

# 1.5 Violence, Harm, Neglect, Exploitation and Discrimination

## Violence, Harm, Neglect, Exploitation and Discrimination Policy and Procedure

**Important note:** Information regarding our organisation reporting harm or risk of harm against children refer to the Working with Children Policy and Procedure.

### 1.0 Purpose

121 Supports Hunter Pty Ltd recognises the right of all participants to feel safe and to live in an environment that protects them from assault, neglect, exploitation, discrimination or any other form of harm or abuse. People with disabilities, children and young people are some of the most vulnerable groups in our society. 121 Supports Hunter Pty Ltd must identify, consult and respond to instances where persons with disabilities, children or young persons are being harmed or at risk of significant harm.

Common reasons for people with disabilities, children and young people to be at risk of significant harm include:

- domestic and family violence
- physical harm, sexual abuse and emotional harm
- neglect.
- Vulnerability due to living with disability

This policy aims to prevent and mitigate the effects of harm, risk of harm, violence, abuse and neglect on participants through training and implementing processes to inform staff and protect participants who are at risk of significant harm.

### 2.0 Scope

121 Supports Hunter Pty Ltd will encourage and support any person who has witnessed the abuse of a service user or, who suspects that harm or abuse has occurred, to make a report and be confident of doing so without fear of retribution.

### 3.0 Definitions

| Term                     | Definition                                                                                                                                                                                                                                                |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Abuse and neglect</b> | Any behaviour outside the norms of conduct entails a substantial risk of causing physical or emotional harm to a person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e. neglect) and commission (i.e. abuse). |
| <b>Discrimination</b>    | Discrimination is the treating or proposing to treat someone unfavourably because of a personal characteristic protected by the law, including bullying someone because of a protected characteristic.                                                    |
| <b>Exploitation</b>      | Exploitation is the action or fact of mistreating someone to benefit from their work or the action of making use of and benefiting from resources.                                                                                                        |
| <b>Violence</b>          | Violent behaviour by a person towards another can include abusive behaviour that is physical, sexual, intimidating and forceful.                                                                                                                          |
| <b>Harm</b>              | Harm will be taken to be a reference to physical harm or psychological harm (whether caused by any act or omission) and includes such harm caused by sexual, physical, mental or emotional abuse or neglect                                               |

### 3.1 Types of abuse

| Term                                 | Signs and symptoms                                                                                                                                                                                                                    | Causes                                                                                                                                                                                   |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Physical harm</b>                 | Bruising, lacerations, welts, rashes, broken or healing bones, burns, weight loss, facial swelling, missing teeth, pain or restricted movements, crying, acting fearful, agitation, drowsiness, hair loss or poor physical well-being | Hitting, slapping, pushing, punching or burning entails an incident that is non-accidental, resulting in pain or injury.                                                                 |
| <b>Psychological/ emotional harm</b> | Loss of interest in self-care, helplessness, withdrawal, apathy, insomnia, fearfulness, reluctance to communicate openly, choosing not to maintain                                                                                    | Intimidation, humiliation, harassment, threatening, sleep deprivation, withholding affection, or not allowing them to maintain their decision-making powers leads to a repeated pattern. |

