

# Freedom from Violence, Abuse and Neglect



## **Policy: Freedom from Violence, Abuse and Neglect**

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### **Purpose**

This purpose of this policy is to ensure that Achieve Australia services promote, uphold, and respect the legal and human rights of people with disability (their families, carers and supported decision makers). This includes the rights of people to make informed choices, exercise control and maximise their independence regarding supports provided.

Achieve Australia will ensure, as far as possible, that people access supports that are free from violence, abuse, neglect, exploitation, and discrimination. We acknowledge the capacity of all people who access our services to determine their own best interests and to make decisions about their own lives.

This policy aims to ensure that

- we demonstrate that we have zero tolerance for violence, abuse, neglect, exploitation and discrimination.
- we work to actively prevent violence, abuse, neglect, exploitation and discrimination.
- we have processes in place to respond effectively to suspicions, allegations and incidents of violence, abuse, neglect, exploitation and discrimination, including maintaining appropriate records.
- we have an incident management system in place which oversees the management of all incidents and is used to document allegations or incidents.
- we ensure that any client (or person we support) affected by an allegation or incident relating to violence, abuse, neglect, exploitation or discrimination is appropriately supported, including access to an advocate and other appropriate services of their choice.
- where the allegation or incident involves a child or a person with disability who has a guardian or substitute decision maker, we will immediately inform the parent, guardian or supported decision maker and provide support as required .
- we review our policies, procedures and processes, and take action, following a breach of our violence, abuse, neglect, exploitation and discrimination policies and procedures, to ensure that similar allegations and incidents do not reoccur.
- we comply with the requirements under the National Disability Insurance Scheme (Quality Indicator) Guidelines 2018 and the NDIS Code of Conduct.

### **Scope**

This policy relates to all employees, contractors, volunteers and students on placement responsible for delivering services on behalf of Achieve Australia.

### **Legislative Context**

- National Disability Insurance Scheme (NDIS) Act 2013

- Disability Discrimination Act 1992
- Australian Privacy Act 1988
- Disability Discrimination Act 1992
- Children’s Guardian Act 2019

**Reference Documents**

- United Nations Convention on the Rights of Persons with Disabilities
- National Disability Insurance Scheme (Quality Indicators) Guidelines 2018 (Notifiable Instrument)
- NDIS Code of Conduct
- Terms of Business for Registered Providers (effective 1 July 2016)
- NDIS (Incident Management and Reportable Incidents) Rules 2018
- NDIS (Complaints Management and Resolution) Rules 2018
- Achieve Australia Privacy Policy and Procedure
- Achieve Australia Customer Charter of Rights and Responsibilities
- Achieve Australia Personal Finance Procedure
- Achieve Australia Complaints and Feedback Policy and Procedure
- Achieve Australia Client Incident Management Policy and Procedure
- Achieve Australia Responding to a Suspicion or Report of Sexual Assault
- Achieve Australia Child Protection Policy
- Achieve Australia Employment Related Child Protection Procedure
- Achieve Australia Incident Report (Visicase)

<b>Policy Owner</b>	Executive General Manager Customer, Practice and Quality
<b>Approved By</b>	Chief Executive Officer
<b>Date Approved</b>	14/06/2020

Objective	Policy Description
An environment free from violence, abuse and neglect	<p>Achieve Australia will ensure all its services operate in an environment which is free from all types of abuse and neglect, including but not limited to</p> <ul style="list-style-type: none"> <li>• Domestic violence</li> <li>• Neglect</li> <li>• Physical and emotional abuse</li> <li>• Sexual and physical assault</li> <li>• Financial abuse</li> <li>• Systems abuse</li> <li>• A pattern of abuse</li> </ul>
Appropriate procedures in place	<p>Achieve Australia has procedures in place which respond immediately to allegations of violence, abuse and neglect. This includes suspicions of long term low level neglect where people with disability may not be supported to access preventative health care such as dental care</p> <p>Achieve Australia further safeguards people we support by providing guidelines on the management of client's personal funds. This ensures financial records are kept to a high standard by preventing fraud or mismanagement.</p> <p>Staff will receive training in recognising indicators in the procedures for reporting violence, abuse and neglect.</p> <p>Access to records is restricted to those who are directly involved in reporting and responding to the incident or allegation to ensure that a person's right to privacy is upheld.</p> <p>A designated person is appointed to be the sole contact for the person, family, guardian or other support person, when providing information about the incident or allegation and subsequent investigations.</p> <p>Children and young people in voluntary-out-of-home care (VOOHC) are supported throughout the processes of managing an allegation of abuse or neglect.</p>
Clients (people we support) are aware of their rights in relation to being safe and protected from violence, abuse and neglect	<p>Each person has the right to not be intimidated or exploited and not be physically, sexually, emotionally, financially or verbally abused.</p> <p>Achieve Australia will</p> <ul style="list-style-type: none"> <li>• listen and understand the way people communicate including their communication preferences and wishes</li> <li>• keep people informed about what is going to happen before acting and throughout any process in response to abuse and neglect</li> </ul>

