

# Abuse, Neglect and Exploitation Policy

## 1. Purpose

Inala Community House (ICH) National Disability Insurance Scheme (NDIS) is committed to ensuring the safety and wellbeing of all participants that supports are provided to. 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.

This policy addresses how ICH NDIS prevents and responds to abuse, neglect and exploitation. Any alleged, suspected or act of abuse, neglect or exploitation is a reportable incident. It must be reported to the NDIS Commission, police and any other relevant authority. It is our organisation's responsibility to respond to reportable incidents immediately and a notification process will be undertaken with the NDIS Commission and relevant stakeholders. Refer ICH NDIS Incident Management Policy for additional information. Refer to ICH NDIS Incident Management Policy.

## 2. Scope

This policy applies to all ICH NDIS representatives including key management personnel, Directors, full time workers, part time workers, casual workers, contractors, volunteers, students. For the purpose of this policy, these persons shall be referred to as workers.

## 3. Definition

**Abuse:** Single acts or patterns of abuse, such as:

- Physical abuse – non-accidental physical acts towards a person with a disability that are intended to cause hurt or harm. Acts that result in that person experiencing significant pain, shock or other unpleasant sensation. In some circumstances, acts of physical abuse will also amount to unlawful physical contact or assault, and may cause a serious injury to the person.
- Sexual abuse – any sexual contact (or threatened sexual contact); or any sexual activity with a person who is unable to understand, has not given consent, is threatened, coerced, tricked or forced to engage in sexual behaviour or who is under the age of 16. It also encompasses sexual misconduct which does not necessarily amount to a criminal offence and offences which are unlawful but which do not include any physical contact. This can include acting sexually in the presence of a person with a disability or otherwise exposing a person to matters of a sexual nature, grooming of a child for sexual offences, filming a person for sexual purposes without consent, pornography offences or those involving child abuse material. Encouraging a person with a disability to commit a sexual offence also constitutes unlawful sexual conduct.

- Psychological or emotional abuse – verbal or non-verbal acts that cause significant emotional or psychological anguish, pain or distress including verbal taunts, threats of maltreatment, harassment, humiliation or intimidation, or a failure to interact with a person with a disability or acknowledge their presence.
- Financial abuse – improper or illegal use of money (including NDIS funds where they are managed by the individual person with a disability), property, resources or assets of a person with a disability, including improperly withholding finances from that person, and coercing or misleading the person with a disability as to how the funds or property will be used.
- Systemic abuse – a failure to recognise, provide, or attempt to provide adequate or appropriate services, including services that are appropriate to the person's age, gender, culture, disability, support needs or preferences, that has a significant physical, emotional or psychological impact on the person with a disability.

**Neglect:** includes an action, or a failure to act, by a person who has care or support responsibilities towards a person with a disability. It includes any case where a person's basic needs are not met, including:

- Physical neglect – 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.
- Emotional neglect – failure to support and encourage protect and provide stimulation needed for the social, intellectual and emotional growth or wellbeing of a person.
- Passive neglect – failure to provide or wilful withholding of the necessities of life, including food, clothing, shelter or medical care.
- Supervisory neglect – intentional or reckless failure to adequately supervise or support a participant that also:
  - Involves a gross breach of professional standards; or
  - Has the potential to result in the death of, or significant harm to, a participant.
- A failure to protect from abuse

Neglect can occur on a single occasion where it results in actual harm or potential significant harm for the person with a disability. It can also be ongoing, repeated failures to meet a person's physical or psychological needs.

**Exploitation:** Any case where:

- 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 temporarily or permanently deprive that person of the use, benefit or possession of those funds, assets or property 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 temporarily or permanently deprive the participant of the use, benefit or possession of the funds, assets or property for the benefit of someone other than the participant.

- Examples of exploitation include:
  - Taking or using the assets, funds or other possession of a participant without their consent
  - 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.

**Patterns of Abuse:** involve repeated behaviour towards a person with a disability, which may not seem like instances of abuse when considered in isolation. For example, a person may repeatedly verbally abuse a person with a disability by shouting or constantly criticising the person. While this may not cause significant harm or suffering on an individual occasion, over time the repetitive nature of the abuse constitutes a pattern of abuse. It is also a pattern of abuse where the same person uses the same abusive behaviour with several participants either over time or simultaneously.

## 4. Policy

### 4.1 Preventing abuse and neglect

ICH NDIS will provide supports and services in an environment free of abuse and neglect. The program will also ensure people with high support needs and/or communication difficulty are well supported to enable detection and prevention of abuse and neglect. To help ensure this, staff will be trained to recognise, prevent or minimise the occurrence or recurrence of abuse and neglect of participants.

### 4.2 Responding to abuse and neglect

ICH NDIS 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 and maintaining the scene of the incident by taking photos and protecting any personal articles relevant to the incident.
- 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 taking action 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.

#### 4.3 Abuse and neglect responsibilities

ICH NDIS workers are responsible for:

- Providing supports and services in a manner consistent with the Code of Conduct and treating participants with respect and dignity at all times.
- Responding promptly and sensitively to protect the victim from further harm.

Key management personnel are responsible for:

- Ensuring all ICH NDIS workers are aware of, trained in, compliant with, and implement the policies and processes to prevent and respond to abuse, neglect and exploitation of participants.
- 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 ICH NDIS workers and key management personnel will cooperate with the investigations of police or other external agency. They will also encourage witnesses to cooperate where appropriate.

#### 4.4 What is not abuse and neglect

The following actions do not constitute abuse:

- Restraining a participant in accordance with an approved behaviour support plan authorised by a restricted practices authorisation mechanism.
- Taking reasonable steps to disarm a participant seeking to harm themselves or others
- Separating participants who are fighting.
- Moving a participant out of harm's way.
- Restraining a participant with the intention of preventing them from causing intentional damage to property, in self-defence, or in the defence of others.

#### 4.5 Record Keeping

All incidents will be recorded on an internal incident report and logged onto an internal incident register.

All records relating to incidents will be kept for a minimum of 7 years from date of incident.

#### 4.6 Breach of ICH NDIS Abuse, Neglect and Exploitation Policy

Any form of abuse, neglect or exploitation found to have been perpetrated by a worker will lead to disciplinary action, up to and including termination of employment.

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

### 5. Review

This policy remains in effect unless otherwise determined by resolution of the Board of Directors.

This policy will be reviewed every two years or sooner as required.

### 6. Related Documents

#### **Policies**

ICH NDIS Incident Management Policy  
ICH NDIS Participant Rights Policy  
ICH NDIS Person-centred Care Policy  
ICH NDIS Duty of Care and Dignity of Risk Policy  
ICH NDIS Decision Making and Consent Policy  
ICH NDIS Diversity and Inclusion Policy  
ICH Anti-Bullying Policy  
ICH Anti-Discrimination Policy  
ICH Anti-Sexual Harassment Policy  
ICH Service User Support Policy  
ICH Service User Protection Policy

#### **Other Documents**

Abuse, Neglect and Exploitation (easy read)

#### **References**

CentroAssist Policy Portal  
NDIS (Quality Indicators) Guidelines (Cth)  
National Disability Insurance Scheme Act (Cth)