|                                  |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                  | eye contact, paranoia and confusion.                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                            |
| <b>Sexual abuse</b>              | Unexplained sexually transmitted disease, vaginal/anal bleeding, fear of specific people or places, bruising to genital areas, inner thigh or around breasts, anxiety, torn or bloody underclothes, difficulty walking or sitting, sleep pattern changes, repeating nightmares.                                                                                                          | Rape (penetration or oral-genital contact), interest in older person's bodies, inappropriate comments and sexual references, inappropriate (possibly painful) administration of enemas or genital cleansing, indecent assault, and sexual harassment are mainly about violence and power over another person, rather than sexual pleasure. |
| <b>Neglect</b>                   | Neglect is poor hygiene or personal care, unkempt appearance, lack of personal items, absence of health aids, weight loss, agitation, inappropriate clothing or lack of food.                                                                                                                                                                                                            | Neglect is the intentional failure to provide basic life necessities.                                                                                                                                                                                                                                                                      |
| <b>Domestic and family abuse</b> | Any controlling, bullying, threatening or violent behaviour between people in a relationship, including emotional, physical, sexual, financial or psychological abuse.                                                                                                                                                                                                                   | Many experts believe in psychopathology. Witnessing abuse as the norm, or being abused, destroys the child's ability to trust others and undermines their ability to control emotion.                                                                                                                                                      |
| <b>Financial harm</b>            | Unexplained money loss, lack of money to pay for essentials such as rent, bills and food, Inability to access or check bank accounts and bank balance, changes or deterioration in standards of living, e.g. not having items or things they would usually have, Unusual or inappropriate purchases in bank statements, Isolation and withdrawal from friends and family, Lack of things | Financial abuse is when someone takes away access to money, manipulates their financial decisions, or uses their money without consent.<br><br>It occurs when someone uses money or things relating to money to hurt, scare or control someone.                                                                                            |

|                 |                                                                                                                                                                                                                                            |                                                                                                                                                             |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 | you'd expect someone to be able to afford, e.g. TV, grooming items, clothing                                                                                                                                                               |                                                                                                                                                             |
| <b>Grooming</b> | Being very secretive about how they're spending their time, including when online, having money or new things like clothes and mobile phones that they can't or won't explain, depression and or anxiety, underage drinking or drug taking | Grooming is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them. |

## 4.0 Policy

This policy aims to:

- take a preventative, proactive and participatory approach to participant safety
- value and empower the participant to contribute to decisions that affect their lives
- foster a culture of openness that supports all persons to disclose the risks of harm to participant safety
- respect diversity in cultures and child-rearing practices while keeping the participant's safety paramount
- provide training to staff on appropriate conduct and behaviour towards participants
- engage only the most suitable people to work with participants and ensure superior quality staff, volunteer supervision and professional development
- ensure participants know who to talk to if they are worried or feeling unsafe and that they are comfortable and encouraged to raise any issues
- report suspected abuse, neglect or mistreatment promptly to the appropriate authorities
  - children to Police on 000 if there is a serious immediate risk, and to the state reporting body
  - adults to Police on 000 if there is a serious immediate risk
- share information appropriately and lawfully with other organisations where the safety and wellbeing of the participants are at risk
- value the input of families and advocates and communicate regularly with them.

A participant's harm, abuse and neglect are defined as a reportable incident; therefore, the Reportable Incident, Accident and Emergency Policy and Procedure will apply.

#### **4.1 Statement of commitment to safety**

121 Supports Hunter Pty Ltd is committed to the safety and wellbeing of all participants. This commitment is the primary focus of our support and decision making. 121 Supports Hunter Pty Ltd is committed to providing a safe environment where participants are safe, and their voices are heard and included in decisions that affect their lives. Attention is paid to the cultural safety of participants from culturally or linguistically diverse backgrounds.

All staff members have a responsibility to understand the critical and specific role they play, both individually and collectively, to ensure the wellbeing and safety of all participants and young people are at the forefront of all they do and every decision they make.

#### **4.2 Safe Code of Conduct**

121 Supports Hunter Pty Ltd is committed to the safety and wellbeing of participants. Our business recognises the importance of, and responsibility for, ensuring our environment is a safe, supportive and enriching environment that respects and fosters the dignity and self-esteem of all people, enabling them to thrive.

The Safe Code of Conduct protects our employees and participants and reduces abuse or harm opportunities. It also assists in understanding how to avoid or better manage risky behaviours and situations. It is intended to complement child protection legislation, disability legislation, policies and procedures, and professional standards and codes of ethics apply to all staff.

121 Supports Hunter Pty Ltd management supports the implementation and monitoring of the Code of Conduct. We will plan, implement and monitor arrangements to provide inclusive and safe environments.

