



1.5 POLICY ON FREEDOM FROM VIOLENCE, ABUSE, NEGLECT, EXPLOITATION AND DISCRIMINATION

Wagtail Therapy

Policy Title: 1.5 Policy on Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination

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Policy Statement

Wagtail Therapy affirms the right of people with disabilities to access supports free from violence, neglect, abuse, exploitation and discrimination. The purpose of this policy is to:

- Promote the human rights of the people accessing supports and services provided;
- Create a Zero Tolerance of Abuse environment where staff and clients feel safe and comfortable disclosing experiences of violence, abuse, neglect, exploitation and discrimination.
- Create a service environment where risks to the rights and well-being of people receiving supports and services are minimised; and
- Ensure that if we become aware of an instance of abuse or neglect, we respond promptly, professionally and compassionately to address the situation in accordance with the requirements of NDIS Commission.

This policy is reflective of the following references:

- NDIS Act 2013
- NDIS Code of Conduct 2018
- NDIS Practice Standards
- NDIS Incident Management and Reportable Incidents 2018
- UN Convention of Rights of Persons with Disability
- Disability Discrimination Act 1992

Scope

This policy relates to all Wagtail Therapy activities and applies to all employees, contractors and others who may act on behalf of Wagtail Therapy.

Principles

- To ensure the protection of our clients from human rights abuses and neglect while in our care. All clients have the right to receive their services from Wagtail Therapy without threat, intimidation or abuse from its employees, contractors and other clients.
- To raise awareness of families with regard to their rights and expectations for their children when in the wider community
- To enable our staff and families to advocate for the rights of our clients
- To ensure staff are aware of the indicators of abuse.
- To ensure staff know what to do if they suspect abuse
- To ensure staff are aware of and agree to abide by the NDIS Code of Conduct
- To ensure staff are aware of and follow the “Zero Tolerance of Abuse Framework” which encompasses:
 - Understanding Abuse
 - Preventing Abuse
 - Considering Additional Risks
 - Responding to Abuse
 - Learning and Improvement

We have a duty of care to ensure that the rights of our clients are respected, their well-being is safeguarded, and that they are not exposed to any form of violence, abuse, neglect, exploitation or discrimination while part of our service. We expect that everyone who is associated with our organisation, and is involved in providing services to our clients will share our commitment to maintaining an



organisational culture that:

- Upholds the value and dignity of our consumers;
- Builds trusting relationships with our consumers, their families and carers;
- Provides services in an environment that is safe and welcoming for everyone;
- Empowers our clients by helping them to understand their rights;
- Makes everyone feel safe to raise concerns;
- Responds proactively to concerns and complaints when they arise; fosters collaboration with other organisations in upholding consumers' human rights and preventing abuse and neglect.

Procedure

We will minimise the risk of our consumers' rights being infringed, or them being subject to abuse and neglect.

- 1) Our recruitment procedures will be of a high standard and we will ensure that the right staff are appointed through:
 - a. Pre-appointment screening of new staff, including national police clearances and Working With Children Checks;
 - b. New staff will obtain an NDIS New Worker Screening Check prior to seeing any NDIS clients. Existing staff will adhere to the WA NDIS Worker Screening roll out timetable.
 - c. New staff will complete the NDIS New Worker Online Training prior to commencement of seeing any NDIS clients.
 - d. Checking references;
 - e. Placing new staff on a minimum probationary period of three months;
 - f. Ensuring new staff go through an induction and orientation process and that their performance is regularly monitored during probation; and
 - g. Regular appraisal of the performance of all staff.
- 2) Staff orientation and induction will include information about consumer rights, abuse and incident reporting.
- 3) Staff meetings will be used to remind staff of their responsibilities for safeguarding consumers and to raise any matters of concern.
- 4) Following initial training of all staff in relation to the Zero Tolerance of Abuse Framework and the NDIS Code of Conduct, we will offer refresher training at least once every year.
- 5) Information about abuse, incident reporting and advocacy will be provided to consumers and carers through provision of relevant policies on our website and on request.
- 6) We will use existing processes such as Individual Support Plan or Individual Support Plan meetings, to provide information to consumers and their families and carers, to increase their knowledge and decrease their vulnerability to abuse and neglect.
- 7) We will identify resources that will assist and support us to empower our consumers in relation to issues of human rights and self-advocacy, and use them in consumer training.
- 8) Posters and brochures will be displayed, to create an organisational environment that encourages awareness of the issues.
- 9) We will work collaboratively with other organisations, and establish referral practices and interagency policies and procedures with those that provide other services to our consumers.
- 10) We will foster a safe, supportive environment which encourages everyone to raise concerns without fear of retribution.
- 11) We will display value statements, service principles and information about people's rights in our premises, through newsletters, our website and in written material sent to new clients. We will use



information formats that make the information as accessible as possible.

- 12) The standards of care we provide will be actively monitored.
- 13) This policy and its procedures will be reviewed every two years in consultation via meetings with consumers, families and staff.

Responding to Violence, Abuse, Neglect, Exploitation and Discrimination

If a client's rights are infringed, or we have reason to believe that they have been abused or neglected, we will respond quickly, professionally and compassionately and in accordance with NDIS Incident Management and Reportable Incidents 2018.

