental care.

Neglect may also involve the refusal to permit others to provide appropriate care to that person.

What is exploitation?

Exploitation is someone is taking advantage of another person in any way.

Procedure

PDCN implements the following practices and safeguards which can prevent abuse.

1. All employees, contractors and volunteers are independent of service providers.
2. Staff proactively attempt to identify and understand the communication modes, and individual needs of people with disability who attend workshops, consultations, and meetings with PDCN.
3. Recruitment, training and supervision of staff focusses on values, and the rights of people with disability to have a voice, choice and control in their lives.
4. Staff are informed of their obligations in interactions with people with disability, and their significant others, families and supporters, to conduct these interactions in a manner that reduces the opportunity for abuse and neglect to occur.
5. Meetings are to be held at a location which is chosen by the person with disability.
6. Staff are provided with education and training on recognising and responding to indicators of abuse, neglect and trauma, positive behaviour support, communication skills and rights-based approaches.
7. An Information kit is provided to people involved in PDCN projects so they know what to do, and who to contact, if abuse or assault occurs.

PDCN responds to incidents and allegations of abuse, neglect and exploitation:

1 **Immediate Response:**

When abuse and neglect is identified or disclosed, the immediate response is to protect the person and others from further harm. The following procedures must be followed when abuse of any sort towards a person is known or suspected.

Failure to act immediately on knowledge of abuse and neglect, or identified risks to the welfare and safety of a person, may be a breach of PDCN's duty of care. Failure to act can lead to disciplinary action, and the involvement of external authorities such as the NSW Police or the NSW Ombudsman. It is paramount that the person's dignity is upheld prior to and during an investigation of an allegation or suspicion of abuse and neglect.

Any unlawful conduct, including sexual or physical assault, must be immediately reported to the NSW Police. Timely reporting of incidents ensures that safety issues are promptly addressed, evidence is preserved, and clients have best opportunity to recall and disclose details of any alleged abuse or incident.

Mandatory reporting under the Children and Young Persons (Care and Protection Act 1998) NSW

Whenever PDCN suspects that a child under the age of 16 years is at risk of serious harm, PDCN will report this concern to the NSW Police, and to the Secretary of FACS, as per the Mandatory Reporting Guide.

As soon as an incident comes to the attention of PDCN, the FACS Child Protection Helpline should be contacted on 132 111.

Mandatory reporting under the Disability Inclusion Act 2014 (NSW)

When dealing with people with a disability who live in supported group homes or respite centres, it is PDCN's responsibility under the law to report concerns including (but not limited to): sexual assault, sexual misconduct, assault, fraud, ill-treatment and neglect, to the NSW Ombudsman.

As soon as an incident comes to the attention of PDCN, the NSW Ombudsman's Disability Reportable Incidents Division should be contacted on 9286 1000.

Other individuals

For vulnerable persons over the age of 16, PDCN reports incidences of abuse or neglect to the NSW Police and NSW Ombudsman:

NSW Police: 000 (for emergency)
131 444 (Police Assistance Line)

NSW Ombudsman: 1800 451 524

In addition, reports of abuse and neglect can also be reported to the National Disability Abuse and Neglect Hotline 1800 880 052 (8am – 8pm Mon – Fri)

The Hotline provides guidance to callers on ways of dealing with reports of abuse or neglect through referral, information and support. It is not a crisis service. Anyone can contact the Hotline including the person with disability, family, friends, carers, advocated and staff from government and non-government service providers.

2 Follow up Procedure

Following the reporting of abuse, neglect or exploitation, the PDCN employee or contractor making the report must notify the PDCN Executive Officer, complete documentation and undertaking a debrief to safeguard their own health and wellbeing.

The Executive Officer will report any incident to the PDCN Board, and any other necessary stakeholders. The Executive Officer will also ensure all documentation is completed, kept in accordance with privacy requirements, and where required, also forwarded to appropriate reporting organisations if this has not already been undertaken.

3 Offering person centred support for the victim of abuse and neglect

The Executive Officer will appoint a primary contact person to communicate with the victim and their family, guardian or other support person, to ensure that information relating to the incident is provided through one coordinated source.

Information will be provided to a person with disability, their guardian or another support person, about the person with disability's legal rights, options and support services. This information must be provided in a format that suits the person with disability's individual communication needs. The Executive Officer must ensure a support person is available who knows the victim's communication requirements.

Staff must ensure that the victim is adequately supported by an independent person, who could be a relative, friend, advocacy service or legal practitioner.

When the victim is unable to make decisions about any aspect of the incident, a family member or guardian must be present to make decisions on the victim's behalf. Where this relates to medical treatment or forensic examination, consent must be provided by a person responsible in accordance with the *Guardianship Act 1987* (NSW).

In the circumstances of any allegation of discrimination, abuse, neglect or exploitation, PDCN will assist the victim and their family, guardian or other support person will to access any debriefing, counselling, legal or other support services, if that is their wish.

The Executive Officer will facilitate access to counselling for eligible victims of violent crimes and their families. Counselling will be provided by the Approved Counselling Service at Victims Services NSW (1800 633 063).

The victim, family, guardian or other support person will have the choice of pursuing the matter through the legal system and must be supported to access the services and advice they require. The Executive Officer can provide a list of organisations that provide legal advice and services.

The Charter of Victims Rights, which is contained in the *Victims Rights and Support Act 2013* (NSW) outlines 18 rights for victims of crime in NSW. The Charter applies to all NSW government agencies, non government agencies and private contractors funded by the State, including PDCN. Anyone who believes that their rights under the Charter have been breached can complain to Victims Services NSW.

Responsibility

It is the responsibility of all PDCN Board members, employees, contractors and volunteers to report incidences of abuse, neglect and exploitation and follow the above procedures.

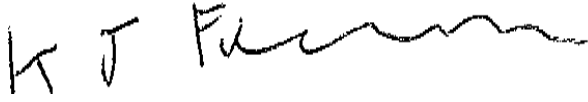


It is the responsibility of the Executive Officer to ensure that employees, contracted staff and volunteers are aware that any attempts to cover up or failure to report incidents of actual or potential abuse will lead to disciplinary action.

Related Documents

Police Checks. All members of the Board, management, employees, contracted staff, and volunteers of PDCN are required to have a police check conducted.

Working with Children Checks. All members of the Board, management, employees, contracted staff, and volunteers of PDCN are required to have a working with children check where their job role puts them in direct contact with children under 16 years of age.

Mandatory Reporting Guide (NSW)
Abuse and Neglect Definitions table
NSW Charter of Victims Rights

Version #	Approval Date	Approved by
1	 18/08/2014	PDCN Board
2	 20/09/16	PDCN Board
3	 13.2.18	PDCN Board (Chris Sparks President)