All staff, volunteers, and other community members involved in participant-related work must comply with the Code of Conduct by observing appropriate and acceptable behaviour (see '4.3 Acceptable behaviours' below). The Code of Conduct applies in all situations, including planned activities, digital technology, and social media.

#### **4.3 Acceptable behaviours**

Staff or any other persons involved with participant-related work are responsible for supporting and promoting the safety of participants by:

- upholding 121 Supports Hunter Pty Ltd's Statement of Commitment for the participant's safety
- treating the participant, their family and advocates with respect within the environment and during outside activities as part of everyday social and community activities

- listening and responding to the participant's views and concerns, particularly if:
  - they are reporting that they or another person have been abused; or
  - that they are worried about their safety or the safety of another participant
- promoting cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander people through interactions with their community leaders and members
- promoting the cultural safety, participation and empowerment of people with culturally or linguistically diverse backgrounds through engagement with the community accessing the service
- promoting the safety, participation and empowerment of people with disabilities
- reporting any allegations of harm, risk of harm and abuse or personal safety concerns to management, who must contact the relevant state authority (for children, see *Working with Children Policy and Procedure*)
- understanding and complying with all reporting or disclosure obligations (including mandatory state reporting), as they relate to protecting the participant from harm or abuse
- maintaining the right to live in a safe environment by promoting and informing the participants of their rights
- ensuring participants are safe and protected from harm as quickly as possible once harm, risk of harm or abuse is suspected
- identifying themselves to the participant upon entering premises and showing any required identification.

#### **4.4 Unacceptable behaviours**

As front-line workers, volunteers and community members involved in participant-related work, our staff will not:

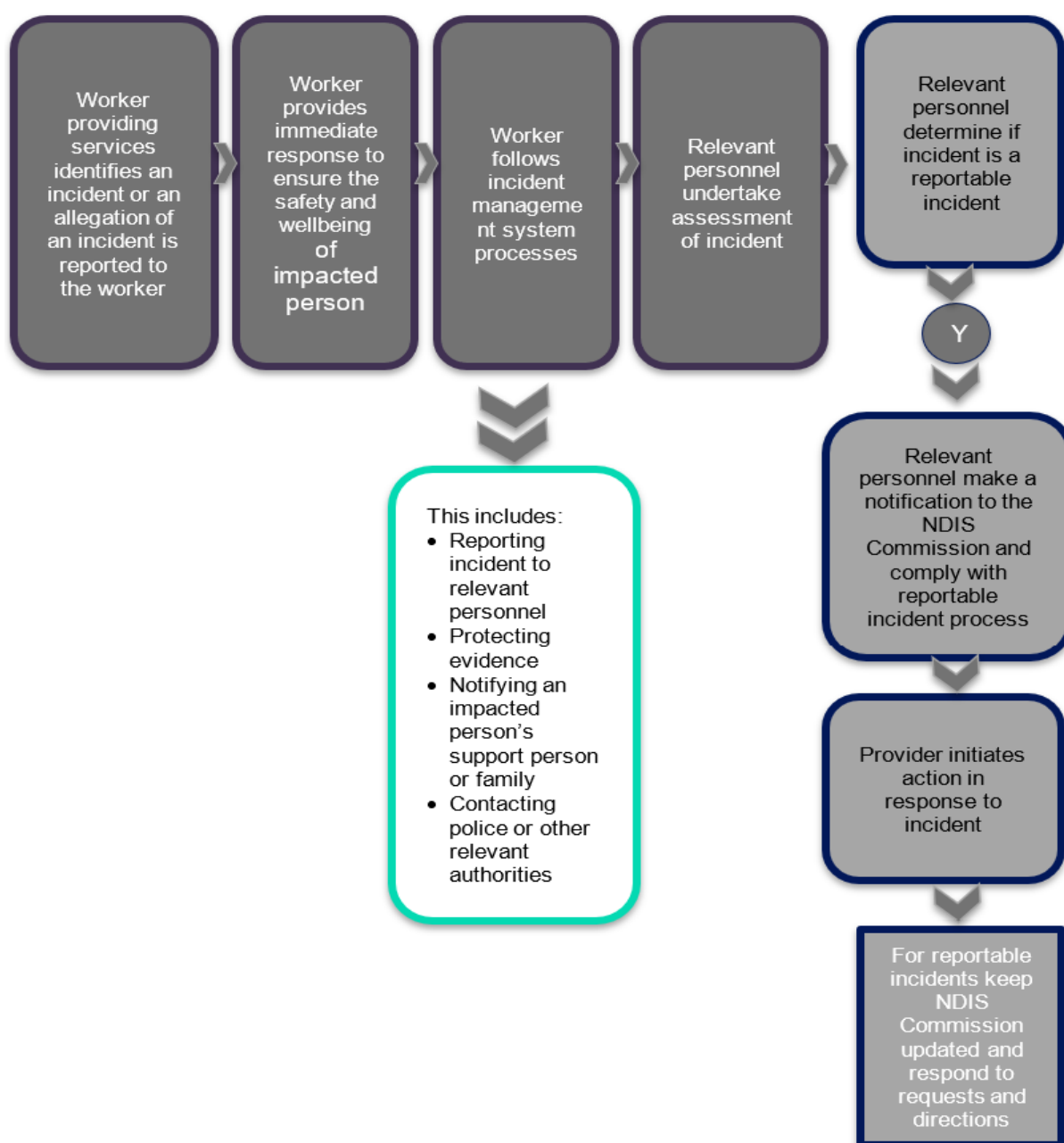
- ignore or disregard any concerns, suspicions or disclosures of abuse
- develop a relationship with any participant that could be viewed as favouritism or grooming behaviour, e.g. offering gifts
- exhibit behaviours, or engage in activities with participants that can be interpreted as abusive, harmful and unjustifiable in an educational, therapeutic or service delivery context
- ignore behaviours by other adults toward young participants when they are overly familiar or inappropriate
- discuss the content of an intimate nature or use sexual innuendo with participants, except where it occurs relevantly in the context of parental/advocate guidance or a therapeutic setting
- treat a participant unfavourably because of their disability, age, gender, race, culture, vulnerability, sexuality or ethnicity
- communicate directly with an underage participant through personal or private contact channels, e.g. social media, email, instant messaging or texting, except where that communication is reasonable in all the circumstances related to work or activities, safety concerns or other urgent matters.

#### 4.5 Screening, supervising, training and human resource practices to reduce risk

Our staff will be required to undertake checks, including disability worker checks, relevant police, and working with children checks and the mandatory NDIS Worker Orientation Module. All records will be maintained in their personnel file.

#### 5.0 Procedure

Figure 1 Steps in Incident Management (Incident Management Systems – detailed guidance for NDIS Providers June 2019. Please note: any harm or reasonable suspicion of harm, abuse or neglect to children must be reported to the state authorities (see Working with Children Policy and Procedure)



## **5.1 Strategies to identify and reduce or remove the risk of harm**

121 Supports Hunter Pty Ltd recognise that creating a safe organisation begins with a clear understanding of the potential risks to the participant and staff in our organisation's setting. 121 Supports Hunter Pty Ltd will identify possible issues and problems and plan to reduce or remove these risks.

To reduce the likelihood of harm, 121 Supports Hunter Pty Ltd will consider, define and act against its organisational risks. These strategies include:

- considering the organisation, activities and services provided to participants
- reviewing and planning how to make all activities as safe as possible
- developing a safety plan for participants who require additional supports
- supporting participants with disabilities to understand plans and safety procedures using appropriate communication methods
- informing participants that they have the right to live in a safe environment
- acting proactively to reduce the likelihood of any risks.