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	<ul style="list-style-type: none"> <li>ensure that people with high support and/or communication needs are well supported to enable detection and prevention of abuse and neglect</li> <li>provide information in a format that supports the person (for example, plain English, communication boards, photographs or picture cards) as well as to their family and friends, advocate or guardian (as required) to identify and report abuse or neglect</li> <li>ensure appropriate physical, emotional and psychological support is available and easily accessed by a person following an allegation of abuse or neglect.</li> <li>communicate with all key stakeholders (clients, families, carers, advocates etc.) on a regular basis during and after the incident has occurred.</li> </ul>
Mandatory reporting	<p>Mandated reporters are required to make a report of suspected abuse when they have reasonable grounds to suspect that a child is at risk of significant harm (ROSH) and those grounds arise during the course of, or from their work. All Achieve Australia employees, volunteers and Board Members are mandatory reporters and are required to use the Mandatory Reporter Guide (MRG) when making a report <a href="https://reporter.childstory.nsw.gov.au/s/">https://reporter.childstory.nsw.gov.au/s/</a></p> <p>Risk of Significant Harm is defined as “what is significant, is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing.”</p> <p>As part of the process Managers are required to</p> <ul style="list-style-type: none"> <li>record the outcome of the MRG</li> <li>disseminate information to their supervisor and teams as required.</li> <li>document the Helpline report including any reference numbers</li> <li>follow up the report with relevant agencies</li> </ul> <p>Consideration given to reporting ROSH matters to Police if there is a criminal element.</p> <p>This policy should be read in conjunction with Achieve Australia’s incident management policies and procedures.</p>
Relevant staff are trained in identifying and reporting allegations of	All Achieve Australia staff that are involved in delivering services to children and young people will receive training in detecting behaviours and signs that indicate or constitute abuse and neglect which includes reporting procedures.

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violence, abuse and neglect	<p>Staff who provide direct and indirect support to children, young people and families in VOOHC will receive the following training/policies and procedural information</p> <ul style="list-style-type: none"> <li>• Mandatory Reporting</li> <li>• Safe Spaces Training</li> <li>• Child Safe Standards</li> <li>• Abuse prevention and responding to incidents</li> <li>• Reportable Conduct Scheme</li> </ul>
Staff understand the organisations and their own roles and responsibilities in identifying and reporting incidents of violence, abuse and neglect	<p>All staff and witnesses will cooperate with the investigations of NSW Police and other agencies if required. All staffing levels are directed to cooperate with investigations by police or other agencies and supported to do so.</p> <p>The roles and responsibilities of management, staff and volunteers in responding to a report or allegation of abuse and neglect are documented in our Client Incident Management and Reporting Procedure.</p>
Child Safe Standards	<p>Achieve Australia recognises the 10 Child Safe Standards that have been developed by the Office of the Children’s Guardian (OCG)</p> <ol style="list-style-type: none"> <li>1. Child safety is embedded in organisational leadership, governance, and culture.</li> <li>2. Children participate in decisions affecting them and are taken seriously.</li> <li>3. Families and communities are informed and involved.</li> <li>4. Equity is upheld and diverse needs are taken into account.</li> <li>5. People working with children are suitable and supported.</li> <li>6. Processes to respond to complaints of child abuse are child focused.</li> <li>7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.</li> <li>8. Physical and online environments minimise the opportunity for abuse to occur.</li> <li>9. Implementation of the Child Safe Standards is continuously reviewed and improved on.</li> <li>10. Policies procedures document how the organisation is child safe.</li> </ol> <p>For further information see <a href="#">Guide to the Child Safe Standards (nsw.gov.au)</a></p> <p>Achieve Australia reflects on these standards when developing internal policies, investigations involving children and/or young</p>

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	<p>persons, when hiring staff who may have contact with children in the organisation, and through mandatory education for staff based on OCG Standards.</p> <p><u>Refer to Child Safety Statement</u></p> <p>Achieve Australia will take measures to ensure that</p> <ul style="list-style-type: none"> <li>• The best interests of children and their protection from harm</li> <li>• Child abuse is not tolerated and must not happen</li> <li>• Children’s rights are understood and respected</li> <li>• Concerns about child safety raised by children and their parents and carers are acted upon</li> <li>• Reporting abuse is not obstructed or prevented.</li> </ul>