- 1) It is the personal responsibility of all Staff, Contractors and Students on placement to communicate any concerns relating to an infringement of human rights, or the abuse or neglect of a consumer to their Director within 24 hours of the concern arising, or immediately if it is believed that the consumer is at imminent risk of harm. The Director will determine how the matter should be managed.
- 2) The Director will reassure the reporting staff member that their concerns will be managed in a confidential and professional manner, and that they have acted correctly in bringing their concern to attention.
- 3) The Director will assist the staff member raising the concern or allegation to factually and non-judgementally document an account of the concern or allegation on an incident form. This should be done within 24 hours of the Supervisor or Clinical Services Manager being made aware of the concern.
- 4) If the Director believes that the consumer is at immediate risk, he or she will take whatever steps are required to mitigate the risk, and ensure the clients safety while the matter is fully investigated.
- 5) Except for staff who have been given specific authority to do so, no staff member will undertake any level of investigation of a concern or allegation.
- 6) Generally, it will be expected that a staff member who the client trusts (determined by the Director) informs them of the concern, reassures them and ensures their involvement in deciding the course of action to be taken. However, it is recognised that in some situations this might not be possible due to the consumer's disability or the nature of the concern. If the consumer is not to be involved in decision-making about the concern, the reasons for this decision will be documented, and consideration given to the need to involve an advocate to represent their interests.
- 7) The Director will decide on the appropriate action to be taken according to the circumstances and generally taking into account the clients views. The action could be:
 - a. to manage the matter within the organisation if it doesn't meet reportable criteria;
 - b. to engage in discussion with family members or advocate;
 - c. to elicit the advice and expertise of another organisation or individual from outside of our organization
 - d. to involve an organisation with the required legislative mandate to take action (eg the Department for Child Protection, WA Police, the Office of the Public Advocate);
 - e. report to the NDIS if it is considered to be a reportable incident;
 - f. to take no further action at this time, however continue to monitor the situation and review at a specified later date; or
 - g. to take no further action.
- 8) The decision that is taken and the reasons that led to the decision will be documented by the Director.
- 9) If the matter is assessed to involve any actions that are unlawful, the Director must immediately be



advised.

- 10) Duty of care carries greater weight than the duty to maintain confidentiality in matters of care and protection. This means that the matter may be discussed between those reporting or investigating, but not with any other person. This includes confidentiality of consumer and alleged perpetrator information.
- 11) In reporting a concern/allegation, staff will ensure that the consumers' right to dignity, confidentiality and privacy is maintained in accordance with NDIS Incident Management and Reportable Incidents 2018 and the requirements of the Privacy Act.
- 12) If the matter is considered to be a serious incident, it must be reported to the NDIS Commission or funding body by the Director within the relevant timeframes mentioned above and in accordance with the Incident Reporting policy.
- 13) The Director will provide feedback to support the staff member who raised the concern or made the allegation regarding the outcome.
- 14) Debriefing will be undertaken with all relevant individuals when the matter reaches a conclusion. The Director will determine who the appropriate person is to conduct the debriefing.
- 15) When the matter is concluded, the Director will arrange for a review to be conducted, to evaluate the organisation's performance in responding to the matter, and to identify opportunities to develop strategies to prevent a future occurrence of a similar incident.
- 16) When the abuse or neglect is alleged to have been perpetrated by an employee or contractor the Director will meet with the client's family and/or person who registered the complaint in order to obtain all relevant information. The Director will meet with the employee or contractor against whom the complaint is lodged in order to obtain all relevant information and explanation for the alleged behaviour and meet with other potential witnesses as necessary. They will then prepare a report for within 24 hours of the allegation with recommendations and an action plan to support the client and their family, and the staff member. The Director may then seek industrial/professional advice, plan further meetings, seek an external assessment or refer the matter to the police. The management team may immediately suspend the staff member or send them on leave pending the results of the investigation.

Responsibilities

The following performance standards must be met to ensure that the procedures specified are implemented effectively:

- A policy and associated procedures are in place to protect consumers' human rights and minimise the risks of abuse and neglect.
- Human Rights training for staff members has been conducted as planned.
- Orientation and induction materials for paid staff, students, consumers and families include information on human rights and abuse.
- Staff are provided with training and materials to assist in understanding and recognizing abuse including The Empowerment Circle
- Written and visual aids are visible throughout our organisation.
- Information on human rights and abuse and neglect is available and provided to consumers and families in accessible formats.
- Audit checks will confirm that concerns and allegations have been managed in accordance with the requirements of our policy and procedures.
- Serious Incident Reporting will be completed as per the NDIS Commission timeframes.
 - Death of a person with a disability 24 hours



- Serious injury of a person with a disability 24 hours
- Abuse or neglect of a person with a disability 24 hours
- Unlawful sexual or physical contact with, or assault of, a person with a disability 24 hours
- Sexual misconduct committed against, or in the presence of, a person with a disability, including grooming of the person for sexual activity 24 hours
- Use of restrictive practices not in accordance with a behaviour support plan 5 business days.

Review

This Policy will be reviewed on an annual basis. However, if at any time where change is identified as being needed through legislative changes or service requirements, the Policy will be amended accordingly. This Policy will still remain in force after its review period if not reviewed, or until changed or withdrawn.