## **5.2 Reporting violence, abuse, neglect, exploitation and discrimination**

A report must be made if:

- a participant shows a change in behaviour or mood, which may indicate they are being abused
- someone is observed behaving toward a participant in a way that makes others feel uncomfortable
- a participant advises another person is abusing them
- a person advises that they are abusing another participant
- a participant or visitor informs that they have observed abusive or harmful acts
- a participant advises that they feel discriminated against, e.g. language and actions
- a participant presents as unkempt or seeking food
- there is evidence of unexplained bruising or similar
- an action or inaction is witnessed that may be considered abusive, harmful or at risk of harm
- when an individual, for any reason, believes a participant is being abused.

Failure to report an abusive, harmful or risk of harm situation may result in a criminal offence. Reporting procedure below relates to:

- abuse or neglect of a person with a disability (including harm and risk of harm for under 18s)
- unlawful sexual or physical contact with, or assault of, a person with a disability
- sexual misconduct, committed against, or in the presence of, a person with a disability, including grooming for sexual activity
- Unauthorised use of restrictive practices to a person with a disability.

### **5.3 Assault identification and response**

#### **Step 1. Identified potential or real risk of harm to a participant**

- Inform management of the identified or actual risk of violence, abuse, neglect, exploitation and discrimination.
- If a real risk has occurred, 121 Supports Hunter Pty Ltd will follow the reporting procedure listed below in 5.4 How to report (for more information, refer to the Reportable Incident, Accident and Emergency Policy and Procedure listed below).
- Steps 2 to 4 (below) will be followed as part of our prevention strategies if a real risk has not occurred.

#### **Step 2. Response to a potential or real risk of harm to a participant**

- Delegated management officer will contact police or governing state body, or in case of emergency, we will call 000 (follow the reportable incident process listed below)
- Support the participant by offering to contact relevant support persons (e.g. family member or advocate)
- If the risk of harm has not occurred, then management should review the Incident Report and determine prevention strategies

#### **Step 3. Documentation**

- Reporting staff member to complete the Incident Report in the Brevity care App.
- The General will complete the 121 Incident Investigation Form/Report (as required).

#### **Step 4. Follow up**

- The General Manager/Community Engagement Coordinator will check on the participant after the event to ensure that they are receiving any required support.
- 121 Supports Hunter Pty Ltd will review our incident management system to identify if any additional preventative measures could be introduced to improve organisational practices.
- 121 Supports Hunter Pty Ltd will train our staff as required to prevent harm to the participant.

### **5.4 Reporting roles**

The organisation will establish the following roles and ensure that allocated staff are aware of their responsibilities:

1. Approved Reportable Incident Approver responsibilities:
  - the authority to review reports before submission to the NDIS Commission.
  - submits new reportable incidents
  - views previous reportable incidents submitted by their organisation.

2. Authorised Reportable Incidents Notifier responsibilities:
  - supports the Authorised Reportable Incident Approver to collate and report the required information
  - creates new reportable incident notifications to be saved as a draft for review and submission by the Authorised Reportable Incident Approver.
3. Mandated notifier responsibilities for children (see Working with Children Policy and Procedure)

## 5.5 How to report

The Director will review the information and contact the police immediately to inform them of the suspected abuse.

For Module 2A implementing providers, unauthorised use of a restrictive practice constitutes a reportable incident. The provider must notify the NDIS Commission within five business days of becoming aware of the use.

Reportable incidents are submitted via the NDIS Commission Portal - [My Reportable Incidents](#) page as follows:

1. Complete an **Immediate Notification Form** and submit it within 24 hours:
  - Approved Reportable Incident Notifier will create for approval.
  - Approved Reportable Incident Approver will approve and submit.

Note: Approved Reportable Incident Notifier may create and submit as required by the circumstance of the incident. The participant's valid NDIS Number must be entered.
2. The **5-day Form** is to be completed within five days of key stakeholders being informed of an incident:
  - Approved Reportable Incident Notifier will create a form for approval.
  - Approved Reportable Incident Approver will approve and submit.
    - Note: Approved Reportable Incident Notifier may create and submit as required by the circumstance of the incident.
3. A final report will be submitted if requested by the NDIS Commission.
  - Approved Reportable Incident Notifier will create for approval.
  - Approved Reportable Incident Approver will approve and submit.
    - Note: Approved Reportable Incident Notifier may create and submit as required by the circumstance of the incident.

### 5.5.1 Timeframes for notifying the NDIS Commission about reportable incidents

When a reportable incident occurs or is alleged in connection with the NDIS supports or services you deliver, you must notify us using the [NDIS Commission Portal](#) within the required timeframes (set out below). The timeframes are calculated from when a registered NDIS provider became aware that the incident occurred or was alleged to have occurred.

| Reportable incident                                                                                                                                                                | Required timeframe |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| death of a person with disability                                                                                                                                                  | 24 hours           |
| serious injury of a person with disability                                                                                                                                         | 24 hours           |
| abuse or neglect of a person with disability                                                                                                                                       | 24 hours           |
| unlawful sexual or physical contact with, or assault of, a person with disability                                                                                                  | 24 hours           |
| sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity                                         | 24 hours           |
| the use of the restrictive practice to a person with disability if the use is not following a required state or territory authorisation and/or not under a behaviour support plan. | Five business days |

### 5.6 Details to provide

The Director will give the following information to the authorities:

- participant's name, age, date of birth and address
- description of injury, harm, risk of harm, abuse and neglect (outline current and previous)
- participant's current situation
- location of the participant and alleged perpetrator, if known
- explanation of when and how harm, risk of harm or abuse was discovered and by whom.

**Note:** NDIS forms must be submitted to the NDIS Commission. The required police contact will also use the above information if investigating an incident.

### ***5.7 Investigating allegation or incident***

An investigation is guided by relevant authorities such as the Police, NDIS and state reporting body for children (refer to Working with Children Policy and Procedure) to ensure that the internal investigation does not inadvertently affect the outcome of their investigation.

The Director undertakes a review of the allegation or incident by:

- gathering data from the relevant person/s
- analysing the situation to determine what occurred, how it occurred, and the parties involved
- determining the effect on the participant/s
- consulting with relevant stakeholders; never seek information that may guide the participant as this requires a specialist. Appropriate authorities will conduct any questioning once the incident is reported
- informing the participant or their family that they have access to a support advocate
- reviewing the outcome against practices
- undertaking action to prevent the incident from being repeated.

### ***5.8 Support the participant***

Reported allegations or incidents require the Director to gather all the relevant information and make a report to the relevant authority such as the police or via each state's reporting process.

Support will be provided to the participant relevant to the allegation or incident. The participant will be provided with an appropriate advocate if required.

### ***5.9 Documentation***

- Record all allegations and incidents in the Incident Register.
- Complete Incident Investigation Form/Report
- Complete Incident Investigation Form, if required.
- All reports are to be included in the participant's file.
- Complete Immediate Notification Form and 5-Day Form, and NDIS Report, as required.
- Maintain records for seven years.

### ***6.0 Related documents***

- 121 Authority to Act as an Advocate Form
- 121 Code of Conduct Agreement
- Incident Investigation Form - Report
- Incident Register

- Participant Notes
- 121 Risk Assessment Form
- 121 Risk Management Plan
- 121 Risk Register
- 121 Employee Training Plan-Record
- 121 Employee Training Register
- Reportable Incident, Accident and Emergency Policy and Procedure
- Working with Children Policy and Procedure
- Zero Tolerance Policy and Procedure

## **7.0 References**

- NDIS (Incident Management and Reportable Incidents) Rules 2018
- NDIS Practice Standards and Quality Indicators 2021
- The National Framework for Protecting Australia's Children
- United Nations Convention on the Rights of the Child 1989